

July 11, 1997

Ordered to be printed as passed

105TH CONGRESS
1ST SESSION

S. 936

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.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Defense Au-
5 thorization Act for Fiscal Year 1998”.

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

3 (a) DIVISIONS.—This Act is organized into three divi-
 4 sions as follows:

5 (1) Division A—Department of Defense Au-
 6 thorizations.

7 (2) Division B—Military Construction Author-
 8 izations.

9 (3) Division C—Department of Energy Na-
 10 tional Security Authorizations and Other Authoriza-
 11 tions.

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

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

Sec. 3. Congressional defense committees defined.

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- Sec. 2831. Disposition of proceeds of sale of Air Force Plant No. 78, Brigham City, Utah.
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DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

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- Sec. 3101. Weapons activities.
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- 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.
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- Sec. 3151. Administration of certain Department of Energy activities.
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- 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.
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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.

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- 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
16 fiscal year 1998 for procurement for the Army as follows:

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

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

3 (3) For weapons and tracked combat vehicles,
4 \$1,179,107,000.

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

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

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

8 (a) NAVY.—Funds are hereby authorized to be appro-
9 priated for fiscal year 1998 for procurement for the Navy
10 as follows:

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

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

14 (3) For shipbuilding and conversion,
15 \$8,593,358,000.

16 (4) For ammunition for the Navy and Marine
17 Corps, \$369,797,000.

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

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

22 **SEC. 103. AIR FORCE.**

23 Funds are hereby authorized to be appropriated for
24 fiscal year 1998 for procurement for the Air Force as fol-
25 lows:

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

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

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

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

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

6 Funds are hereby authorized to be appropriated for
7 fiscal year 1998 for Defense-wide procurement in the
8 amount of \$1,749,285,000.

9 **SEC. 105. RESERVE COMPONENTS.**

10 Funds are hereby authorized to be appropriated for
11 fiscal year 1998 for procurement of aircraft, vehicles, com-
12 munications equipment, and other equipment for the re-
13 serve components of the Armed Forces as follows:

14 (1) For the Army National Guard,
15 \$100,000,000.

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

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

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

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

20 (6) For the Marine Corps Reserve,
21 \$40,000,000.

22 **SEC. 106. DEFENSE INSPECTOR GENERAL.**

23 Funds are hereby authorized to be appropriated for
24 fiscal year 1998 for procurement for the Inspector General

1 of the Department of Defense in the amount of
2 \$1,800,000.

3 **SEC. 107. CHEMICAL DEMILITARIZATION PROGRAM.**

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

6 (1) the destruction of lethal chemical agents
7 and munitions in accordance with section 1412 of
8 the Department of Defense Authorization Act, 1986
9 (50 U.S.C. 1521); and

10 (2) the destruction of chemical warfare materiel
11 of the United States that is not covered by section
12 1412 of such Act.

13 **SEC. 108. DEFENSE HEALTH PROGRAMS.**

14 Funds are hereby authorized to be appropriated for
15 fiscal year 1998 for the Department of Defense for pro-
16 curement for carrying out health care programs, projects,
17 and activities of the Department of Defense in the total
18 amount of \$274,068,000.

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

20 Funds are hereby authorized to be appropriated for
21 fiscal year 1998 for the Department of Defense for carry-
22 ing out the Defense Export Loan Guarantee Program es-
23 tablished under section 2540 of title 10, United States
24 Code, in the total amount of \$1,231,000.

1 **SEC. 110. REDUCTION IN AUTHORIZATION OF APPROPRIA-**
2 **TIONS.**

3 Notwithstanding any other provision of this Act, the
4 aggregate amount of funds available for Department of
5 Defense, Army Procurement Advisory and Assistance
6 Services shall be reduced by \$30,000,000.

7 **Subtitle B—Army Programs**

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

9 (a) LIMITATION.—Not more than 25 percent of the
10 amounts authorized to be appropriated pursuant to sec-
11 tion 101(1), 105(1), or 105(3) for modifications or up-
12 grades of helicopters may be obligated before the date that
13 is 30 days after the Secretary of the Army submits to the
14 congressional defense committees a comprehensive plan
15 for the modernization of the Army's helicopter fleet.

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

18 (1) A detailed assessment of the Army's present
19 and future helicopter requirements and present and
20 future helicopter inventory, including number of air-
21 craft, age of aircraft, availability of spare parts,
22 flight hour costs, roles and functions assigned to the
23 fleet as a whole and to its individual types of air-
24 craft, and the mix of active component aircraft and
25 reserve component aircraft in the fleet.

1 (2) Estimates and analysis of requirements and
2 funding proposed for procurement of new aircraft.

3 (3) An analysis of the requirements for and
4 funding proposed for extended service plans or serv-
5 ice life extension plans for fleet aircraft.

6 (4) A plan for retiring aircraft no longer re-
7 quired or capable of performing assigned functions,
8 including a discussion of opportunities to eliminate
9 older aircraft models and to focus future funding on
10 current or future generation aircraft.

11 (5) The implications of the plan for the defense
12 industrial base.

13 (c) FUNDING IN FUTURE-YEARS DEFENSE PRO-
14 GRAM.—The Secretary of the Army shall include in the
15 plan required by subsection (a) a certification that the
16 plan is to be funded in the future-years defense program
17 submitted to Congress in 1998 pursuant to section 221(a)
18 of title 10, United States Code.

19 **SEC. 112. MULTIYEAR PROCUREMENT AUTHORITY FOR AH-**
20 **64D LONGBOW APACHE FIRE CONTROL**
21 **RADAR.**

22 Beginning with the fiscal year 1998 program year,
23 the Secretary of the Army may, in accordance with section
24 2306b of title 10, United States Code, enter into a

1 multiyear procurement contract for the procurement of
 2 the AH-64D Longbow Apache fire control radar.

3 **SEC. 113. MULTIYEAR PROCUREMENT AUTHORITY FOR**
 4 **FAMILY OF MEDIUM TACTICAL VEHICLES.**

5 Beginning with the fiscal year 1998 program year,
 6 the Secretary of the Army may, in accordance with section
 7 2306b of title 10, United States Code, enter into a
 8 multiyear procurement contract for the procurement of ve-
 9 hicles of the Family of Medium Tactical Vehicles. The con-
 10 tract may be for a term of four years and include an op-
 11 tion to extend the contract for one additional year.

12 **Subtitle C—Navy Programs**

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

14 (a) AMOUNTS AUTHORIZED FROM SCN ACCOUNT.—
 15 Of the amounts authorized to be appropriated by section
 16 102(a)(3) for fiscal year 1998, \$2,599,800,000 is available
 17 for the New Attack Submarine Program.

18 (b) CONTRACT AUTHORITY.—(1) The Secretary of
 19 the Navy may enter into a contract for the procurement
 20 of four submarines under the New Attack Submarine pro-
 21 gram.

22 (2) Any contract entered into under paragraph (1)—
 23 (A) shall, notwithstanding section 2304(k) of
 24 title 10, United States Code, be awarded to one of
 25 the two eligible shipbuilders as the prime contractor

1 on the condition that the prime contractor enter into
2 one or more subcontracts (under such prime con-
3 tract) with the other of the two eligible shipbuilders
4 as contemplated in the New Attack Submarine
5 Team Agreement; and

6 (B) shall provide for—

7 (i) construction of the first submarine in
8 fiscal year 1998; and

9 (ii) advance construction and advance pro-
10 curement of materiel for the second, third, and
11 fourth submarines in fiscal year 1998.

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

14 (A) The Electric Boat Corporation.

15 (B) The Newport News Shipbuilding and Dry-
16 dock Company.

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

23 (c) LIMITATION OF LIABILITY.—If a contract entered
24 into under this section is terminated, the United States
25 shall not be liable for termination costs in excess of the

1 total amount appropriated for the New Attack Submarine
2 program.

3 (d) REPEALS OF SUPERSEDED PROVISIONS OF PRE-
4 VIOUS DEFENSE AUTHORIZATION LAWS.—(1) Section
5 131 of the National Defense Authorization Act for Fiscal
6 Year 1996 (Public Law 104–106; 110 Stat. 206) is
7 amended—

8 (A) in subsection (a)(1)(B)—

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

11 (ii) in clause (ii), by striking out “, which
12 shall be built by Newport News Shipbuilding”;
13 and

14 (B) in subsection (b), by striking out paragraph
15 (1).

16 (2) Section 121 of the National Defense Authoriza-
17 tion Act for Fiscal Year 1997 (Public Law 104–201; 110
18 Stat. 2441) is amended—

19 (A) in subsection (a)—

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

22 (ii) in paragraph (1)(C), by striking out
23 “to be built by Newport News Shipbuilding”;
24

25 (B) in subsection (d), by striking out paragraph
(2);

1 (C) in subsection (e), by striking out paragraph
2 (1); and

3 (D) in subsection (g), by striking out “the com-
4 mittees specified in subsection (e)(1)” in paragraphs
5 (3) and(4) and inserting in lieu thereof “the Com-
6 mittee on Armed Services of the Senate and the
7 Committee on National Security of the House of
8 Representatives”.

9 (e) INAPPLICABILITY OF SUPERSEDED ASPECTS OF
10 ATTACK SUBMARINE DEVELOPMENT PLAN.—The Sec-
11 retary of Defense and the Secretary of the Navy are not
12 required to carry out the portions of the program plan
13 submitted under subsection (c) of section 131 of the Na-
14 tional Defense Authorization Act for Fiscal Year 1996
15 that are included in the plan pursuant to subparagraphs
16 (A), (B), and (E) of paragraph (2) of such subsection.

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

18 (a) AMOUNTS AUTHORIZED FROM SCN ACCOUNT.—
19 Of the amounts authorized to be appropriated by section
20 102(a)(3) for fiscal year 1998, \$345,000,000 is available
21 for the procurement and construction of nuclear and non-
22 nuclear components for the CVN-77 nuclear aircraft car-
23 rier program. The Secretary of the Navy is authorized to
24 enter into a contract or contracts with the shipbuilder for
25 the procurement and construction of such components.

1 (b) AMOUNTS AUTHORIZED FROM RDT&E AC-
2 COUNT.—Of the amounts authorized to be appropriated
3 by section 201(2) for fiscal year 1998, \$35,000,000 is
4 available for research, development, test, and evaluation
5 of technologies that have potential for use in the CVN-
6 77 nuclear aircraft carrier program.

7 (c) LIMITATION OF COSTS.—(1) The Secretary of the
8 Navy shall structure the procurement of CVN-77 nuclear
9 aircraft carrier and manage the program so that the
10 CVN-77 may be acquired for an amount not to exceed
11 \$4,600,000,000.

12 (2) The Secretary of the Navy may adjust the
13 amount set forth in paragraph (1) for the program by the
14 following amounts:

15 (A) The amounts of outfitting costs and post-
16 delivery costs incurred for the program.

17 (B) The amounts of increases or decreases in
18 costs attributable to economic inflation after Sep-
19 tember 30, 1997.

20 (C) The amounts of increases or decreases in
21 costs attributable to compliance with changes in
22 Federal, State, or local laws enacted after Septem-
23 ber 30, 1997.

24 (D) The amounts of increases or decreases in
25 costs of the program that are attributable to new

(3) The Secretary of the Navy shall submit to the congressional defense committees annually, at the same time as the submission of the budget under section 1105(a) of title 31, United States Code, any changes in the amount set forth in paragraph (1) that he has determined to be associated with costs referred to in paragraph (2).

17 In the application of the limitation in section 133(a)
18 of the National Defense Authorization Act for Fiscal Year
19 1996 (Public Law 104–106; 110 Stat. 211), there shall
20 not be taken into account \$745,700,000 of the amounts
21 that were appropriated for procurement of Seawolf class
22 submarines before the date of the enactment of this Act
23 (that amount having been appropriated for fiscal years
24 1990, 1991, and 1992 for the procurement of SSN–23,

1 SSN-24, and SSN-25 Seawolf class submarines, which
2 have been canceled).

3 **SEC. 124. AIRBORNE SELF-PROTECTION JAMMER PRO-**
4 **GRAM.**

5 (a) LIMITATION ON RESUMPTION OF SERIAL PRO-
6 Duction.—Serial production of the airborne self-protec-
7 tion jammer may not be resumed until the Director of
8 Operational Test and Evaluation of the Department of
9 Defense has certified in writing to Congress that—

10 (1) the capabilities of the airborne self-protec-
11 tion jammer exceed the capabilities of the integrated
12 defensive electronics countermeasure system that is
13 under development for use in F/A-18E/F aircraft;

14 (2) the units of the airborne self-protection
15 jammer to be produced are to be used in F/A-18E/
16 F aircraft; and

17 (3) the deficiencies in the airborne self-protec-
18 tion jammer noted by the Director before the date
19 of the enactment of this Act have been eliminated.

20 (b) LIMITATION ON OBLIGATION OF FUNDS.—No
21 funds authorized to be appropriated by this or any other
22 Act may be obligated for serial production of the airborne
23 self-protection jammer until the Secretary of Defense has
24 certified in writing to Congress that funding is pro-

1 grammed for serial production of the airborne self-protec-
 2 tion jammer in the future-years defense program.

3 **Subtitle D—Air Force Programs**

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

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

7 (1) to procure any additional B-2 bomber air-
 8 craft; or

9 (2) to maintain any part of the bomber indus-
 10 trial base solely for the purpose of preserving the op-
 11 tion to procure additional B-2 bomber aircraft in
 12 the future.

13 (b) EXCEPTIONS.—The prohibition in subsection (a)
 14 does not apply to—

15 (1) any B-2 bomber aircraft that is covered by
 16 a contract for the production of that aircraft as of
 17 the date of the enactment of this Act; or

18 (2) any part of the bomber industrial base that
 19 is necessary for producing all B-2 bomber aircraft
 20 referred to in paragraph (1), but only for so long as
 21 is necessary to complete the production of such air-
 22 craft.

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

24 (a) COST AND OPERATION EFFECTIVENESS ANALY-
 25 SIS.—The Secretary of the Air Force shall conduct a cost

1 and operation effectiveness analysis of upgrading the
 2 ALR69 radar warning receiver as compared with the fur-
 3 ther acquisition of the ALR56M radar warning receiver.

4 (b) SUBMISSION TO CONGRESS.—The Secretary shall
 5 submit the cost and operation effectiveness analysis to the
 6 congressional defense committees not later than April 2,
 7 1998.

8 **Subtitle E—Other Matters**

9 **SEC. 141. PROHIBITION ON USE OF FUNDS FOR ACQUISI-** 10 **TION OR ALTERATION OF PRIVATE DRY-** 11 **DOCKS.**

12 (a) PROHIBITION.—None of the funds authorized to
 13 be appropriated by this or any other Act may be used,
 14 directly or indirectly, to purchase, lease, upgrade, or mod-
 15 ify privately-owned drydocks.

16 (b) EXCEPTIONS.—The prohibition in subsection (a)
 17 does not apply to the following:

18 (1) Any purchase, lease, upgrade, or modifica-
 19 tion initiated before the date of the enactment of
 20 this Act.

21 (2) Any installation of state-of-the-art tech-
 22 nology for a drydock that does not also increase the
 23 capacity of the drydock.

1 **SEC. 142. REPLACEMENT OF ENGINES ON AIRCRAFT DE-**
2 **RIVED FROM BOEING 707 AIRCRAFT.**

3 (a) ANALYSIS REQUIRED.—The Under Secretary of
4 Defense for Acquisition and Technology shall submit to
5 the Committee on Armed Services of the Senate and the
6 Committee on National Security of the House of Rep-
7 resentatives an analysis of the requirements of the Depart-
8 ment of Defense for replacing engines on the aircraft of
9 the department that are derived from the Boeing 707 air-
10 craft and the costs of meeting the requirements.

11 (b) CONTENT.—The analysis shall include the follow-
12 ing:

13 (1) The number of aircraft described in sub-
14 section (a) that are in the inventory of the Depart-
15 ment of Defense and the number of such aircraft
16 that are projected to be in the inventory of the de-
17 partment in 5 years, in 10 years, and in 15 years.

18 (2) For each type of such aircraft, the esti-
19 mated cost of operating the aircraft for each fiscal
20 year after fiscal year 1997 and before fiscal year
21 2015, taking into account historical patterns of
22 usage and projected support costs.

23 (3) For each type of such aircraft, the esti-
24 mated costs and the benefits of replacing the engines
25 on the aircraft, analyzed on the basis of the experi-
26 ence under the limited program for replacing the en-

1 gines on RC-135 aircraft that was undertaken dur-
 2 ing fiscal years 1995, 1996, and 1997.

3 (4) The estimated total cost of replacing the en-
 4 gines pursuant to a program that provides for re-
 5 placement of the engines on all of the aircraft of one
 6 type before undertaking the replacement of the en-
 7 gines on the aircraft of another type, with a higher
 8 priority being given in turn to each type of aircraft
 9 in which the replacement of the engines is expected
 10 to yield the anticipated benefits of replacement fast-
 11 er.

12 (5) Various plans for replacement of engines
 13 that the Under Secretary considers best on the basis
 14 of costs and benefits.

15 (c) SUBMISSION DEADLINE.—The Under Secretary
 16 shall submit the report under this section not later than
 17 March 1, 1998.

18 **SEC. 143. EXCEPTION TO REQUIREMENT FOR A PARTICU-**
 19 **LAR DETERMINATION FOR SALES OF MANU-**
 20 **FACTURED ARTICLES OR SERVICES OF ARMY**
 21 **INDUSTRIAL FACILITIES OUTSIDE THE UNIT-**
 22 **ED STATES.**

23 Section 4543 of title 10, United States Code, is
 24 amended—

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

4 (2) by redesignating subsections (b), (c), and
 5 (d) as subsections (c), (d), and (e), respectively; and

6 (3) by inserting after subsection (a) the follow-
 7 ing new subsection (b):

8 “(b) EXCEPTION TO REQUIREMENT FOR A PARTICU-
 9 LAR DETERMINATION.—A determination described in sub-
 10 section (a)(5) is not necessary under the regulations in
 11 the case of—

12 “(1) a sale of articles to be incorporated into a
 13 weapon system being procured by the Department of
 14 Defense; or

15 “(2) a sale of services to be used in the manu-
 16 facture of a weapon system being procured by the
 17 Department of Defense.”.

18 **SEC. 144. NATO JOINT SURVEILLANCE/TARGET ATTACK**
 19 **RADAR SYSTEM.**

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

1 (1) Of the amount authorized to be appro-
2 priated under section 101(5), \$26,153,000.

3 (2) Of the amount authorized to be appro-
4 priated under section 103(1), \$10,000,000.

5 (3) Of the amount authorized to be appro-
6 priated under section 201(1), \$13,500,000.

7 (4) Of the amount authorized to be appro-
8 priated under section 201(3), \$26,061,000.

9 (b) AUTHORITY.—(1) Subject to paragraph (2), the
10 Secretary of Defense may utilize authority under section
11 2350b of title 10, United States Code, for contracting for
12 the purposes of Phase I of a NATO Alliance Ground Sur-
13 veillance capability that is based on the Joint Surveillance/
14 Target Attack Radar System of the United States, not-
15 withstanding the condition in such section that the author-
16 ity be utilized for carrying out contracts or obligations in-
17 curred under section 27(d) of the Arms Export Control
18 Act (22 U.S.C. 2767(d)).

19 (2) The authority under paragraph (1) applies during
20 the period that the conclusion of a cooperative project
21 agreement for a NATO Alliance Ground Surveillance ca-
22 pability under section 27(d) of the Arms Export control
23 Act is pending, as determined by the Secretary of Defense.

24 (c) MODIFICATION OF AIR FORCE AIRCRAFT.—
25 Amounts available pursuant to paragraphs (2) and (4) of

1 subsection (a) may be used to provide for modifying two
 2 Air Force Joint Surveillance/Target Attack Radar System
 3 production aircraft to have a NATO Alliance Ground Sur-
 4 veillance capability that is based on the Joint Surveillance/
 5 Target Attack Radar System of the United States.

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

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

11 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

12 (a) AUTHORIZATION OF APPROPRIATIONS.—Funds
 13 are hereby authorized to be appropriated for fiscal year
 14 1998 for the use of the Department of Defense for re-
 15 search, development, test, and evaluation as follows:

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

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

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

19 (4) For Defense-wide activities,
 20 \$10,087,347,000, of which—

21 (A) \$268,183,000 is authorized for the ac-
 22 tivities of the Director, Test and Evaluation;
 23 and

24 (B) \$31,384,000 is authorized for the Di-
 25 rector of Operational Test and Evaluation.

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

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

(2) The operation of a test and evaluation facility at the Nevada Test Site, Nevada, for the testing of the performance of such technologies.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. JOINT STRIKE FIGHTER PROGRAM.

(a) REPORT.—Not later than February 15, 1998, the Secretary of Defense shall submit to the congressional defense committees a report on the options for the sequence in which the variants of the joint strike fighter are to be produced and fielded.

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

(1) A review of the plan for production under the Joint Strike Fighter program that was used by the Department of Defense for developing the funding estimates for the fiscal year 1999 budget request for the Department of Defense.

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

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

15 (c) LIMITATION ON USE OF FUNDS PENDING SUB-
16 MISSION OF REPORT.—Not more than 90 percent of the
17 total amount authorized to be appropriated under this Act
18 for the Joint Strike Fighter Program may be obligated
19 until the date that is 30 days after the date on which the
20 congressional defense committees receive the report re-
21 quired under this section.

22 (d) FISCAL YEAR 1998 BUDGET DEFINED.—In this
23 section, the term “fiscal year 1999 budget request for the
24 Department of Defense” means the budget estimates for
25 the Department of Defense for fiscal year 1999 that were

1 submitted to Congress by the Secretary of Defense in con-
2 nection with the submission of the budget for fiscal year
3 1998 to Congress under section 1105 of title 31, United
4 States Code.

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

6 (a) LIMITATION ON TOTAL COST OF ENGINEERING
7 AND MANUFACTURING DEVELOPMENT.—The total
8 amount obligated or expended for engineering and manu-
9 facturing development under the F-22 aircraft program
10 may not exceed \$18,688,000,000.

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

14 (c) LIMITATION ON OBLIGATION OF FUNDS.—Of the
15 total amount authorized to be appropriated for the F-22
16 aircraft program for a fiscal year, not more than 90 per-
17 cent of the amount may be obligated until the Comptroller
18 General submits to Congress—

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

21 (2) a certification that the Comptroller General
22 has had access to sufficient information to make in-
23 formed judgments on the matters covered by the re-
24 port.

1 (d) ANNUAL GAO REVIEW.—(1) Not later than De-
2 cember 1 of each year, the Comptroller General shall re-
3 view the F–22 aircraft program and submit to Congress
4 a report on the results of the review. The Comptroller
5 General shall also submit to Congress for each report a
6 certification regarding whether the Comptroller General
7 has had access to sufficient information to make informed
8 judgments on the matters covered by the report.

9 (2) The report submitted on the program each year
10 shall include the following:

11 (A) The extent to which engineering and manu-
12 facturing development under the program is meeting
13 the goals established for engineering and manufac-
14 turing development under the program.

15 (B) The status of costs, testing, and modifica-
16 tions.

17 (C) The plan for engineering and manufactur-
18 ing development (leading to production) under the
19 program for the fiscal year that begins in the follow-
20 ing year.

21 (D) A conclusion regarding whether the plan
22 referred to in subparagraph (C) can be successfully
23 carried out consistent with the limitation in sub-
24 section (a).

1 (E) A conclusion regarding whether engineering
2 and manufacturing development (leading to produc-
3 tion) under the program is likely to be completed at
4 a total cost not in excess of the amount specified in
5 subsection (a).

6 (3) The Comptroller General shall submit the first
7 report under this subsection not later than December 1,
8 1997. No report is required under this subsection after
9 engineering and manufacturing development under the
10 program has been completed.

11 (e) REQUIREMENT TO SUPPORT ANNUAL GAO RE-
12 VIEW.—The Secretary of the Air Force and the prime con-
13 tractor under the F-22 aircraft program shall provide the
14 Comptroller General with such information on the pro-
15 gram as the Comptroller considers necessary to carry out
16 the responsibilities under subsection (d).

17 **SEC. 213. HIGH ALTITUDE ENDURANCE UNMANNED VEHI-**
18 **CLE PROGRAM.**

19 (a) LIMITATION ON TOTAL COST OF ADVANCED
20 CONCEPT TECHNOLOGY DEMONSTRATION.—(1) The total
21 amount obligated or expended for advanced concept tech-
22 nology demonstration under the High Altitude Endurance
23 Unmanned Vehicle Program through fiscal year 2003 may
24 not exceed \$476,826,000.

1 (2) The total amount obligated or expended in fiscal
2 year 1999, 2000, 2001, or 2002 for advanced concept
3 technology demonstration under the High Altitude Endur-
4 ance Unmanned Vehicle Program may not exceed the
5 amount specified for that fiscal year, as follows:

6 (A) In fiscal year 1999, not more than
7 \$167,864,000.

8 (B) In fiscal year 2000, not more than
9 \$31,374,000.

10 (C) In fiscal year 2001, not more than
11 \$19,106,000.

12 (D) In fiscal year 2002, not more than
13 \$20,866,000.

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

20 (c) LIMITATION ON PROCEEDING.—The High Alti-
21 tude Endurance Unmanned Vehicle Program may not pro-
22 ceed beyond advanced concept technology demonstration
23 until the Comptroller General has certified to Congress
24 that the high altitude endurance unmanned vehicles can
25 be produced under the program at an average unit cost

1 that does not exceed \$10,000,000 (the so-called fly away
2 price) in fiscal year 1994 constant dollars.

3 (d) GAO REVIEW.—(1) The Comptroller General
4 shall review the High Altitude Endurance Unmanned Ve-
5 hicle Program for purposes of making the certification
6 under subsection (c).

7 (2) The Secretary of Defense and the prime contrac-
8 tors under the High Altitude Endurance Unmanned Vehi-
9 cle Program shall provide the Comptroller General with
10 such information on the program as the Comptroller con-
11 siders necessary to make the determinations required for
12 the certification under subsection (c).

13 **SEC. 214. ADVANCED ANTI-RADIATION GUIDED MISSILE**
14 **PROGRAM.**

15 To the extent provided in appropriations Acts, the
16 Secretary of the Navy may use not more than
17 \$25,000,000 of the amount appropriated for the Navy for
18 fiscal year 1997 for research, development, test, evaluation
19 for the Advanced Anti-Radiation Guided Missile Program
20 in order to fund fiscal year 1998 research, development,
21 test, and evaluation programs of the Navy that have a
22 higher priority than such program.

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

3 (a) LIMITATION ON STAFF YEARS FUNDED.—Not
4 more than 6,206 staff years of technical effort (staff
5 years) may be funded for federally funded research and
6 development centers out of the funds authorized to be ap-
7 propriated for the Department of Defense for fiscal year
8 1998.

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

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

1 (c) FISCAL YEAR 1999 ALLOCATION.—(1) The Sec-
 2 retary of Defense shall submit to the congressional defense
 3 committees a report that specifies the number of staff
 4 years of technical effort that is to be allocated to each
 5 federally funded research and development center for fis-
 6 cal year 1999 for funding out of the funds authorized to
 7 be appropriated for the Department of Defense for that
 8 fiscal year.

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

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

20 **SEC. 216. GOAL FOR DUAL-USE SCIENCE AND TECHNOLOGY**
 21 **PROJECTS.**

22 (a) GOALS.—(1) Subject to paragraph (3), it shall
 23 be the objective of the Secretary of each military depart-
 24 ment to obligate for dual-use projects in each fiscal year
 25 referred to in paragraph (2), out of the total amount au-

1 thorized to be appropriated for such fiscal year for new
2 projects initiated under the applied research programs of
3 the military department, the percent of such amount that
4 is specified for that fiscal year in paragraph (2).

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

7 (A) For fiscal year 1998, 5 percent.

8 (B) For fiscal year 1999, 7 percent.

9 (C) For fiscal year 2000, 10 percent.

10 (3) The Secretary of Defense may establish for a
11 military department for a fiscal year an objective different
12 from the objective set forth in paragraph (2) if the Sec-
13 retary—

14 (A) determines that compelling national secu-
15 rity considerations require the establishment of the
16 different objective; and

17 (2) notifies Congress of the determination and
18 the reasons for the determination.

19 (b) DESIGNATION OF OFFICIAL FOR DUAL-USE PRO-
20 GRAMS.—(1) The Secretary of Defense shall designate a
21 senior official in the Office of the Secretary of Defense
22 to carry out responsibilities for dual-use programs under
23 this subsection. The designated official shall report di-
24 rectly to the Under Secretary of Defense for Acquisition
25 and Technology.

1 (2) The primary responsibilities of the designated of-
 2 ficial shall include developing policy and overseeing the es-
 3 tablishment of, and adherence to, procedures for ensuring
 4 that dual-use programs are initiated and administered ef-
 5 fectively and that applicable commercial technologies are
 6 integrated into current and future military systems.

7 (3) In carrying out the responsibilities, the des-
 8 ignated official shall ensure that—

9 (A) dual-use projects are consistent with the
 10 joint warfighting science and technology plan re-
 11 ferred to in section 270 of the National Defense Au-
 12 thorization Act for Fiscal Year 1997 (Public Law
 13 104–201; 10 U.S.C. 2501 note); and

14 (B) the dual-use projects of the military depart-
 15 ments and defense agencies of the Department of
 16 Defense are coordinated and avoid unnecessary du-
 17 plication.

18 (c) FINANCIAL COMMITMENT OF NON-FEDERAL
 19 GOVERNMENT PARTICIPANTS.—The total amount of
 20 funds provided by a military department for a dual-use
 21 project entered into by the Secretary of that department
 22 shall not exceed 50 percent of the total cost of the project.
 23 The Secretary may consider in-kind contributions by non-
 24 Federal participants for dual-use projects for the purpose
 25 of calculating the share of project costs that has been or

1 is being undertaken by such participants only to the extent
2 provided in regulations issued pursuant to section
3 2511(c)(2) of title 10, United States Code.

4 (d) USE OF COMPETITIVE PROCEDURES.—Funds ob-
5 ligated for a dual-use project may be counted toward meet-
6 ing an objective under subsection (a) only if the funds are
7 obligated for a contract, grant, cooperative agreement, or
8 other transaction that was entered into through the use
9 of competitive procedures.

10 (e) REPORT.—(1) Not later than January 31 of each
11 of 1998, 1999, and 2000, the Secretary of Defense shall
12 submit a report to the congressional defense committees
13 on the progress made by the Department of Defense in
14 meeting the objectives set forth in subsection (a) during
15 the preceding fiscal year.

16 (2) The report for a fiscal year shall contain, at a
17 minimum, the following:

18 (A) The aggregate value of all contracts,
19 grants, cooperative agreements, or other trans-
20 actions entered into during the fiscal year for which
21 funding is counted toward meeting an objective
22 under this section, expressed in relationship to the
23 total amount appropriated for the applied research
24 programs in the Department of Defense for that fis-
25 cal year.

1 (B) For each military department, the value of
2 all contracts, grants, cooperative agreements, or
3 other transactions entered into during the fiscal year
4 for which funding is counted toward meeting an ob-
5 jective under this section, expressed in relationship
6 to the total amount appropriated for the applied re-
7 search program of the military department for that
8 fiscal year.

9 (C) A summary of the cost-sharing arrange-
10 ments in dual-use projects that were initiated during
11 the fiscal year and are counted toward reaching an
12 objective under this section.

13 (D) A description of the regulations, directives,
14 or other procedures that have been issued by the
15 Secretary of Defense or the Secretary of a military
16 department to increase the percentage of the total
17 value of the dual-use projects undertaken to meet or
18 exceed an objective under this section.

19 (E) Any recommended legislation to facilitate
20 achievement of objectives under this section.

21 (f) REPEAL OF SUPERSEDED AUTHORITY.—Section
22 203 of the National Defense Authorization Act for Fiscal
23 Year 1997 (Public Law 104–201; 110 Stat. 2451) is re-
24 pealed.

25 (g) DEFINITIONS.—In this section:

1 (1) The term “applied research program”
 2 means a program of a military department which is
 3 funded under the 6.2 Research, Development, Test
 4 and Evaluation account of that department.

5 (2) The term “dual-use project” means a
 6 project under a program of a military department or
 7 a defense agency under which research or develop-
 8 ment of a dual-use technology is carried out and the
 9 costs of which are shared by the Department of De-
 10 fense and non-Government entities.

11 **SEC. 217. TRANSFERS OF AUTHORIZATIONS FOR**
 12 **COUNTERPROLIFERATION SUPPORT PRO-**
 13 **GRAM.**

14 (a) IN GENERAL.—In addition to the transfer author-
 15 ity provided in section 1001, upon determination by the
 16 Secretary of Defense that such action is necessary in the
 17 national interest, the Secretary may transfer amounts of
 18 authorizations made available to the Department of De-
 19 fense in this division for fiscal year 1998 to
 20 counterproliferation programs, projects, and activities
 21 identified as areas for progress by the
 22 Counterproliferation Program Review Committee estab-
 23 lished by section 1605 of the National Defense Authoriza-
 24 tion Act for Fiscal Year 1994 (22 U.S.C. 2751 note).
 25 Amounts of authorizations so transferred shall be merged

1 with and be available for the same purposes as the author-
2 ization to which transferred.

3 (b) LIMITATIONS.—(1) The total amount of author-
4 izations transferred under the authority of this section
5 may not exceed \$50,000,000.

6 (2) The authority provided by this section to transfer
7 authorizations—

8 (A) may only be used to provide authority for
9 items that have a higher priority than the items
10 from which authority is transferred; and

11 (B) may not be used to provide authority for an
12 item that has been denied authorization by Con-
13 gress.

14 (c) EFFECT OF TRANSFERS ON ACCOUNTS.—A
15 transfer made from one account to another under the au-
16 thority of this section shall be deemed to increase the
17 amount authorized for the account to which the amount
18 is transferred by an amount equal to the amount trans-
19 ferred.

20 (d) CONGRESSIONAL NOTIFICATION.—The Secretary
21 of Defense shall promptly notify Congress of transfers
22 made under the authority of this section.

1 **SEC. 218. KINETIC ENERGY TACTICAL ANTI-SATELLITE**
2 **TECHNOLOGY PROGRAM.**

3 (a) FUNDING.—Of the funds authorized to be appro-
4 priated under section 201(4), \$80,000,000 shall be avail-
5 able for the kinetic energy tactical anti-satellite technology
6 program.

7 (b) LIMITATION.—None of the funds authorized to
8 be appropriated to the Department of Defense for fiscal
9 year 1998 for program element 65104D, relating to tech-
10 nical studies and analyses, may be obligated or expended
11 until the funds specified in subsection (a) have been re-
12 leased to the program manager of the tactical kinetic en-
13 ergy anti-satellite technology program for implementation
14 of that program.

15 **SEC. 219. CLEMENTINE 2 MICRO-SATELLITE DEVELOPMENT**
16 **PROGRAM.**

17 (a) FUNDING.—Of the amount authorized to be ap-
18 propriated under section 201(3), \$50,000,000 shall be
19 available for the Clementine 2 micro-satellite near-earth
20 asteroid interception mission.

21 (b) LIMITATION.—Of the funds authorized to be ap-
22 propriated pursuant to this Act in program element
23 64480F for the Global Positioning System Block IIF sat-
24 ellite system, not more than \$35,000,000 may be obligated
25 until the Secretary of Defense certifies to Congress that
26 the Secretary has made available for obligation the funds

1 appropriated pursuant to subsection (a) for the purpose
2 specified in that subsection.

3 **SEC. 220. BIOASSAY TESTING OF VETERANS EXPOSED TO**
4 **IONIZING RADIATION DURING MILITARY**
5 **SERVICE.**

6 (a) NUCLEAR TEST PERSONNEL PROGRAM.—Of the
7 amount provided in section 201(4), \$300,000 shall be
8 available for testing described in subsection (b) in support
9 of the Nuclear Test Personnel Program conducted by the
10 Defense Special Weapons Agency.

11 (b) COVERED TESTING.—Subsection (a) applies to
12 the third phase of bioassay testing of individuals who are
13 radiation-exposed veterans (as defined in section
14 1112(c)(3)(A) of title 38, United States Code) who par-
15 ticipated in radiation-risk activities (as defined in such
16 paragraph).

17 (c) COLLECTION OF SAMPLES.—The appropriate de-
18 partment or agency shall collect the required bioassay
19 samples, at the request of a veteran who participated in
20 the United States atmospheric nuclear testing or the occu-
21 pation of Hiroshima and Nagasaki, Japan, and forward
22 them to Brookhaven National Laboratory, under the ap-
23 propriate chain of custody.

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

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

7 **SEC. 222. MULTITECHNOLOGY INTEGRATION IN MIXED-**
8 **MODE ELECTRONICS.**

9 (a) AMOUNT FOR PROGRAM.—Of the amount author-
10 ized to be appropriated under section 201(4), \$7,000,000
11 is available for Multitechnology Integration in Mixed-Mode
12 Electronics.

13 (b) ADJUSTMENTS TO AUTHORIZATIONS OF APPRO-
14 PRIATIONS.—(1) The amount authorized to be appro-
15 priated under section 201(4) is hereby increased by
16 \$7,000,000.

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

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

21 (a) AVAILABILITY OF FUNDS.—(1) Notwithstanding
22 any other provision of this Act, the amount authorized to
23 be appropriated by section 201(4) is hereby increased by
24 \$5,000,000.

25 (2) Funds available under the section referred to in
26 paragraph (1) as a result of the increase in the authoriza-

tion of appropriations made by that paragraph may be available for a facial recognition technology program. The Secretary shall use competitive procedures in selecting participants for the program.

(b) OFFSET.—Notwithstanding any other provision of this Act, the amount authorized to be appropriated by section 201(1) is hereby decreased by \$5,000,000.

Subtitle C—Ballistic Missile Defense Programs

SEC. 225. NATIONAL MISSILE DEFENSE PROGRAM.

(a) PROGRAM STRUCTURE.—To preserve the option of achieving an initial operational capability in fiscal year 2003, the Secretary of Defense shall ensure that the National Missile Defense Program is structured and programmed for funding so as to support a test, in fiscal year 1999, of an integrated national missile defense system that is representative of the national missile defense system architecture that could achieve initial operational capability in fiscal year 2003.

(b) ELEMENTS OF NMD SYSTEM.—The national missile defense system architecture specified in subsection (a) shall consist of the following elements:

- (1) An interceptor system that optimizes defensive coverage of the continental United States, Alaska, and Hawaii against limited ballistic missile at-

1 tack (whether accidental, unauthorized, or delib-
2 erate).

3 (2) Ground-based radars.

4 (3) Space-based sensors.

5 (4) Battle management, command, control, and
6 communications (BM/C3).

7 (c) PLAN FOR NMD SYSTEM DEVELOPMENT AND
8 DEPLOYMENT.—Not later than February 15, 1998, the
9 Secretary of Defense shall submit to the congressional de-
10 fense committees a plan for the development and deploy-
11 ment of a national missile defense system that could
12 achieve initial operational capability in fiscal year 2003.
13 The plan shall include the following matters:

14 (1) A detailed description of the system archi-
15 tecture selected for development.

16 (2) A discussion of the justification for the se-
17 lection of that particular architecture.

18 (3) The Secretary's estimate of the amounts of
19 the appropriations that would be necessary for re-
20 search, development, test, evaluation, and for pro-
21 curement for each of fiscal years 1999 through 2003
22 in order to achieve an initial operational capability
23 of the system architecture in fiscal year 2003.

24 (4) For each activity necessary for the develop-
25 ment and deployment of the national missile defense

1 system architecture selected by the Secretary that
2 would at some point conflict with the terms of the
3 ABM Treaty, if any—

4 (A) a description of the activity;

5 (B) a description of the point at which the
6 activity would conflict with the terms of the
7 ABM Treaty;

8 (C) the legal analysis justifying the Sec-
9 retary's determination regarding the point at
10 which the activity would conflict with the terms
11 of the ABM Treaty; and

12 (D) an estimate of the time at which such
13 point would be reached in order to achieve a
14 test of an integrated missile defense system in
15 fiscal year 1999 and initial operational capabil-
16 ity of such a system in fiscal year 2003.

17 (d) FUNDING FOR FISCAL YEAR 1998.—Of the funds
18 authorized to be appropriated under section 201(4),
19 \$978,091,000 shall be available for the national missile
20 defense program.

21 (e) ABM TREATY DEFINED.—In this section, the
22 term “ABM Treaty” means the Treaty Between the Unit-
23 ed States of America and the Union of Soviet Socialist
24 Republics on the Limitation of Anti-Ballistic Missile Sys-
25 tems, signed at Moscow on May 26, 1972, and includes

1 the Protocol to that treaty, signed at Moscow on July 3,
2 1974.

3 **SEC. 226. REVERSAL OF DECISION TO TRANSFER PROCURE-**
4 **MENT FUNDS FROM THE BALLISTIC MISSILE**
5 **DEFENSE ORGANIZATION.**

6 (a) TRANSFERS REQUIRED.—The Secretary of De-
7 fense shall—

8 (1) transfer to appropriations available to the
9 Ballistic Missile Defense Organization for procure-
10 ment for fiscal year 1998 the amounts that were
11 transferred to accounts of the Army, Navy, Air
12 Force, and Marine Corps pursuant to Program
13 Budget Decision 224C3, signed by the Under Sec-
14 retary of Defense (Comptroller) on December 23,
15 1996; and

16 (2) ensure that, in the future-years defense pro-
17 gram, the procurement funding covered by that pro-
18 gram budget decision is programmed for appropria-
19 tions accounts of the Ballistic Missile Defense Orga-
20 nization rather than appropriations accounts of the
21 Armed Forces.

22 (b) RELATIONSHIP TO OTHER TRANSFER AUTHOR-
23 ITY.—The transfer authority provided in subsection (a) is
24 in addition to the transfer authority provided in section
25 1001.

1 **Subtitle D—Other Matters**

2 **SEC. 231. MANUFACTURING TECHNOLOGY PROGRAM.**

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

5 “(2) In order to promote increased dissemination and
6 use of manufacturing technology throughout the national
7 defense technology and industrial base, the Secretary shall
8 seek, to the maximum extent practicable, the participation
9 of manufacturers of manufacturing equipment in the
10 projects under the program.”.

11 **SEC. 232. USE OF MAJOR RANGE AND TEST FACILITY IN-** 12 **STALLATIONS BY COMMERCIAL ENTITIES.**

13 (a) EXTENSION OF AUTHORITY.—Subsection (g) of
14 section 2681 of title 10, United States Code, is amended
15 by striking out “1998” and inserting in lieu thereof
16 “2001”.

17 (b) ADDITIONAL REPORTING REQUIREMENT.—Sub-
18 section (h) of such section is amended—

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

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

22 “(2) Not later than February 15, 1998, the Secretary
23 of Defense shall submit to the Committee on Armed Serv-
24 ices of the Senate and the Committee on National Security
25 of the House of Representatives a report identifying exist-

1 ing and proposed procedures to ensure that the use of
 2 Major Range and Test Facility Installations by commer-
 3 cial entities does not compete with private sector test and
 4 evaluation services.”.

5 (c) REPEAL OF REPORTING REQUIREMENTS WHEN
 6 EXECUTED.—Effective on October 1, 1998, subsection (h)
 7 of such section is repealed.

8 **SEC. 233. ELIGIBILITY FOR THE DEFENSE EXPERIMENTAL**
 9 **PROGRAM TO STIMULATE COMPETITIVE RE-**
 10 **SEARCH.**

11 Section 257 of the National Defense Authorization
 12 Act for Fiscal Year 1995 (10 U.S.C. 2358 note) is amend-
 13 ed by adding at the end the following:

14 “(f) STATE DEFINED.—In this section, the term
 15 ‘State’ means a State of the United States, the District
 16 of Columbia, Puerto Rico, Guam, the Virgin Islands of
 17 the United States, American Samoa, and the Common-
 18 wealth of the Northern Mariana Islands.”.

19 **SEC. 234. RESTRUCTURING OF NATIONAL OCEANOGRAPHIC**
 20 **PARTNERSHIP PROGRAM ORGANIZATIONS.**

21 (a) NATIONAL OCEAN RESEARCH LEADERSHIP
 22 COUNCIL.—Section 7902 of title 10, United States Code,
 23 is amended—

24 (1) in subsection (b)—

1 (A) by striking out paragraphs (11), (14),
 2 (15), (16) and (17); and

3 (B) by redesignating paragraphs (12) and
 4 (13) as paragraphs (11) and (12), respectively;
 5 (2) by striking out subsection (d); and

6 (3) by redesignating subsections (e), (f), (g),
 7 (h), and (i) as subsections (d), (e), (f), (g), and (h),
 8 respectively.

9 (b) OCEAN RESEARCH ADVISORY PANEL.—(1) Sec-
 10 tion 7903(a) of such title is amended by striking out “gov-
 11 ernment, academia, and industry” and inserting in lieu
 12 thereof “State governments, academia, and ocean indus-
 13 tries”.

14 (2) Section 282(c) of the National Defense Author-
 15 ization Act for Fiscal Year 1997 (Public Law 104–201;
 16 110 Stat. 2473) is amended by striking out “January 1,
 17 1997” and inserting in lieu thereof “January 1, 1998”.

18 (c) CONFORMING AMENDMENTS.—Section 282 of the
 19 National Defense Authorization Act for Fiscal Year 1997
 20 is amended—

21 (1) by striking out subsection (b); and

22 (2) by redesignating subsections (c), (d), (e),
 23 and (f) as subsections (b), (c), (d), and (e), respec-
 24 tively.

1 (d) EFFECTIVE DATE.—The amendments made by
2 subsection (a) and (b) shall be effective as of September
3 23, 1996, as if included in section 282 of Public
4 Law 104–201.

5 **SEC. 235. DEMONSTRATION PROGRAM ON EXPLOSIVES DE-**
6 **MILITARIZATION TECHNOLOGY.**

7 (a) PROGRAM REQUIRED.—During fiscal year 1998,
8 the Secretary of Defense may conduct an alternative tech-
9 nology explosive munitions demilitarization demonstration
10 program in accordance with this section.

11 (b) COMMERCIAL BLAST CHAMBER TECHNOLOGY.—
12 Under the demonstration program, the Secretary shall
13 demonstrate the use of existing, commercially available
14 blast chamber technology for incineration of explosive mu-
15 nitions as an alternative to the open burning, open pit det-
16 onation of such munitions.

17 (c) COMPETITIVE PROCEDURES.—The Secretary
18 shall use competitive procedures in selecting participants
19 for the demonstration program described in subsection
20 (b).

21 (d) ASSESSMENT.—The Secretary shall assess the
22 relative benefits of the blast chamber technology and the
23 open burning, open pit detonation process with respect to
24 the levels of emissions and noise resulting from use of the
25 respective processes. In addition, the Secretary shall in-

1 clude a cost benefit analysis of this technology generally
2 for explosives munitions destruction.

3 (e) REPORT.—Not later than the date on which the
4 President submits the budget for fiscal year 2000 to Con-
5 gress pursuant to section 1105(a) of title 31, United
6 States Code, the Secretary of Defense shall submit a re-
7 port on the results of the demonstration program to the
8 Committee on Armed Services of the Senate and the Com-
9 mittee on National Security of the House of Representa-
10 tives. The report shall include the Secretary's assessment
11 under subsection (c).

12 (f) FUNDING.—(1) Of the amount authorized to be
13 appropriated under section 201(4), \$6,000,000 is avail-
14 able for the demonstration program under this section.

15 (2) The amount provided under section 201(4) is
16 hereby increased by \$6,000,000 for the explosives demili-
17 tarization technology program (PE 63104D).

18 (3) The amount provided under section 101(5) for
19 special equipment for user testing is hereby decreased by
20 \$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.

1 (12) For the Defense Inspector General,
2 \$136,580,000.

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

5 (14) For Environmental Restoration, Army,
6 \$350,337,000.

7 (15) For Environmental Restoration, Navy,
8 \$257,500,000.

9 (16) For Environmental Restoration, Air Force,
10 \$351,900,000.

11 (17) For Environmental Restoration, Defense-
12 Wide, \$25,900,000.

13 (18) For Environmental Restoration, Formerly
14 Used Defense Sites, \$188,300,000.

15 (19) For Overseas Contingency Operations,
16 \$1,467,500,000.

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

19 (21) For Medical Programs, Defense,
20 \$9,954,782,000.

21 (22) For Former Soviet Union Threat Reduc-
22 tion programs, \$322,000,000.

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

1 (24) For the Kaho’olawe Island Conveyance,
2 Remediation, and Environmental Restoration Trust
3 Fund, \$10,000,000.

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

5 Funds are hereby authorized to be appropriated for
6 fiscal year 1998 for the use of the Armed Forces and other
7 activities and agencies of the Department of Defense for
8 providing capital for working-capital and revolving funds
9 in amounts as follows:

10 (1) For the Defense Working-Capital Fund,
11 \$33,400,000.

12 (2) For the National Defense Sealift Fund,
13 \$516,126,000.

14 (3) For the Military Commissary Fund,
15 \$938,552,000.

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

17 There is hereby authorized to be appropriated for fis-
18 cal year 1998 from the Armed Forces Retirement Home
19 Trust Fund the sum of \$79,977,000 for the operation of
20 the Armed Forces Retirement Home, including the United
21 States Soldiers’ and Airmen’s Home and the Naval Home.

22 **SEC. 304. TRANSFER FROM NATIONAL DEFENSE STOCK-**
23 **PILE TRANSACTION FUND.**

24 (a) TRANSFER AUTHORITY.—To the extent provided
25 in appropriations Acts, not more than \$150,000,000 is au-

1 thorized to be transferred from the National Defense
2 Stockpile Transaction Fund to operation and maintenance
3 accounts for fiscal year 1998 in amounts as follows:

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

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

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

7 (b) TREATMENT OF TRANSFERS.—Amounts trans-
8 ferred under this section—

9 (1) shall be merged with, and be available for
10 the same purposes and the same period as, the
11 amounts in the accounts to which transferred; and

12 (2) may not be expended for an item that has
13 been denied authorization of appropriations by Con-
14 gress.

15 (c) RELATIONSHIP TO OTHER TRANSFER AUTHOR-
16 ITY.—The transfer authority provided in this section is in
17 addition to the transfer authority provided in section
18 1001.

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

20 Funds are hereby authorized to be appropriated for
21 fiscal year 1998, out of funds in Fisher House Trust
22 Funds not otherwise appropriated, for the operation and
23 maintenance of Fisher houses described in section 2221(d)
24 of title 10, United States Code, as follows:

1 (1) The Fisher House Trust Fund, Department
 2 of the Army, \$150,000 for Fisher houses that are lo-
 3 cated in proximity to medical treatment facilities of
 4 the Army.

5 (2) The Fisher House Trust Fund, Department
 6 of the Navy, \$150,000 for Fisher houses that are lo-
 7 cated in proximity to medical treatment facilities of
 8 the Navy.

9 **SEC. 306. FUNDS FOR OPERATION OF FORT CHAFFEE, AR-**
 10 **KANSAS.**

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

14 **Subtitle B—Depot-Level Activities**

15 **SEC. 311. PERCENTAGE LIMITATION ON PERFORMANCE OF**
 16 **DEPOT-LEVEL MAINTENANCE OF MATERIEL.**

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

20 “(a) PERCENTAGE LIMITATION.—(1) Except as pro-
 21 vided in paragraph (2), not more than 50 percent of the
 22 funds made available in a fiscal year to a military depart-
 23 ment or a Defense Agency for depot-level maintenance and
 24 repair workload may be used to contract for the perform-

1 ance of such workload in facilities other than Government-
 2 owned, Government-operated facilities.

3 “(2) In the administration of paragraph (1) for fiscal
 4 years ending before October 1, 1998, the percentage speci-
 5 fied in that paragraph shall be deemed to be 40 percent.”.

6 (b) TREATMENT OF PERFORMANCE BY PUBLIC-PRI-
 7 VATE PARTNERSHIP.—Such section is further amended by
 8 inserting after subsection (a), as amended by subsection
 9 (a), the following:

10 “(b) TREATMENT OF PERFORMANCE BY PUBLIC-PRI-
 11 VATE PARTNERSHIP.—For the purposes of subsection (a),
 12 any performance of a depot-level maintenance and repair
 13 workload by a public-private partnership formed under
 14 section 2474(b) of this title shall be treated as perform-
 15 ance of the workload in a Government-owned, Govern-
 16 ment-operated facility.”.

17 **SEC. 312. CENTERS OF INDUSTRIAL AND TECHNICAL EX-**
 18 **CELLENCE.**

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

1 **“§ 2474. Centers of Industrial and Technical Excel-**
2 **lence: designation; public-private part-**
3 **nerships**

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

12 “(2) The Secretary shall establish a policy to encour-
13 age the Secretary of each military department and the
14 head of each Defense Agency to reengineer industrial
15 processes and adopt best-business practices at their depot-
16 level activities in connection with their core competency
17 requirements, so as to serve as recognized leaders in their
18 core competencies throughout the Department of Defense
19 and in the national technology and industrial base (as de-
20 fined in section 2491(1) of this title).

21 “(3) The Secretary of a military department may
22 conduct a pilot program, consistent with applicable re-
23 quirements of law, to test any practices referred to in
24 paragraph (2) that the Secretary determines could im-
25 prove the efficiency and effectiveness of depot-level oper-
26 ations, improve the support provided by depot-level activi-

1 ties for the armed forces user of the services of such activi-
 2 ties, and enhance readiness by reducing the time that it
 3 takes to repair equipment.

4 “(b) PUBLIC-PRIVATE PARTNERSHIPS.—The Sec-
 5 retary of Defense shall enable Centers of Industrial and
 6 Technical Excellence to form public-private partnerships
 7 for the performance of depot-level maintenance and repair
 8 at such centers and shall encourage the use of such part-
 9 nerships to maximize the utilization of the capacity at
 10 such Centers.

11 “(c) ADDITIONAL WORK.—The policy required under
 12 subsection (a) shall include measures to enable a private
 13 sector entity that enters into a partnership arrangement
 14 under subsection (b) or leases excess equipment and facili-
 15 ties at a Center of Industrial and Technical Excellence
 16 pursuant to section 2471 of this title to perform additional
 17 work at the Center, subject to the limitations outlined in
 18 subsection (b) of such section, outside of the types of work
 19 normally assigned to the Center.”.

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

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

23 (b) REPORTING REQUIREMENT.—Not later than
 24 March 1, 1998, the Secretary of Defense shall submit to

1 Congress a report describing the policies established by
 2 the Secretary pursuant to section 2474 of title 10, United
 3 States Code (as added by subsection (a)), to carry out that
 4 section.

5 **SEC. 313. CLARIFICATION OF PROHIBITION ON MANAGE-**
 6 **MENT OF DEPOT EMPLOYEES BY CON-**
 7 **STRAINTS ON PERSONNEL LEVELS.**

8 Section 2472(a) of title 10, United States Code, is
 9 amended by striking out the first sentence and inserting
 10 in lieu thereof the following: “The civilian employees of
 11 the Department of Defense, including the civilian employ-
 12 ees of the military departments and the Defense Agencies,
 13 who perform, or are involved in the performance of, depot-
 14 level maintenance and repair workloads may not be man-
 15 aged on the basis of any constraint or limitation in terms
 16 of man years, end strength, full-time equivalent positions,
 17 or maximum number of employees.”.

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

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

22 “(e) REPORT.—(1) Not later than February 1 of each
 23 year, the Secretary of Defense shall submit to Congress
 24 a report identifying, for each military department and De-
 25 fense Agency—

1 “(A) the percentage of the funds referred to in
2 subsection (a) that were used during the preceding
3 fiscal year for performance of depot-level maintenance and repair workloads in Government-owned,
4 Government-operated facilities; and

6 “(B) the percentage of the funds referred to in
7 subsection (a) that were used during the preceding
8 fiscal year to contract for the performance of depot-level maintenance and repair workloads in facilities
9 that are not owned and operated by the Federal
10 Government.

12 “(2) Not later than 90 days after the date on which
13 the Secretary submits the annual report under paragraph
14 (1), the Comptroller General shall submit to the Committees on Armed Services and on Appropriations of the Senate and the Committees on National Security and on Appropriations of the House of Representatives the Comptroller’s views on whether the Department of Defense has
15 complied with the requirements of subsection (a) for the
16 fiscal year covered by the report.”.

1 **SEC. 315. REPORT ON ALLOCATION OF CORE LOGISTICS**
2 **ACTIVITIES AMONG DEPARTMENT OF DE-**
3 **FENSE FACILITIES AND PRIVATE SECTOR FA-**
4 **CILITIES.**

5 (a) REPORT.—Not later than May 31, 1998, the Sec-
6 retary of Defense shall submit to Congress a report on
7 the allocation among facilities of the Department of De-
8 fense and facilities in the private sector of the logistics
9 activities that are necessary to maintain and repair the
10 weapon systems and other military equipment identified
11 by the Secretary, in consultation with the Joint Chiefs of
12 Staff, as being necessary to enable the Armed Forces to
13 conduct a strategic or major theater war.

14 (b) ELEMENTS.—The report under subsection (a)
15 shall set forth the following:

16 (1) The systems or equipment identified under
17 subsection (a) that must be maintained and repaired
18 in Government-owned, Government-operated facili-
19 ties, using personnel and equipment of the Depart-
20 ment, as a result of the Secretary's determination
21 that—

22 (A) the work involves unique or valuable
23 workforce skills that should be maintained in
24 the public sector in the national interest;

25 (B) the base of private sector sources hav-
26 ing the capability to perform the workloads in-

cludes industry sectors that are vulnerable to work stoppages;

(C) the private sector sources having the capability to perform the workloads have insufficient workforce levels or skills to perform the depot-level maintenance and repair workloads—

(i) in the quantity necessary, or as rapidly as the Secretary considers necessary, to enable the armed forces to fulfill the national military strategy; or

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

(D) the need for performance of workloads is too infrequent, cyclical, or variable to sustain a reliable base of private sector sources having the workforce levels or skills to perform the workloads;

(E) the market conditions or workloads are insufficient to ensure that the price of private sector performance of the workloads can be controlled through competition or other means;

(F) private sector sources are not adequately responsive to the requirements of the Department for rapid, cost-effective, and flexi-

1 ble response to surge requirements or other
2 contingency situations, including changes in the
3 mix or priority of previously scheduled work-
4 loads and reassignment of employees to dif-
5 ferent workloads without the requirement for
6 additional contractual negotiations;

7 (G) private sector sources are less willing
8 to assume responsibility for performing the
9 workload as a result of the possibility of direct
10 military or terrorist attack; or

11 (H) private sector sources cannot maintain
12 continuity of workforce expertise as a result of
13 high rates of employee turnover.

14 (2) The systems or equipment identified under
15 subsection (a) that must be maintained and repaired
16 in Government-owned facilities, whether Government
17 operated or contractor-operated, as a result of the
18 Secretary's determination that—

19 (A) the work involves facilities, tech-
20 nologies, or equipment that are unique and suf-
21 ficiently valuable that the facilities, tech-
22 nologies, or equipment must be maintained in
23 the public sector in the national interest;

24 (B) the private sector sources having the
25 capability to perform the workloads have insuf-

1 ficient facilities, technology, or equipment to
2 perform the depot-level maintenance and repair
3 workloads—

4 (i) in the quantity necessary, or as
5 rapidly as the Secretary considers nec-
6 essary, to enable the armed forces to fulfill
7 the national military strategy; or

8 (ii) without a significant disruption or
9 delay in the maintenance and repair of
10 equipment; or

11 (C) the need for performance of workloads
12 is too infrequent, cyclical, or variable to sustain
13 a reliable base of private sector sources having
14 the facilities, technology, or equipment to per-
15 form the workloads.

16 (3) The systems or equipment identified under
17 subsection (a) that may be maintained and repaired
18 in private sector facilities.

19 (4) The approximate percentage of the total
20 maintenance and repair workload of the Department
21 of Defense necessary for the systems and equipment
22 identified under subsection (a) that would be per-
23 formed at Department of Defense facilities, and at
24 private sector facilities, as a result of the determina-

1 tions made for purposes of paragraphs (1), (2), and
2 (3).

3 **SEC. 316. REVIEW OF USE OF TEMPORARY DUTY ASSIGN-**
4 **MENTS FOR SHIP REPAIR AND MAINTENANCE.**
5 **NANCE.**

6 (a) FINDINGS.—Congress makes the following find-
7 ings:

8 (1) In order to reduce the time that the crew
9 of a naval vessel is away from the homeport of the
10 vessel, the Navy seeks to perform ship repair and
11 maintenance of the vessel at the homeport of the
12 vessel whenever it takes six months or less to accom-
13 plish the work involved.

14 (2) At the same time, the Navy seeks to distrib-
15 ute ship repair and maintenance work among the
16 Navy shipyards (known as to “level load”) in order
17 to more fully utilize personnel resources.

18 (3) During periods when a Navy shipyard is not
19 utilized to its capacity, the Navy sometimes sends
20 workers at the shipyard, on a temporary duty basis,
21 to perform ship repairs and maintenance at a home-
22 port not having a Navy shipyard.

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

1 (b) GAO REVIEW AND REPORT.—(1) The Comptrol-
 2 ler General of the United States shall review the Navy’s
 3 practice of using temporary duty assignments of personnel
 4 to perform ship maintenance and repair work at
 5 homeports not having Navy shipyards. The review shall
 6 include the following:

7 (A) An assessment of the rationale, conditions,
 8 and factors supporting the Navy’s practice.

9 (B) A determination of whether the practice is
 10 cost-effective.

11 (C) The factors affecting future requirements
 12 for, and the adherence to, the practice, together with
 13 an assessment of the factors.

14 (2) Not later than May 1, 1998, the Comptroller Gen-
 15 eral shall submit a report on the review to the Committee
 16 on Armed Services of the Senate and the Committee on
 17 National Security of the House of Representatives.

18 **SEC. 317. REPEAL OF A CONDITIONAL REPEAL OF CERTAIN**
 19 **DEPOT-LEVEL MAINTENANCE AND REPAIR**
 20 **LAWS AND A RELATED REPORTING REQUIRE-**
 21 **MENT.**

22 Section 311 of the National Defense Authorization
 23 Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat.
 24 247; 10 U.S.C. 2464 note) is amended by striking out sub-
 25 sections (f) and (g).

1 **SEC. 318. EXTENSION OF AUTHORITY FOR NAVAL SHIP-**
2 **YARDS AND AVIATION DEPOTS TO ENGAGE IN**
3 **DEFENSE-RELATED PRODUCTION AND SERV-**
4 **ICES.**

5 Section 1425(e) of the National Defense Authoriza-
6 tion Act for Fiscal Year 1991 (Public Law 101–510; 104
7 Stat. 1684) is amended by striking out “September 30,
8 1997” and inserting in lieu thereof “September 30,
9 1998”.

10 **SEC. 319. REALIGNMENT OF PERFORMANCE OF GROUND**
11 **COMMUNICATION-ELECTRONIC WORKLOAD.**

12 (a) SENSE OF CONGRESS.—It is the sense of Con-
13 gress that the transfer of the ground communication-elec-
14 tronic workload to Tobyhanna Army Depot, Pennsylvania,
15 in the realignment of the performance of such function
16 should be carried out in adherence to the schedule pre-
17 scribed for that transfer by the Defense Depot Mainte-
18 nance Council on March 13, 1997, as follows:

19 (1) Transfer of 20 percent of the workload in
20 fiscal year 1998.

21 (2) Transfer of 40 percent of the workload in
22 fiscal year 1999.

23 (3) Transfer of 40 percent of the workload in
24 fiscal year 2000.

25 (b) PROHIBITION.—No provision of this Act that au-
26 thorizes or provides for contracting for the performance

1 of a depot-level maintenance and repair workload by a pri-
 2 vate sector source at a location where the workload was
 3 performed before fiscal year 1998 shall apply to the work-
 4 load referred to in subsection (a).

5 **Subtitle C—Environmental** 6 **Provisions**

7 **SEC. 331. CLARIFICATION OF AUTHORITY RELATING TO** 8 **STORAGE AND DISPOSAL OF NONDEFENSE** 9 **TOXIC AND HAZARDOUS MATERIALS ON DE-** 10 **PARTMENT OF DEFENSE PROPERTY.**

11 (a) MATERIALS OF MEMBERS AND DEPENDENTS.—
 12 Subsection (a)(1) of section 2692 of title 10, United
 13 States Code, is amended by inserting “or by a member
 14 of the armed forces (or a dependent of a member) living
 15 on the installation” before the period at the end.

16 (b) STORAGE OF MATERIALS CONNECTED WITH
 17 COMPATIBLE USE.—Subsection (b)(8) of such section is
 18 amended—

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

20 (2) by striking out “by that private person of
 21 an industrial-type” and inserting in lieu thereof “of
 22 a”; and

23 (3) by striking out “; and” and inserting in lieu
 24 thereof “, including a space launch facility located
 25 on a Department of Defense installation or other

1 land controlled by the United States and a Depart-
 2 ment of Defense facility for testing materiel or train-
 3 ing personnel;”.

4 (c) TREATMENT AND DISPOSAL OF MATERIALS CON-
 5 NECTED WITH COMPATIBLE USE.—Subsection (b)(9) of
 6 such section is amended—

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

8 (2) by striking out “commercial use by that
 9 person of an industrial-type” and inserting in lieu
 10 thereof “use of a”;

11 (3) by striking out “with that person” and in-
 12 serting in lieu thereof “with the prospective user”;
 13 and

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

17 (d) ADDITIONAL AUTHORITY.—Subsection (b) of
 18 such section is further amended—

19 (1) by striking out the period at the end of
 20 paragraph (9) and inserting in lieu thereof “; and”;
 21 and

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

23 “(10) the storage of materials that will be used
 24 in connection with an activity of the Department of
 25 Defense or in connection with a service performed

1 for the benefit of the Department of Defense or the
 2 disposal of materials that have been used in such
 3 connection.”.

4 **SEC. 332. ANNUAL REPORT ON PAYMENTS AND ACTIVITIES**
 5 **IN RESPONSE TO FINES AND PENALTIES AS-**
 6 **SESSED UNDER ENVIRONMENTAL LAWS.**

7 (a) ANNUAL REPORTS.—Section 2706(b)(2) of title
 8 10, United States Code, is amended by adding at the end
 9 the following:

10 “(H) A statement of the fines and pen-
 11 alties imposed or assessed against the Depart-
 12 ment of Defense under Federal, State, or local
 13 environmental law during the fiscal year preced-
 14 ing the fiscal year in which the report is sub-
 15 mitted, which statement sets forth—

16 “(i) each Federal environmental stat-
 17 ute under which a fine or penalty was im-
 18 posed or assessed during the fiscal year;

19 “(ii) with respect to each such stat-
 20 ute—

21 “(I) the aggregate amount of
 22 fines and penalties imposed or as-
 23 sessed during the fiscal year;

1 “(II) the aggregate amount of
2 fines and penalties paid during the
3 fiscal year;

4 “(III) the total amount required
5 to meet commitments to environ-
6 mental enforcement authorities under
7 agreements entered into by the De-
8 partment of Defense during the fiscal
9 year for supplemental environmental
10 projects agreed to in lieu of the pay-
11 ment of fines or penalties; and

12 “(IV) the number of fines and
13 penalties imposed or assessed during
14 the fiscal year that were—

15 “(aa) \$10,000 or less;

16 “(bb) more than \$10,000,
17 but not more than \$50,000;

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

20 “(dd) more than \$100,000;

21 and

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

24 “(I) the installation or facility to
25 which the fine or penalty applies; and

1 “(II) the agency that imposed or
2 assessed the fine or penalty.”.

3 (b) REPORT IN FISCAL YEAR 1998.—The statement
4 submitted by the Secretary of Defense under subpara-
5 graph (H) of section 2706(b)(2) of title 10, United States
6 Code, as added by subsection (a), in 1998 shall, to the
7 maximum extent practicable, include the information re-
8 quired by that subparagraph for each of fiscal years 1994
9 through 1997.

10 **SEC. 333. ANNUAL REPORT ON ENVIRONMENTAL ACTIVI-**
11 **TIES OF THE DEPARTMENT OF DEFENSE**
12 **OVERSEAS.**

13 Section 2706 of title 10, United States Code, is
14 amended—

15 (1) by redesignating subsection (d) as sub-
16 section (e); and

17 (2) by inserting after subsection (c) the follow-
18 ing new subsection (d):

19 “(d) REPORT ON ENVIRONMENTAL ACTIVITIES
20 OVERSEAS.—(1) The Secretary of Defense shall submit
21 to Congress each year, not later than 30 days after the
22 date on which the President submits to Congress the
23 budget for a fiscal year, a report on the environmental
24 activities of the Department of Defense overseas.

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

1 “(A) A statement of the funding levels and full-
 2 time personnel required for the Department of De-
 3 fense to comply during such fiscal year with each re-
 4 quirement under a treaty, law, contract, or other
 5 agreement for environmental restoration or compli-
 6 ance activities.

7 “(B) A statement of the funds to be expended
 8 by the Department of Defense during such fiscal
 9 year in carrying out other activities relating to the
 10 environment overseas, including conferences, meet-
 11 ings, and studies for pilot programs and travel relat-
 12 ed to such activities.”.

13 **SEC. 334. MEMBERSHIP TERMS FOR STRATEGIC ENVIRON-**
 14 **MENTAL RESEARCH AND DEVELOPMENT**
 15 **PROGRAM SCIENTIFIC ADVISORY BOARD.**

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

20 (b) **APPLICABILITY.**—The amendment made by sub-
 21 section (a) shall apply to appointments to the Strategic
 22 Environmental Research and Development Program Sci-
 23 entific Advisory Board made before, on, or after the date
 24 of enactment of this Act.

1 **SEC. 335. ADDITIONAL INFORMATION ON AGREEMENTS**
2 **FOR AGENCY SERVICES IN SUPPORT OF EN-**
3 **VIRONMENTAL TECHNOLOGY CERTIFI-**
4 **CATION.**

5 (a) **ADDITIONAL INFORMATION.**—Subsection (d) of
6 section 327 of the National Defense Authorization Act for
7 Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2483;
8 10 U.S.C. 2702 note) is amended by adding at the end
9 the following:

10 “(5) A statement of the funding that will be re-
11 quired to meet commitments made to State and local
12 governments under agreements entered into during
13 the fiscal year preceding the fiscal year in which the
14 report is submitted.

15 “(6) A description of any cost-sharing arrange-
16 ment under any cooperative agreement entered into
17 under this section.”.

18 (b) **GUIDELINES FOR REIMBURSEMENT AND COST-**
19 **SHARING.**—Not later than 90 days after the date of enact-
20 ment of this Act, the Secretary of Defense shall submit
21 to Congress a report setting forth the guidelines estab-
22 lished by the Secretary for reimbursement of State and
23 local governments, and for cost-sharing between the De-
24 partment of Defense, such governments, and vendors,
25 under agreements entered into under such section 327.

1 **SEC. 336. RISK ASSESSMENTS UNDER THE DEFENSE ENVI-**
2 **RONMENTAL RESTORATION PROGRAM.**

3 (a) IN GENERAL.—In carrying out risk assessments
4 as part of the evaluation of facilities of the Department
5 of Defense for purposes of allocating funds and establish-
6 ing priorities for environmental restoration projects at
7 such facilities under the Defense Environmental Restora-
8 tion Program, the Secretary of Defense shall—

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

11 (2) ensure the uniform and consistent utiliza-
12 tion of the risk assessment method in all evaluations
13 of facilities under the program.

14 (b) RISK ASSESSMENT METHOD.—The risk assess-
15 ment method utilized under subsection (a) shall—

16 (1) take into account as a separate factor of
17 risk—

18 (A) the extent to which the contamination
19 level of a particular contaminant exceeds the
20 permissible contamination level for the contami-
21 nant;

22 (B) the existence and extent of any popu-
23 lation (including human populations and natu-
24 ral populations) potentially affected by the con-
25 taminant; and

1 (C) the existence and nature of any mecha-
 2 nism that would cause the population to be af-
 3 fected by the contaminant; and

4 (2) provide appropriately for the significance of
 5 any such factor in the final determination of risk.

6 (c) DEFENSE ENVIRONMENTAL RESTORATION PRO-
 7 GRAM DEFINED.—In this section, the term “Defense En-
 8 vironmental Restoration Program” means the program of
 9 environmental restoration carried out under chapter 160
 10 of title 10, United States Code.

11 **SEC. 337. RECOVERY AND SHARING OF COSTS OF ENVIRON-**
 12 **MENTAL RESTORATION AT DEPARTMENT OF**
 13 **DEFENSE SITES.**

14 (a) GUIDELINES.—

15 (1) IN GENERAL.—The Secretary of Defense
 16 shall prescribe in regulations guidelines concerning
 17 the cost-recovery and cost-sharing activities of the
 18 military departments and defense agencies.

19 (2) COVERED MATTERS.—The guidelines pre-
 20 scribed under paragraph (1) shall—

21 (A) establish uniform requirements relat-
 22 ing to cost-recovery and cost-sharing activities
 23 for the military departments and defense agen-
 24 cies;

1 (B) require the Secretaries of the military
2 departments and the heads of the defense agen-
3 cies to obtain all appropriate data regarding ac-
4 tivities of contractors of the Department or
5 other private parties responsible for environ-
6 mental contamination at Department sites that
7 is relevant for purposes of cost-recovery and
8 cost-sharing activities;

9 (C) require the Secretaries of the military
10 departments and the heads of the defense agen-
11 cies to use consistent methods in estimating the
12 costs of environmental restoration at sites
13 under the jurisdiction of such departments and
14 agencies for purposes of reports to Congress on
15 such costs;

16 (D) require the Secretaries of the military
17 departments to reduce the amounts requested
18 for environmental restoration activities of such
19 departments for a fiscal year by the amounts
20 anticipated to be recovered in the preceding fis-
21 cal year as a result of cost-recovery and cost-
22 sharing activities; and

23 (E) resolve any unresolved issues regarding
24 the crediting of amounts recovered as a result

1 of such activities under section 2703(d) of title
2 10, United States Code.

3 (b) IMPLEMENTATION OF GUIDELINES.—The Sec-
4 retary shall take appropriate actions to ensure the imple-
5 mentation of the guidelines prescribed under subsection
6 (a), including appropriate requirements to—

7 (1) identify contractors of the Department and
8 other private parties responsible for environmental
9 contamination at Department sites;

10 (2) review the activities of contractors of the
11 Department and other private parties in order to
12 identify negligence or other misconduct in such ac-
13 tivities that would preclude Department indemnifica-
14 tion for the costs of environmental restoration relat-
15 ing to such contamination or justify the recovery or
16 sharing of costs associated with such restoration;

17 (3) obtain data as provided for under sub-
18 section (a)(2)(B); and

19 (4) pursue cost-recovery and cost-sharing activi-
20 ties where appropriate.

21 (c) DEFINITION.—In this section, the term “cost-re-
22 covery and-cost sharing activities” means activities con-
23 cerning—

24 (1) the recovery of the costs of environmental
25 restoration at Department sites from contractors of

1 the Department and other private parties that con-
 2 tribute to environmental contamination at such sites;
 3 and

4 (2) the sharing of the costs of such restoration
 5 with such contractors and parties.

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

8 (a) **AUTHORITY.**—(1) The Secretary of Defense may,
 9 in consultation with the Administrator of General Serv-
 10 ices, carry out a pilot program to assess the feasibility and
 11 advisability of the sale of economic incentives for the re-
 12 duction of emission of air pollutants attributable to a facil-
 13 ity of a military department.

14 (2) The Secretary may carry out the pilot program
 15 during the period beginning on October 1, 1997, and end-
 16 ing on September 30, 1999.

17 (b) **INCENTIVES AVAILABLE FOR SALE.**—(1) Under
 18 the pilot program, the Secretary may sell economic incen-
 19 tives for the reduction of emission of air pollutants attrib-
 20 utable to a facility of a military department only if such
 21 incentives are not otherwise required for the activities or
 22 operations of the military department.

23 (2) The Secretary may not, under the pilot program,
 24 sell economic incentives attributable to the closure or re-

1 alignment of a military installation under a base closure
2 law.

3 (3) If the Secretary determines that additional sales
4 of economic incentives are likely to result in amounts
5 available for allocation under subsection (c)(2) in a fiscal
6 year in excess of the limitation set forth in subparagraph
7 (B) of that subsection, the Secretary shall not carry out
8 such additional sales in that fiscal year.

9 (c) USE OF PROCEEDS.—(1) The proceeds of sale of
10 economic incentives attributable to a facility of a military
11 department shall be credited to the funds available to the
12 facility for the costs of identifying, quantifying, or valuing
13 economic incentives for the reduction of emission of air
14 pollutants. The amount credited shall be equal to the cost
15 incurred in identifying, quantifying, or valuing the eco-
16 nomic incentives sold.

17 (2)(A)(i) If after crediting under paragraph (1) a bal-
18 ance remains, the amount of such balance shall be avail-
19 able to the Department of Defense for allocation by the
20 Secretary to the military departments for programs,
21 projects, and activities necessary for compliance with Fed-
22 eral environmental laws, including the purchase of eco-
23 nomic incentives for the reduction of emission of air pol-
24 lutants.

1 (ii) To the extent practicable, amounts allocated to
2 the military departments under this subparagraph shall
3 be made available to the facilities that generated the eco-
4 nomic incentives providing the basis for the amounts.

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

8 (3) If after crediting under paragraph (1) a balance
9 remains in excess of an amount equal to the limitation
10 set forth in paragraph (2)(B), the amount of the excess
11 shall be covered over into the Treasury as miscellaneous
12 receipts.

13 (4) Funds credited under paragraph (1) or allocated
14 under paragraph (2) shall be merged with the funds to
15 which credited or allocated, as the case may be, and shall
16 be available for the same purposes and for the same period
17 as the funds with which merged.

18 (d) DEFINITIONS.—In this section:

19 (1) The term “base closure law” means the fol-
20 lowing:

21 (A) Section 2687 of title 10, United States
22 Code.

23 (B) Title II of the Defense Authorization
24 Amendments and Base Closure and Realign-

1 ment Act (Public Law 100–526; 10 U.S.C.
2 2687 note).

3 (C) The Defense Base Closure and Re-
4 alignment Act of 1990 (part A of title XXIX of
5 Public Law 101–510; 10 U.S.C. 2687 note).

6 (2) The term “economic incentives for the re-
7 duction of emission of air pollutants” means any
8 transferable economic incentives (including market-
9 able permits and emission rights) necessary or ap-
10 propriate to meet air quality requirements under the
11 Clean Air Act (42 U.S.C. 7401 et seq.).

12 **SEC. 339. TAGGING SYSTEM FOR IDENTIFICATION OF HY-**
13 **DROCARBON FUELS USED BY THE DEPART-**
14 **MENT OF DEFENSE.**

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

18 (1) the feasibility of tagging hydrocarbon fuels
19 used by the Department of Defense for the purposes
20 of analyzing and identifying such fuels;

21 (2) the deterrent effect of such tagging on the
22 theft and misuse of fuels purchased by the Depart-
23 ment; and

24 (3) the extent to which such tagging assists in
25 determining the source of surface and underground

1 pollution in locations having separate fuel storage
2 facilities of the Department and of civilian compa-
3 nies.

4 (b) SYSTEM ELEMENTS.—The tagging system under
5 the pilot program shall have the following characteristics:

6 (1) The tagging system does not harm the envi-
7 ronment.

8 (2) Each chemical used in the tagging system
9 is—

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

13 (B) substantially similar to the fuel to
14 which added, as determined in accordance with
15 criteria established by the Environmental Pro-
16 tection Agency for the introduction of additives
17 into hydrocarbon fuels.

18 (3) The tagging system permits a determination
19 if a tag is present and a determination if the con-
20 centration of a tag has changed in order to facilitate
21 identification of tagged fuels and detection of dilu-
22 tion of tagged fuels.

23 (4) The tagging system does not impair or de-
24 grade the suitability of tagged fuels for their in-
25 tended use.

1 (c) REPORT.—Not later than 30 days after the com-
 2 pletion of the pilot program, the Secretary shall submit
 3 to Congress a report setting forth the results of the pilot
 4 program and including any recommendations for legisla-
 5 tion relating to the tagging of hydrocarbon fuels by the
 6 Department that the Secretary considers appropriate.

7 (d) FUNDING.—Of the amounts authorized to be ap-
 8 propriated under section 301(5) for operation and mainte-
 9 nance for defense-wide activities, not more than
 10 \$5,000,000 shall be available for the pilot program.

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

12 (a) REQUIREMENT.—(1) Except as provided in sub-
 13 section (b), a department or agency of the Department
 14 of Defense may not procure copying machine paper after
 15 a date set forth in paragraph (2) unless the percentage
 16 of post-consumer recycled content of the paper meets the
 17 percentage set forth with respect to such date in that
 18 paragraph.

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

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

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

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

24 (b) EXCEPTIONS.—A department or agency may pro-
 25 cure copying machine paper having a percentage of post-

1 consumer recycled content that does not meet the applica-
2 ble requirement in subsection (a) if—

3 (1) the cost of procuring copying machine paper
4 under such requirement would exceed by more than
5 7 percent the cost of procuring copying machine
6 paper having a percentage of post-consumer recycled
7 content that does not meet such requirement;

8 (2) copying machine paper having a percentage
9 of post-consumer recycled content meeting such re-
10 quirement is not reasonably available within a rea-
11 sonable period of time;

12 (3) copying machine paper having a percentage
13 of post-consumer recycled content meeting such re-
14 quirement does not meet performance standards of
15 the department or agency for copying machine
16 paper; or

17 (4) in the case of the requirement in paragraph
18 (2)(C) of that subsection, the Secretary of Defense
19 makes the certification described in subsection (c).

20 (c) CERTIFICATION OF INABILITY TO MEET GOAL IN
21 2004.—If the Secretary determines that any department
22 or agency of the Department will be unable to meet the
23 goal specified in subsection (a)(2)(C) by the date specified
24 in that subsection, the Secretary shall certify that deter-
25 mination to the Committee on Armed Services of the Sen-

1 ate and the Committee on National Security of the House
2 of Representatives. The Secretary shall submit such cer-
3 tification, if at all, not later than January 1, 2003.

4 **SEC. 341. REPORT ON OPTIONS FOR THE DISPOSAL OF**
5 **CHEMICAL WEAPONS AND AGENTS.**

6 (a) REQUIREMENT.—Not later than March 15, 1998,
7 the Secretary of Defense shall submit to Congress a report
8 on the options available to the Department of Defense for
9 the disposal of chemical weapons and agents in order to
10 facilitate the disposal of such weapons and agents without
11 the construction of additional chemical weapons disposal
12 facilities in the continental United States.

13 (b) ELEMENTS.—The report shall include the follow-
14 ing—

- 15 (1) a description of each option evaluated;
- 16 (2) an assessment of the lifecycle costs and
17 risks associated with each option evaluated;
- 18 (3) a statement of any technical, regulatory, or
19 other requirements or obstacles with respect to each
20 option, including with respect to any transportation
21 of weapons or agents that is required for the option;
- 22 (4) an assessment of incentives required for
23 sites to accept munitions or agents from outside
24 their own locales, as well as incentives to enable
25 transportation of these items across State lines;

1 (5) an assessment of the cost savings that could
 2 be achieved through either the application of uni-
 3 form Federal transportation or safety requirements
 4 and any other initiatives consistent with the trans-
 5 portation and safe disposal of stockpile and non-
 6 stockpile chemical weapons and agents; and

7 (6) proposed legislative language necessary to
 8 implement options determined by the Secretary to be
 9 worthy of consideration by the Congress.

10 **Subtitle D—Commissaries and Non-**
 11 **appropriated Fund Instrumen-**
 12 **talities**

13 **SEC. 351. FUNDING SOURCES FOR CONSTRUCTION AND IM-**
 14 **PROVEMENT OF COMMISSARY STORE FACILI-**
 15 **TIES.**

16 (a) ADDITIONAL FUNDING SOURCES.—Section 2685
 17 of title 10, United States Code, is amended—

18 (1) by redesignating subsections (b), (c), and
 19 (d) as subsections (c), (d), and (e), respectively; and

20 (2) by inserting after subsection (a) the follow-
 21 ing new subsection (b):

22 “(b) FUNDS FOR CONSTRUCTION AND IMPROVE-
 23 MENTS.—Revenues received by the Department of De-
 24 fense from the following sources or activities of com-

1 commissary store facilities shall be available for the purposes
2 set forth in subsections (c), (d), and (e):

3 “(1) Adjustments or surcharges authorized by
4 subsection (a).

5 “(2) Sale of recyclable materials.

6 “(3) Sale of excess property.

7 “(4) License fees.

8 “(5) Royalties.

9 “(6) Fees paid by sources of products in order
10 to obtain favorable display of the products for resale,
11 known as business related management fees.

12 “(7) Products offered for sale in commissaries
13 under consignment with exchanges, as designated by
14 the Secretary of Defense.”.

15 **SEC. 352. INTEGRATION OF MILITARY EXCHANGE SERV-**
16 **ICES.**

17 (a) **INTEGRATION REQUIRED.**—The Secretaries of
18 the military departments shall integrate the military ex-
19 change services, including the managing organizations of
20 the military exchange services, not later than September
21 30, 2000.

22 (b) **SUBMISSION OF PLAN TO CONGRESS.**—Not later
23 than 180 days after the date of the enactment of this Act,
24 the Secretaries of the military departments shall submit
25 to the Committee on Armed Services of the Senate and

1 the Committee on National Security of the House of Rep-
 2 resentatives the plan for achieving the integration required
 3 by subsection (a).

4 **Subtitle E—Other Matters**

5 **SEC. 361. ADVANCE BILLINGS FOR WORKING-CAPITAL** 6 **FUNDS.**

7 (a) RESTRICTION.—Section 2208 of title 10, United
 8 States Code, is amended—

9 (1) by redesignating subsection (k) as sub-
 10 section (l); and

11 (2) by inserting after subsection (j) the follow-
 12 ing new subsection (k):

13 “(k)(1) An advance billing of a customer for a work-
 14 ing-capital fund is prohibited except as provided in para-
 15 graph (2).

16 “(2) An advance billing of a customer for a working-
 17 capital fund is authorized if—

18 “(A) the Secretary of Defense has submitted to
 19 the Committees on Armed Services and on Appro-
 20 priations of the Senate and the Committees on Na-
 21 tional Security and on Appropriations of the House
 22 of Representatives a notification of the advance bill-
 23 ing; and

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

4 “(3) A notification of an advance billing of a cus-
5 tomer for a working-capital fund that is submitted under
6 paragraph (2) shall include the following:

7 “(A) The reasons for the advance billing.

8 “(B) An analysis of the effects of the advance
9 billing on military readiness.

10 “(C) An analysis of the effects of the advance
11 billing on the customer.

12 “(4) The Secretary of Defense may waive the applica-
13 bility of this subsection—

14 “(A) during a period war or national emer-
15 gency; or

16 “(B) to the extent that the Secretary deter-
17 mines necessary to support a contingency operation.

18 “(5) The Secretary of Defense shall submit to the
19 committees referred to in paragraph (2) a report on ad-
20 vance billings for all working-capital funds whenever the
21 aggregate amount of the advance billings for all working-
22 capital funds not covered by a notification under that
23 paragraph or a report previously submitted under this
24 paragraph exceeds \$50,000,000. The report shall be sub-
25 mitted not later than 30 days after the end of the month

1 in which the aggregate amount first reaches \$50,000,000.
 2 The report shall include, for each customer covered by the
 3 report, a discussion of the matters described in paragraph
 4 (3).

5 “(6) In this subsection:

6 “(A) The term ‘advance billing’, with respect to
 7 a working-capital fund, means a billing of a cus-
 8 tomer by the fund, or a requirement for a customer
 9 to reimburse or otherwise credit the fund, for the
 10 cost of goods or services provided (or for other ex-
 11 penses incurred) on behalf of the customer that is
 12 rendered or imposed before the customer receives the
 13 goods or before the services have been performed.

14 “(B) The term ‘customer’ means a requisition-
 15 ing component or agency.”.

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

19 (1) in subparagraph (B)(ii), by striking out
 20 “\$100,000,000” and inserting in lieu thereof
 21 “\$50,000,000”; and

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

23 “(D) A report required under subparagraph (B)(ii)
 24 shall be submitted not later than 30 days after the end
 25 of the month in which the aggregate amount referred to

1 in that subparagraph reaches the amount specified in that
2 subparagraph.”.

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

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

14 **SEC. 362. CENTER FOR EXCELLENCE IN DISASTER MAN-**
15 **AGEMENT AND HUMANITARIAN ASSISTANCE.**

16 (a) ESTABLISHMENT.—The Secretary of Defense
17 may operate a Center for Excellence in Disaster Manage-
18 ment and Humanitarian Assistance at Tripler Army Medi-
19 cal Center, Hawaii.

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

23 (1) To provide and facilitate education, train-
24 ing, and research in civil-military operations, par-
25 ticularly operations that require international disas-

1 ter management and humanitarian assistance and
2 operations 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, train-
7 ing, interagency coordination, and research on the
8 following additional matters:

9 (A) Management of the consequences of
10 nuclear, biological, and chemical events.

11 (B) Management of the consequences of
12 terrorism.

13 (C) Appropriate roles for the reserve com-
14 ponents in the management of such con-
15 sequences and in disaster management and hu-
16 manitarian assistance in response to natural
17 disasters.

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

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

1 (4) To develop a repository of disaster risk indi-
2 cators for the Asia-Pacific region.

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

10 (d) ACCEPTANCE OF FUNDS.—(1) Except as pro-
11 vided in paragraph (2), the Secretary of Defense may, on
12 behalf of the Center, accept funds for use to defray the
13 costs of the Center or to enhance the operation of the Cen-
14 ter from any agency of the Federal Government, any State
15 or local government, any foreign government, any founda-
16 tion or other charitable organization (including any that
17 is organized or operates under the laws of a foreign coun-
18 try), or any other private source in the United States or
19 a foreign country.

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

24 (i) the ability of the Department of Defense, or
25 any employee of the Department, to carry out any

1 responsibility or duty of the Department in a fair
2 and objective manner; or

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

6 (B) The Secretary shall prescribe written guidance
7 setting forth the criteria to be used in determining wheth-
8 er or not the acceptance of a foreign gift or donation
9 would have a result described in subparagraph (A).

10 (3) Funds accepted by the Secretary under para-
11 graph (1) shall be credited to appropriations available to
12 the Department of Defense for the Center. Funds so cred-
13 ited shall be merged with the appropriations to which cred-
14 ited and shall be available for the Center for the same
15 purposes and the same period as the appropriations with
16 which merged.

17 (e) FUNDING FOR FISCAL YEAR 1998.—Of the funds
18 authorized to be appropriated under section 301,
19 \$5,000,000 shall be available for the Center for Excellence
20 in Disaster Management and Humanitarian Assistance.

1 **SEC. 363. ADMINISTRATIVE ACTIONS ADVERSELY AFFECT-**
2 **ING MILITARY TRAINING OR OTHER READI-**
3 **NESS ACTIVITIES.**

4 (a) CONGRESSIONAL NOTIFICATION.—Chapter 101
5 of title 10, United States Code, is amended by adding at
6 the end the following:

7 **“§ 2014. Administrative actions adversely affecting**
8 **military training or other readiness ac-**
9 **tivities**

10 “(a) CONGRESSIONAL NOTIFICATION.—Whenever an
11 official of an Executive agency takes or proposes to take
12 an administrative action that, as determined by the Sec-
13 retary of Defense in consultation with the Chairman of
14 the Joint Chiefs of Staff, affects training or any other
15 readiness activity in a manner that has or would have a
16 significant adverse effect on the military readiness of any
17 of the armed forces or a critical component thereof, the
18 Secretary shall submit a written notification of the action
19 and each significant adverse effect to the head of the Ex-
20 ecutive agency taking or proposing to take the administra-
21 tive action and to the Committee on Armed Services of
22 the Senate and the Committee on National Security of the
23 House of Representatives and, at the same time, shall
24 transmit a copy of the notification to the President.

25 “(b) NOTIFICATION TO BE PROMPT.—(1) Subject to
26 paragraph (2), the Secretary shall submit a written notifi-

1 cation of an administrative action or proposed administra-
 2 tive action required by subsection (a) as soon as the Sec-
 3 retary becomes aware of the action or proposed action.

4 “(2) The Secretary shall prescribe policies and proce-
 5 dures to ensure that the Secretary receives information on
 6 an administrative action or proposed administrative action
 7 described in subsection (a) promptly after Department of
 8 Defense personnel receive notice of such an action or pro-
 9 posed action.

10 “(c) CONSULTATION BETWEEN SECRETARY AND
 11 HEAD OF EXECUTIVE AGENCY.—Upon notification with
 12 respect to an administrative action or proposed adminis-
 13 trative action under subsection (a), the head of the Execu-
 14 tive agency concerned shall—

15 “(1) respond promptly to the Secretary; and

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

1 “(d) MORATORIUM.—(1) Subject to paragraph (2),
2 upon notification with respect to an administrative action
3 or proposed administrative action under subsection (a),
4 the administrative action or proposed administrative ac-
5 tion shall cease to be effective with respect to the Depart-
6 ment of Defense until the earlier of—

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

9 “(B) the date of an agreement between the
10 head of the Executive agency concerned and the Sec-
11 retary as a result of the consultations under sub-
12 section (c).

13 “(2) Paragraph (1) shall not apply with respect to
14 an administrative action or proposed administrative action
15 if the head of the Executive agency concerned determines
16 that the delay in enforcement of the administrative action
17 or proposed administrative action will pose an actual
18 threat of an imminent and substantial endangerment to
19 public health or the environment.

20 “(e) EFFECT OF LACK OF AGREEMENT.—(1) In the
21 event the head of an Executive agency and the Secretary
22 do not enter into an agreement under subsection (c)(2),
23 the Secretary shall submit a written notification to the
24 President who shall take final action on the matter.

1 “(2) Not later than 30 days after the date on which
 2 the President takes final action on a matter under para-
 3 graph (1), the President shall submit to the committees
 4 referred to in subsection (a) a notification of the action.

5 “(f) LIMITATION ON DELEGATION OF AUTHORITY.—
 6 The head of an Executive agency may not delegate any
 7 responsibility under this section.

8 “(g) DEFINITION.—In this section, the term ‘Execu-
 9 tive agency’ has the meaning given such term in section
 10 105 of title 5 other than the General Accounting Office.”.

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

“2014. Administrative actions adversely affecting military training or other
 readiness activities.”.

14 **SEC. 364. FINANCIAL ASSISTANCE TO SUPPORT ADDI-**
 15 **TIONAL DUTIES ASSIGNED TO ARMY NA-**
 16 **TIONAL GUARD.**

17 (a) AUTHORITY.—Chapter 1 of title 32, United
 18 States Code, is amended by adding at the end the follow-
 19 ing:

20 **“§ 113. Federal financial assistance for support of ad-**
 21 **ditional duties assigned to the Army Na-**
 22 **tional Guard**

23 “(a) AUTHORITY.—The Secretary of the Army may
 24 provide financial assistance to a State to support activities

1 carried out by the Army National Guard of the State in
 2 the performance of duties that the Secretary has assigned,
 3 with the consent of the Chief of the National Guard Bu-
 4 reau, to the Army National Guard of the State. The Sec-
 5 retary shall determine the amount of the assistance that
 6 is appropriate for the purpose.

7 “(b) COVERED ACTIVITIES.—Activities supported
 8 under this section may include only those activities that
 9 are carried out by the Army National Guard in the per-
 10 formance of responsibilities of the Secretary under para-
 11 graphs (6), (10), and (11) of section 3013(b) of title 10.

12 “(c) DISBURSEMENT THROUGH NATIONAL GUARD
 13 BUREAU.—The Secretary shall disburse any contribution
 14 under this section through the Chief of the National
 15 Guard Bureau.

16 “(d) AVAILABILITY OF FUNDS.—Funds appropriated
 17 for the Army for a fiscal year are available for providing
 18 financial assistance under this section in support of activi-
 19 ties carried out by the Army National Guard during that
 20 fiscal year.”.

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

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

1 **SEC. 365. SALE OF EXCESS, OBSOLETE, OR UNSERVICEABLE**
 2 **AMMUNITION AND AMMUNITION COMPO-**
 3 **NENTS.**

4 (a) **AUTHORITY.**—Chapter 443 of title 10, United
 5 States Code, is amended by adding at the end the follow-
 6 ing new section:

7 **“§ 4687. Sale of excess, obsolete, or unserviceable am-**
 8 **munity and ammunition components**

9 “(a) **AUTHORITY TO SELL OUTSIDE DoD.**—The
 10 Secretary of the Army may sell ammunition or ammuni-
 11 tion components that are excess, obsolete, or unserviceable
 12 and have not been demilitarized to a person eligible under
 13 subsection (c) if—

14 “(1) the purchaser enters into an agreement, in
 15 advance, with the Secretary—

16 “(A) to demilitarize the ammunition or
 17 components; and

18 “(B) to reclaim, recycle, or reuse the com-
 19 ponent parts or materials; or

20 “(2) the Secretary, or an official of the Depart-
 21 ment of the Army designated by the Secretary, ap-
 22 proves the use of the ammunition or components
 23 proposed by the purchaser as being consistent with
 24 the public interest.

25 “(b) **METHOD OF SALE.**—The Secretary shall use
 26 competitive procedures to sell ammunition and ammuni-

1 tion components under this section, except that the Sec-
2 retary may negotiate a sale in any case in which the Sec-
3 retary determines that there is only one potential buyer
4 of the items being offered for sale.

5 “(c) ELIGIBLE PURCHASERS.—A purchaser of ex-
6 cess, obsolete, or unserviceable ammunition or ammunition
7 components under this section shall be a licensed manu-
8 facturer (as defined in section 921(10) of title 18) that,
9 as determined by the Secretary, has a capability to modify,
10 reclaim, transport, and either store or sell the ammunition
11 or ammunition components purchased.

12 “(d) HOLD HARMLESS AGREEMENT.—The Secretary
13 shall require a purchaser of ammunition or ammunition
14 components under this section to agree to hold harmless
15 and indemnify the United States from any claim for dam-
16 ages for death, injury, or other loss resulting from a use
17 of the ammunition or ammunition components, except in
18 a case of willful misconduct or gross negligence of a rep-
19 resentative of the United States.

20 “(e) VERIFICATION OF DEMILITARIZATION.—The
21 Secretary shall establish procedures for ensuring that a
22 purchaser of ammunition or ammunition components
23 under this section demilitarizes the ammunition or ammu-
24 nition components in accordance with any agreement to

1 do so under subsection (a)(1). The procedures shall in-
2 clude on-site verification of demilitarization activities.

3 “(f) CONSIDERATION.—The Secretary may accept
4 ammunition, ammunition components, or ammunition de-
5 militarization services as consideration for ammunition or
6 ammunition components sold under this section. The fair
7 market value of any such consideration shall be equal to
8 or exceed the fair market value or, if higher, the sale price
9 of the ammunition or ammunition components sold.

10 “(g) DISPOSITION OF FUNDS.—Amounts received as
11 proceeds of sale of ammunition or ammunition compo-
12 nents under this section in any fiscal year shall—

13 “(1) be credited to an appropriation available
14 for such fiscal year for the acquisition of ammuni-
15 tion or ammunition components or to an appropria-
16 tion available for such fiscal year for the demili-
17 tarization of excess, obsolete, or unserviceable am-
18 munition or ammunition components; and

19 “(2) shall be available for the same period and
20 for the same purposes as the appropriation to which
21 credited.

22 “(h) RELATIONSHIP TO ARMS EXPORT CONTROL
23 ACT.—Nothing in this section shall be construed to affect
24 the applicability of section 38 of the Arms Export Control

1 Act (22 U.S.C. 2778) to sales of ammunition or ammuni-
 2 tion components on the United States Munitions List.

3 “(i) DEFINITIONS.—In this section:

4 “(1) The term ‘excess, obsolete, or unservice-
 5 able’, with respect to ammunition or ammunition
 6 components, means that the ammunition or ammu-
 7 nition components are no longer necessary for war
 8 reserves or for support of training of the Army or
 9 production of ammunition or ammunition compo-
 10 nents.

11 “(2) The term ‘demilitarize’, with respect to
 12 ammunition or ammunition components—

13 “(A) means to destroy the military offen-
 14 sive or defensive advantages inherent in the am-
 15 munition or ammunition components; and

16 “(B) includes any mutilation, scrapping,
 17 melting, burning, or alteration that prevents the
 18 use of the ammunition or ammunition compo-
 19 nents for the military purposes for which the
 20 ammunition or ammunition components was de-
 21 signed or for a lethal purpose.”.

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

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

1 **SEC. 366. INVENTORY MANAGEMENT.**

2 (a) SCHEDULE FOR IMPLEMENTATION OF BEST IN-
3 VENTORY PRACTICES AT DEFENSE LOGISTICS AGENCY.—

4 (1) The Director of the Defense Logistics Agency shall
5 develop and submit to Congress a schedule for implement-
6 ing within the agency, for the supplies and equipment de-
7 scribed in paragraph (2), inventory practices identified by
8 the Director as being the best commercial inventory prac-
9 tices for such supplies and equipment consistent with mili-
10 tary requirements. The schedule shall provide for the im-
11 plementation of such practices to be completed not later
12 than three years after date of the enactment of this Act.

13 (2) The inventory practices shall apply to the acquisi-
14 tion and distribution of medical supplies, subsistence sup-
15 plies, clothing and textiles, commercially available elec-
16 tronics, construction supplies, and industrial supplies.

17 (3) For the purposes of this section, the term “best
18 commercial inventory practice” includes a so-called prime
19 vendor arrangement and any other practice that the Direc-
20 tor determines will enable the Defense Logistics Agency
21 to reduce inventory levels and holding costs while improv-
22 ing the responsiveness of the supply system to user needs.

23 (b) TIME FOR SUBMISSION OF SCHEDULE TO CON-
24 GRESS.—The schedule required by this section shall be
25 submitted not later than 180 days after the date of the
26 enactment of this Act.

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

2 (a) PILOT PROGRAM REQUIRED.—The Secretary of
3 Defense may carry out a pilot program to use commercial
4 sources of services to improve the collection of Department
5 of Defense claims under aircraft engine warranties.

6 (b) CONTRACTS.—Exercising authority provided in
7 section 3718 of title 31, United States Code, the Secretary
8 of Defense may enter into contracts under the pilot pro-
9 gram to provide for the following services:

10 (1) Collection services.

11 (2) Determination of amounts owed the Depart-
12 ment of Defense for repair of aircraft engines for
13 conditions covered by warranties.

14 (3) Identification and location of the sources of
15 information that are relevant to collection of Depart-
16 ment of Defense claims under aircraft engine war-
17 ranties, including electronic data bases and docu-
18 ment filing systems maintained by the Department
19 of Defense or by the manufacturers and suppliers of
20 the aircraft engines.

21 (4) Services to define the elements necessary
22 for an effective training program to enhance and im-
23 prove the performance of Department of Defense
24 personnel in collecting and organizing documents
25 and other information that are necessary for effi-

1 cient filing, processing, and collection of Department
2 of Defense claims under aircraft engine warranties.

3 (c) CONTRACTOR FEE.—Under authority provided in
4 section 3718(d) of title 31, United States Code, a contract
5 entered into under the pilot program shall provide for the
6 contractor to be paid, out of the amount recovered by the
7 contractor under program, such percentages of the
8 amount recovered as the Secretary of Defense determines
9 appropriate.

10 (d) RETENTION OF RECOVERED FUNDS.—Subject to
11 any obligation to pay a fee under subsection (c), any
12 amount collected for the Department of Defense under the
13 pilot program for a repair of an aircraft engine for a con-
14 dition covered by a warranty shall be credited to an appro-
15 priation available for repair of aircraft engines for the fis-
16 cal year in which collected and shall be available for the
17 same purposes and same period as the appropriation to
18 which credited.

19 (e) REGULATIONS.—The Secretary of Defense shall
20 prescribe regulations to carry out this section.

21 (f) TERMINATION OF AUTHORITY.—The pilot pro-
22 gram shall terminate at the end of September 30, 1999,
23 and contracts entered into under this section shall termi-
24 nate not later than that date.

1 (g) REPORT.—Not later than January 1, 2000, the
2 Secretary of Defense shall submit to Congress a report
3 on the pilot program. The report shall include the follow-
4 ing:

5 (1) The number of contracts entered into under
6 the program.

7 (2) The extent to which the services provided
8 under the contracts resulted in financial benefits for
9 the Federal Government.

10 (3) Any additional comments and recommenda-
11 tions that the Secretary considers appropriate re-
12 garding use of commercial sources of services for
13 collection of Department of Defense claims under
14 aircraft engine warranties.

15 **SEC. 368. ADJUSTMENT AND DIVERSIFICATION ASSIST-**
16 **ANCE TO ENHANCE INCREASED PERFORM-**
17 **ANCE OF MILITARY FAMILY SUPPORT SERV-**
18 **ICES BY PRIVATE SECTOR SOURCES.**

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

21 “(C) The Secretary of Defense may also make grants,
22 conclude cooperative agreements, and supplement other
23 Federal funds in order to assist a State or local govern-
24 ment to enhance that government’s capabilities to support
25 efforts of the Department of Defense to privatize, contract

1 for, or diversify the performance of military family support
2 services in cases in which the capability of the department
3 to provide such services is adversely affected by an action
4 described in paragraph (1).”.

5 **SEC. 369. MULTITECHNOLOGY AUTOMATED READER CARD**
6 **DEMONSTRATION PROGRAM.**

7 (a) PROGRAM REQUIRED.—The Secretary of the
8 Navy shall carry out a program to demonstrate expanded
9 use of multitechnology automated reader cards throughout
10 the Navy and the Marine Corps. The demonstration pro-
11 gram shall include demonstration of the use of the so-
12 called “smartship” technology of the ship-to-shore work
13 load/off load program of the Navy.

14 (b) PERIOD OF PROGRAM.—The Secretary shall carry
15 out the demonstration program for two years beginning
16 not later than January 1, 1998.

17 (c) REPORT.—Not later than 90 days after termi-
18 nation of the demonstration program, the Secretary shall
19 submit a report on the experience under the program to
20 the Committee on Armed Services of the Senate and the
21 Committee on National Security of the House of Rep-
22 resentatives.

23 (d) FUNDING.—(1) Of the amount authorized to be
24 appropriated under section 301(1), \$36,000,000 shall be
25 available for the demonstration program under this sec-

1 tion, of which \$6,300,000 shall be available for demonstra-
 2 tion of the use of the so-called “smartship” technology of
 3 the ship-to-shore work load/off load program of the Navy.

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

7 **SEC. 370. CONTRACTING FOR PROCUREMENT OF CAPITAL**
 8 **ASSETS IN ADVANCE OF AVAILABILITY OF**
 9 **FUNDS IN THE WORKING-CAPITAL FUND FI-**
 10 **NANCING THE PROCUREMENT.**

11 Section 2208 of title 10, United States Code, is
 12 amended by adding at the end the following:

13 “(1)(1) A contract for the procurement of a capital
 14 asset financed by a working-capital fund may be awarded
 15 in advance of the availability of funds in the working-cap-
 16 ital fund for the procurement.

17 “(2) Paragraph (1) applies to any of the following
 18 capital assets that have a development or acquisition cost
 19 of not less than \$100,000:

20 “(A) A minor construction project under section
 21 2805(c)(1) of this title.

22 “(B) Automatic data processing equipment or
 23 software.

24 “(C) Any other equipment.

25 “(D) Any other capital improvement.”.

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

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

5 **Subtitle F—Sikes Act Improvement**

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

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

9 (b) **REFERENCES TO SIKES ACT.**—In this subtitle,
10 the term “Sikes Act” means the Act entitled “An Act to
11 promote effectual planning, development, maintenance,
12 and coordination of wildlife, fish, and game conservation
13 and rehabilitation in military reservations”, approved Sep-
14 tember 15, 1960 (commonly known as the “Sikes Act”)
15 (16 U.S.C. 670a et seq.).

16 **SEC. 382. PREPARATION OF INTEGRATED NATURAL RE-**
17 **SOURCES MANAGEMENT PLANS.**

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

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

22 “(1) **PROGRAM.**—

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

1 “(B) INTEGRATED NATURAL RESOURCES
2 MANAGEMENT PLAN.—To facilitate the pro-
3 gram, the Secretary of each military depart-
4 ment shall prepare and implement an inte-
5 grated natural resources management plan for
6 each military installation in the United States
7 under the jurisdiction of the Secretary, unless
8 the Secretary determines that the absence of
9 significant natural resources on a particular in-
10 stallation makes preparation of such a plan in-
11 appropriate.

12 “(2) COOPERATIVE PREPARATION.—The Sec-
13 retary of a military department shall prepare each
14 integrated natural resources management plan for
15 which the Secretary is responsible in cooperation
16 with the Secretary of the Interior, acting through
17 the Director of the United States Fish and Wildlife
18 Service, and the head of each appropriate State fish
19 and wildlife agency for the State in which the mili-
20 tary installation concerned is located. Consistent
21 with paragraph (4), the resulting plan for the mili-
22 tary installation shall reflect the mutual agreement
23 of the parties concerning conservation, protection,
24 and management of fish and wildlife resources.

1 “(3) PURPOSES OF PROGRAM.—Consistent with
 2 the use of military installations to ensure the pre-
 3 paredness of the Armed Forces, the Secretaries of
 4 the military departments shall carry out the pro-
 5 gram required by this subsection to provide for—

6 “(A) the conservation and rehabilitation of
 7 natural resources on military installations;

8 “(B) the sustainable multipurpose use of
 9 the resources, which shall include hunting, fish-
 10 ing, trapping, and nonconsumptive uses; and

11 “(C) subject to safety requirements and
 12 military security, public access to military in-
 13 stallations to facilitate the use.

14 “(4) EFFECT ON OTHER LAW.—Nothing in this
 15 title—

16 “(A)(i) affects any provision of a Federal
 17 law governing the conservation or protection of
 18 fish and wildlife resources; or

19 “(ii) enlarges or diminishes the responsibil-
 20 ity and authority of any State for the protection
 21 and management of fish and resident wildlife;
 22 or

23 “(B) except as specifically provided in the
 24 other provisions of this section and in section
 25 102, authorizes the Secretary of a military de-

1 partment to require a Federal license or permit
 2 to hunt, fish, or trap on a military installa-
 3 tion.”.

4 (b) CONFORMING AMENDMENTS.—

5 (1) Section 101 of the Sikes Act (16 U.S.C.
 6 670a) is amended—

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

11 (B) in subsection (c), in the matter preced-
 12 ing paragraph (1), by striking “a cooperative
 13 plan” and inserting “an integrated natural re-
 14 sources management plan”;

15 (C) in subsection (d), in the matter preced-
 16 ing paragraph (1), by striking “cooperative
 17 plans” and inserting “integrated natural re-
 18 sources management plans”; and

19 (D) in subsection (e), by striking “Cooper-
 20 ative plans” and inserting “Integrated natural
 21 resources management plans”.

22 (2) Section 102 of the Sikes Act (16 U.S.C.
 23 670b) is amended by striking “a cooperative plan”
 24 and inserting “an integrated natural resources man-
 25 agement plan”.

1 (3) Section 103 of the Sikes Act (16 U.S.C.
2 670e) is amended by striking “a cooperative plan”
3 and inserting “an integrated natural resources man-
4 agement plan”.

5 (4) Section 106 of the Sikes Act (16 U.S.C.
6 670f) is amended—

7 (A) in subsection (a), by striking “coopera-
8 tive plans” and inserting “integrated natural
9 resources management plans”; and

10 (B) in subsection (c), by striking “coopera-
11 tive plans” and inserting “integrated natural
12 resources management plans”.

13 (c) REQUIRED ELEMENTS OF PLANS.—Section
14 101(b) of the Sikes Act (16 U.S.C. 670a(b)) is amended—

15 (1) by striking “(b) Each cooperative” and all
16 that follows through the end of paragraph (1) and
17 inserting the following:

18 “(b) REQUIRED ELEMENTS OF PLANS.—Consistent
19 with the use of military installations to ensure the pre-
20 paredness of the Armed Forces, each integrated natural
21 resources management plan prepared under subsection
22 (a)—

23 “(1) shall, to the extent appropriate and appli-
24 cable, provide for—

1 “(A) fish and wildlife management, land
2 management, forest management, and fish- and
3 wildlife-oriented recreation;

4 “(B) fish and wildlife habitat enhancement
5 or modifications;

6 “(C) wetland protection, enhancement, and
7 restoration, where necessary for support of fish,
8 wildlife, or plants;

9 “(D) integration of, and consistency
10 among, the various activities conducted under
11 the plan;

12 “(E) establishment of specific natural re-
13 source management goals and objectives and
14 time frames for proposed action;

15 “(F) sustainable use by the public of natu-
16 ral resources to the extent that the use is not
17 inconsistent with the needs of fish and wildlife
18 resources;

19 “(G) public access to the military installa-
20 tion that is necessary or appropriate for the use
21 described in subparagraph (F), subject to re-
22 quirements necessary to ensure safety and mili-
23 tary security;

24 “(H) enforcement of applicable natural re-
25 source laws (including regulations);

1 “(I) no net loss in the capability of mili-
 2 tary installation lands to support the military
 3 mission of the installation; and

4 “(J) such other activities as the Secretary
 5 of the military department determines appro-
 6 priate;”;

7 (2) in paragraph (2), by adding “and” at the
 8 end;

9 (3) by striking paragraph (3);

10 (4) by redesignating paragraph (4) as para-
 11 graph (3); and

12 (5) in paragraph (3)(A) (as so redesignated), by
 13 striking “collect the fees therefor,” and inserting
 14 “collect, spend, administer, and account for fees for
 15 the permits,”.

16 **SEC. 383. REVIEW FOR PREPARATION OF INTEGRATED**
 17 **NATURAL RESOURCES MANAGEMENT PLANS.**

18 (a) DEFINITIONS.—In this section, the terms “mili-
 19 tary installation” and “United States” have the meanings
 20 provided in section 100 of the Sikes Act (as added by sec-
 21 tion 389).

22 (b) REVIEW OF MILITARY INSTALLATIONS.—

23 (1) REVIEW.—Not later than 270 days after
 24 the date of enactment of this Act, the Secretary of
 25 each military department shall—

1 (A) review each military installation in the
2 United States that is under the jurisdiction of
3 that Secretary to determine the military instal-
4 lations for which the preparation of an inte-
5 grated natural resources management plan
6 under section 101 of the Sikes Act (as amended
7 by this subtitle) is appropriate; and

8 (B) submit to the Secretary of Defense a
9 report on the determinations.

10 (2) REPORT TO CONGRESS.—Not later than 1
11 year after the date of enactment of this Act, the
12 Secretary of Defense shall submit to Congress a re-
13 port on the reviews conducted under paragraph (1).
14 The report shall include—

15 (A) a list of the military installations re-
16 viewed under paragraph (1) for which the Sec-
17 retary of the appropriate military department
18 determines that the preparation of an inte-
19 grated natural resources management plan is
20 not appropriate; and

21 (B) for each of the military installations
22 listed under subparagraph (A), an explanation
23 of each reason such a plan is not appropriate.

24 (c) DEADLINE FOR INTEGRATED NATURAL RE-
25 SOURCES MANAGEMENT PLANS.—Not later than 3 years

1 after the date of the submission of the report required
2 under subsection (b)(2), the Secretary of each military de-
3 partment shall, for each military installation with respect
4 to which the Secretary has not determined under sub-
5 section (b)(2)(A) that preparation of an integrated natural
6 resources management plan is not appropriate—

7 (1) prepare and begin implementing such a plan
8 in accordance with section 101(a) of the Sikes Act
9 (as amended by this subtitle); or

10 (2) in the case of a military installation for
11 which there is in effect a cooperative plan under sec-
12 tion 101(a) of the Sikes Act on the day before the
13 date of enactment of this Act, complete negotiations
14 with the Secretary of the Interior and the heads of
15 the appropriate State agencies regarding changes to
16 the plan that are necessary for the plan to constitute
17 an integrated natural resources management plan
18 that complies with that section, as amended by this
19 subtitle.

20 (d) PUBLIC COMMENT.—The Secretary of each mili-
21 tary department shall provide an opportunity for the sub-
22 mission of public comments on—

23 (1) integrated natural resources management
24 plans proposed under subsection (c)(1); and

1 (2) changes to cooperative plans proposed under
2 subsection (c)(2).

3 **SEC. 384. TRANSFER OF WILDLIFE CONSERVATION FEES**
4 **FROM CLOSED MILITARY INSTALLATIONS.**

5 Section 101(b)(3)(B) of the Sikes Act (16 U.S.C.
6 670a(b)) (as redesignated by section 382(c)(4)) is amend-
7 ed by inserting before the period at the end the following:
8 “, unless the military installation is subsequently closed,
9 in which case the fees may be transferred to another mili-
10 tary installation to be used for the same purposes”.

11 **SEC. 385. ANNUAL REVIEWS AND REPORTS.**

12 Section 101 of the Sikes Act (16 U.S.C. 670a) is
13 amended by adding at the end the following:

14 “(f) REVIEWS AND REPORTS.—

15 “(1) SECRETARY OF DEFENSE.—Not later than
16 March 1 of each year, the Secretary of Defense shall
17 review the extent to which integrated natural re-
18 sources management plans were prepared or were in
19 effect and implemented in accordance with this title
20 in the preceding year, and submit a report on the
21 findings of the review to the committees. Each re-
22 port shall include—

23 “(A) the number of integrated natural re-
24 sources management plans in effect in the year
25 covered by the report, including the date on

1 which each plan was issued in final form or
2 most recently revised;

3 “(B) the amounts expended on conserva-
4 tion activities conducted pursuant to the plans
5 in the year covered by the report; and

6 “(C) an assessment of the extent to which
7 the plans comply with this title.

8 “(2) SECRETARY OF THE INTERIOR.—Not later
9 than March 1 of each year and in consultation with
10 the heads of State fish and wildlife agencies, the
11 Secretary of the Interior shall submit a report to the
12 committees on the amounts expended by the Depart-
13 ment of the Interior and the State fish and wildlife
14 agencies in the year covered by the report on con-
15 servation activities conducted pursuant to integrated
16 natural resources management plans.

17 “(3) DEFINITION OF COMMITTEES.—In this
18 subsection, the term ‘committees’ means—

19 “(A) the Committee on Resources and the
20 Committee on National Security of the House
21 of Representatives; and

22 “(B) the Committee on Armed Services
23 and the Committee on Environment and Public
24 Works of the Senate.”.

1 **SEC. 386. COOPERATIVE AGREEMENTS.**

2 Section 103a of the Sikes Act (16 U.S.C. 670c-1)
3 is amended—

4 (1) in subsection (a), by striking “Secretary of
5 Defense” and inserting “Secretary of a military de-
6 partment”;

7 (2) by striking subsection (b);

8 (3) by redesignating subsection (c) as sub-
9 section (b); and

10 (4) by adding at the end the following:

11 “(c) **MULTIYEAR AGREEMENTS.**—Funds made avail-
12 able to the Department of Defense for a fiscal year may
13 be obligated to cover the cost of goods and services pro-
14 vided under a cooperative agreement entered into under
15 subsection (a) or through an agency agreement under sec-
16 tion 1535 of title 31, United States Code, during any 18-
17 month period beginning in the fiscal year, regardless of
18 the fact that the agreement extends for more than 1 fiscal
19 year.”.

20 **SEC. 387. FEDERAL ENFORCEMENT.**

21 Title I of the Sikes Act (16 U.S.C. 670a et seq.) is
22 amended—

23 (1) by redesignating section 106 as section 108;

24 and

25 (2) by inserting after section 105 the following:

1 **“SEC. 106. FEDERAL ENFORCEMENT OF OTHER LAWS.**

2 “All Federal laws relating to the management of nat-
3 ural resources on Federal land may be enforced by the
4 Secretary of Defense with respect to violations of the laws
5 that occur on military installations within the United
6 States.”.

7 **SEC. 388. NATURAL RESOURCE MANAGEMENT SERVICES.**

8 Title I of the Sikes Act (16 U.S.C. 670a et seq.) is
9 amended by inserting after section 106 (as added by sec-
10 tion 387) the following:

11 **“SEC. 107. NATURAL RESOURCE MANAGEMENT SERVICES.**

12 “To the extent practicable using available resources,
13 the Secretary of each military department shall ensure
14 that sufficient numbers of professionally trained natural
15 resource management personnel and natural resource law
16 enforcement personnel are available and assigned respon-
17 sibility to perform tasks necessary to carry out this title,
18 including the preparation and implementation of inte-
19 grated natural resources management plans.”.

20 **SEC. 389. DEFINITIONS.**

21 Title I of the Sikes Act (16 U.S.C. 670a et seq.) is
22 amended by inserting before section 101 the following:

23 **“SEC. 100. DEFINITIONS.**

24 “In this title:

25 “(1) **MILITARY INSTALLATION.**—The term
26 ‘military installation’—

1 “(A) means any land or interest in land
2 owned by the United States and administered
3 by the Secretary of Defense or the Secretary of
4 a military department, except land under the
5 jurisdiction of the Assistant Secretary of the
6 Army having responsibility for civil works;

7 “(B) includes all public lands withdrawn
8 from all forms of appropriation under public
9 land laws and reserved for use by the Secretary
10 of Defense or the Secretary of a military de-
11 partment; and

12 “(C) does not include any land described
13 in subparagraph (A) or (B) that is subject to
14 an approved recommendation for closure under
15 the Defense Base Closure and Realignment Act
16 of 1990 (part A of title XXIX of Public Law
17 101–510; 10 U.S.C. 2687 note).

18 “(2) STATE FISH AND WILDLIFE AGENCY.—The
19 term ‘State fish and wildlife agency’ means the 1 or
20 more agencies of State government that are respon-
21 sible under State law for managing fish or wildlife
22 resources.

23 “(3) UNITED STATES.—The term ‘United
24 States’ means the States, the District of Columbia,

1 and the territories and possessions of the United
2 States.”.

3 **SEC. 390. REPEAL.**

4 Section 2 of Public Law 99–561 (16 U.S.C. 670a–
5 1) is repealed.

6 **SEC. 391. TECHNICAL AMENDMENTS.**

7 (a) The Sikes Act (16 U.S.C. 670a et seq.) is amend-
8 ed by inserting before title I the following:

9 **“SECTION 1. SHORT TITLE.**

10 “‘This Act may be cited as the ‘Sikes Act’.”.

11 (b) The title heading for title I of the Sikes Act (16
12 U.S.C. prec. 670a) is amended by striking “MILITARY
13 RESERVATIONS” and inserting “MILITARY INSTALLA-
14 TIONS”.

15 (c) Section 101 of the Sikes Act (16 U.S.C. 670a)
16 is amended—

17 (1) in subsection (b)(3) (as redesignated by sec-
18 tion 382(c)(4))—

19 (A) in subparagraph (A), by striking “the
20 reservation” and inserting “the military instal-
21 lation”; and

22 (B) in subparagraph (B), by striking “the
23 military reservation” and inserting “the mili-
24 tary installation”;

25 (2) in subsection (c)—

1 (A) in paragraph (1), by striking “a mili-
 2 tary reservation” and inserting “a military in-
 3 stallation”; and

4 (B) in paragraph (2), by striking “the res-
 5 ervation” and inserting “the military installa-
 6 tion”; and

7 (3) in subsection (e), by striking “the Federal
 8 Grant and Cooperative Agreement Act of 1977 (41
 9 U.S.C. 501 et seq.)” and inserting “chapter 63 of
 10 title 31, United States Code”.

11 (d) Section 102 of the Sikes Act (16 U.S.C. 670b)
 12 is amended by striking “military reservations” and insert-
 13 ing “military installations”.

14 (e) Section 103 of the Sikes Act (16 U.S.C. 670c)
 15 is amended—

16 (1) by striking “military reservations” and in-
 17 serting “military installations”; and

18 (2) by striking “such reservations” and insert-
 19 ing “the installations”.

20 **SEC. 392. AUTHORIZATIONS OF APPROPRIATIONS.**

21 (a) CONSERVATION PROGRAMS ON MILITARY IN-
 22 STALLATIONS.—Subsections (b) and (c) of section 108 of
 23 the Sikes Act (as redesignated by section 387(1)) are each
 24 amended by striking “1983” and all that follows through
 25 “1993,” and inserting “1998 through 2003,”.

1 (b) CONSERVATION PROGRAMS ON PUBLIC LANDS.—
 2 Section 209 of the Sikes Act (16 U.S.C. 670o) is amend-
 3 ed—

4 (1) in subsection (a), by striking “the sum of
 5 \$10,000,000” and all that follows through “to en-
 6 able the Secretary of the Interior” and inserting
 7 “\$4,000,000 for each of fiscal years 1998 through
 8 2003, to enable the Secretary of the Interior”; and

9 (2) in subsection (b), by striking “the sum of
 10 \$12,000,000” and all that follows through “to en-
 11 able the Secretary of Agriculture” and inserting
 12 “\$5,000,000 for each of fiscal years 1998 through
 13 2003, to enable the Secretary of Agriculture”.

14 **TITLE IV—MILITARY**
 15 **PERSONNEL AUTHORIZATIONS**
 16 **Subtitle A—Active Forces**

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

18 The Armed Forces are authorized strengths for active
 19 duty personnel as of September 30, 1998, as follows:

20 (1) The Army, 485,000, of whom not more
 21 than 80,300 shall be officers.

22 (2) The Navy, 390,802, of whom not more than
 23 55,695 shall be officers.

24 (3) The Marine Corps, 174,000, of whom not
 25 more than 17,978 shall be officers.

1 (4) The Air Force, 371,577, of whom not more
2 than 72,732 shall be officers.

3 **SEC. 402. PERMANENT END STRENGTH LEVELS TO SUP-**
4 **PORT TWO MAJOR REGIONAL CONTIN-**
5 **GENCIES.**

6 (a) REPEAL.—Section 691 of title 10, United States
7 Code, is repealed.

8 (b) CLERICAL AMENDMENT.—The table of sections
9 at the beginning of chapter 39 of such title is amended
10 by striking out the item relating to section 691.

11 **Subtitle B—Reserve Forces**

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

13 (a) FISCAL YEAR 1998.—The Armed Forces are au-
14 thorized strengths for Selected Reserve personnel of the
15 reserve components as of September 30, 1998, as follows:

16 (1) The Army National Guard of the United
17 States, 361,516.

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

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

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

21 (5) The Air National Guard of the United
22 States, 108,002.

23 (6) The Air Force Reserve, 73,542.

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

1 (b) ADJUSTMENTS.—The end strengths prescribed by
2 subsection (a) for the Selected Reserve of any reserve com-
3 ponent for a fiscal year shall be proportionately reduced
4 by—

- 5 (1) the total authorized strength of units orga-
6 nized to serve as units of the Selected Reserve of
7 such component which are on active duty (other
8 than for training) at the end of the fiscal year, and
9 (2) the total number of individual members not
10 in units organized to serve as units of the Selected
11 Reserve of such component who are on active duty
12 (other than for training or for unsatisfactory partici-
13 pation in training) without their consent at the end
14 of the fiscal year.

15 Whenever such units or such individual members are re-
16 leased from active duty during any fiscal year, the end
17 strength prescribed for such fiscal year for the Selected
18 Reserve of such reserve component shall be proportion-
19 ately increased by the total authorized strengths of such
20 units and by the total number of such individual members.

21 **SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE**
22 **DUTY IN SUPPORT OF THE RESERVES.**

23 Within the end strengths prescribed in section
24 411(a), the reserve components of the Armed Forces are
25 authorized, as of September 30, 1998, the following num-

1 ber of Reserves to be serving on full-time active duty or
2 full-time duty, in the case of members of the National
3 Guard, for the purpose of organizing, administering, re-
4 cruiting, instructing, or training the reserve components:

5 (1) The Army National Guard of the United
6 States, 22,310.

7 (2) The Army Reserve, 11,500.

8 (3) The Naval Reserve, 16,136.

9 (4) The Marine Corps Reserve, 2,559.

10 (5) The Air National Guard of the United
11 States, 10,671.

12 (6) The Air Force Reserve, 963.

13 **SEC. 413. ADDITION TO END STRENGTHS FOR MILITARY**
14 **TECHNICIANS.**

15 (a) AIR NATIONAL GUARD.—In addition to the num-
16 ber of military technicians for the Air National Guard of
17 the United States as of the last day of fiscal year 1998
18 for which funds are authorized to be appropriated in this
19 Act, 100 military technicians are authorized for fiscal year
20 1998 for five Air National Guard C-130 aircraft units.

21 (b) AIR FORCE RESERVE.—In addition to the num-
22 ber of military technicians for the Air Force Reserve as
23 of the last day of fiscal year 1998 for which funds are
24 authorized to be appropriated in this Act, 21 military tech-

1 nicians are authorized for fiscal year 1998 for three Air
 2 Force Reserve C-130 aircraft units.

3 **Subtitle C—Authorization of** 4 **Appropriations**

5 **SEC. 421. AUTHORIZATION OF APPROPRIATIONS FOR MILI-** 6 **TARY PERSONNEL.**

7 There is hereby authorized to be appropriated to the
 8 Department of Defense for military personnel for fiscal
 9 year 1998 a total of \$69,244,962,000. The authorization
 10 in the preceding sentence supersedes any other authoriza-
 11 tion of appropriations (definite or indefinite) for such pur-
 12 pose for fiscal year 1998.

13 **TITLE V—MILITARY PERSONNEL** 14 **POLICY**

15 **Subtitle A—Personnel Management**

16 **SEC. 501. OFFICERS EXCLUDED FROM CONSIDERATION BY** 17 **PROMOTION BOARD.**

18 (a) ACTIVE COMPONENT OFFICERS.—Section 619(d)
 19 of title 10, United States Code, is amended by striking
 20 out paragraph (1) and inserting in lieu thereof the follow-
 21 ing:

22 “(1) an officer whose name is on—

23 “(A) a promotion list for that grade as a
 24 result of his selection for promotion to that

1 grade by an earlier selection board convened
2 under that section; or

3 “(B) a list of names of officers rec-
4 ommended for promotion to that grade that is
5 set forth in a report of such a board, while the
6 report is pending action under section 618 of
7 this title”.

8 (b) RESERVE COMPONENT OFFICERS.—Section
9 14301(c) of such title is amended by striking out para-
10 graph (1) and inserting in lieu thereof the following:

11 “(1) an officer whose name is on—

12 “(A) a promotion list for that grade as a
13 result of recommendation for promotion to that
14 grade by an earlier selection board convened
15 under that section or section 14502 of this title
16 or under chapter 36 of this title; or

17 “(B) a list of names of officers rec-
18 ommended for promotion to that grade that is
19 set forth in a report of such a board, while the
20 report is pending action under section 618,
21 14110, or 14111 of this title;”.

22 (c) EFFECTIVE DATE.—The amendments made by
23 this section shall take effect on the date of the enactment
24 of this Act and shall apply with respect to each selection
25 board that is convened under section 611(a), 14101(a),

1 or 14502 of title 10, United States Code, on or after such
2 date.

3 **SEC. 502. INCREASE IN THE MAXIMUM NUMBER OF OFFI-**
4 **CERS ALLOWED TO BE FROCKED TO THE**
5 **GRADE OF O-6.**

6 Paragraph (2) of section 777(d) of title 10, United
7 States Code, is amended to read as follows:

8 “(2) The number of officers of an armed force on
9 the active-duty list who are authorized as described in sub-
10 section (a) to wear the insignia for a grade to which a
11 limitation on total number applies under section 523(a)
12 of this title for a fiscal year may not exceed—

13 “(A) in the case of the grade of major, lieuten-
14 ant colonel, lieutenant commander, or commander, 1
15 percent of the total number provided for the officers
16 in that grade in that armed force in the administra-
17 tion of the limitation under that section for that fis-
18 cal year; and

19 “(B) in the case of the grade of colonel or cap-
20 tain, 2 percent of the total number provided for the
21 officers in that grade in that armed force in the ad-
22 ministration of the limitation under that section for
23 that fiscal year.”.

1 **SEC. 503. AVAILABILITY OF NAVY CHAPLAINS ON RETIRED**
 2 **LIST OR OF RETIREMENT AGE TO SERVE AS**
 3 **CHIEF OR DEPUTY CHIEF OF CHAPLAINS OF**
 4 **THE NAVY.**

5 (a) ELIGIBILITY OF OFFICERS ON RETIRED LIST.—

6 (1) Section 5142(b) of title 10, United States Code, is
 7 amended by striking out “, who are not on the retired
 8 list,” in the second sentence.

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

11 (b) AUTHORITY TO DEFER RETIREMENT.—(1)
 12 Chapter 573 of title 10, United States Code, is amended
 13 by adding at the end the following new section:

14 **“§ 6411. Chief and Deputy Chief of Chaplains:**
 15 **deferment of retirement for age**

16 “The Secretary of the Navy may defer the retirement
 17 under section 1251(a) of this title of an officer of the
 18 Chaplain Corps if during the period of the deferment the
 19 officer will be serving as the Chief of Chaplains or the
 20 Deputy Chief of Chaplains. A deferment under this sub-
 21 section may not extend beyond the first day of the month
 22 following the month in which the officer becomes 68 years
 23 of age.”.

24 (2) The table of sections at the beginning of such
 25 chapter is amended by adding at the end the following:

“6411. Chief and Deputy Chief of Chaplains: deferment of retirement for age.”.

1 **SEC. 504. PERIOD OF RECALL SERVICE OF CERTAIN RETIR-**
2 **EES.**

3 (a) INAPPLICABILITY OF LIMITATION TO CERTAIN
4 OFFICERS.—Section 688(e) of title 10, United States
5 Code, is amended—

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

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

8 “(2) In the administration of paragraph (1), the fol-
9 lowing officers shall not be counted:

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

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

17 “(C) Any officer assigned to duty with the
18 American Battle Monuments Commission for the pe-
19 riod of active duty to which ordered.”.

20 (b) EFFECTIVE DATE.—The amendments made by
21 subsection (a) shall take effect on September 30, 1997,
22 immediately after the amendment made by section 521(a)
23 of Public Law 104–201 (110 Stat. 2515) takes effect.

1 **SEC. 505. INCREASED YEARS OF COMMISSIONED SERVICE**
2 **FOR MANDATORY RETIREMENT OF REGULAR**
3 **GENERALS AND ADMIRALS ABOVE MAJOR**
4 **GENERAL AND REAR ADMIRAL.**

5 (a) YEARS OF SERVICE.—Section 636 of title 10,
6 United States Code, is amended—

7 (1) by striking out “Except” and inserting in
8 lieu thereof “(a) MAJOR GENERALS AND REAR AD-
9 MIRALS SERVING IN GRADE.—Except as provided in
10 subsection (b) or (c) of this section and”; and

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

12 “(b) LIEUTENANT GENERALS AND VICE ADMI-
13 RALS.—In the administration of subsection (a) in the case
14 of an officer who is serving in the grade of lieutenant gen-
15 eral or vice admiral, the number of years of active commis-
16 sioned service applicable to the officer is 38 years.

17 “(c) GENERALS AND ADMIRALS.—In the administra-
18 tion of subsection (a) in the case of an officer who is serv-
19 ing in the grade of general or admiral, the number of years
20 of active commissioned service applicable to the officer is
21 40 years.”.

22 (b) SECTION HEADING.—The heading of such section
23 is amended to read as follows:

1 **“§ 636. Retirement for years of service: regular offi-**
 2 **cers in grades above brigadier general**
 3 **and rear admiral (lower half)”.**

4 (c) CLERICAL AMENDMENT.—The item relating to
 5 such section in the table of sections at the beginning of
 6 subchapter III of chapter 36 of title 10, United States
 7 Code, is amended to read as follows:

“636. Retirement for years of service: regular officers in grades above brigadier
 general and rear admiral (lower half).”.

8 **Subtitle B—Matters Relating to** 9 **Reserve Components**

10 **SEC. 511. TERMINATION OF READY RESERVE MOBILIZA-** 11 **TION INCOME INSURANCE PROGRAM.**

12 (a) TERMINATION.—(1) Chapter 1214 of title 10,
 13 United States Code, is amended by adding at the end the
 14 following;

15 **“§ 12533. Termination of program authority**

16 “(a) BENEFITS NOT TO ACCRUE.—No benefits ac-
 17 crue under the insurance program for active duty per-
 18 formed on or after the program termination date.

19 “(b) SERVICE NOT INSURED.—The insurance pro-
 20 gram does not apply with respect to any order of a mem-
 21 ber of the Ready Reserve into covered service that becomes
 22 effective on or after the program termination date.

23 “(c) CESSATION OF ACTIVITIES.—No person may be
 24 enrolled, and no premium may be collected, under the in-

1 surance program on or after the program termination
2 date.

3 “(d) PROGRAM TERMINATION DATE.—For the pur-
4 poses of this section, the term ‘program termination date’
5 is the date of the enactment of the National Defense Au-
6 thorization Act for Fiscal Year 1998.”.

7 (2) The table of sections at the beginning of such
8 chapter is amended by adding at the end the following:
“12533. Termination of program authority.”.

9 (b) PAYMENT OF BENEFITS.—The Secretary of De-
10 fense shall pay in full all benefits that have accrued to
11 members of the Armed Forces under the Ready Reserve
12 Mobilization Income Insurance Program before the date
13 of the enactment of this Act. A refund of premiums to
14 a beneficiary under subsection (c) may not reduce the ben-
15 efits payable to the beneficiary under this subsection.

16 (c) REFUND OF PREMIUMS.—Not later than 180
17 days after the date of the enactment of this Act, the Sec-
18 retary of Defense shall refund premiums paid under the
19 Ready Reserve Mobilization Income Insurance Program to
20 the persons who paid the premiums, as follows:

21 (1) In the case of a person for whom no pay-
22 ment of benefits has accrued under the program, all
23 premiums.

24 (2) In the case of a person who has accrued
25 benefits under the program, the premiums (including

1 any portion of a premium) that the person has paid
2 for periods (including any portion of a period) for
3 which no benefits accrued to the person under the
4 program.

5 (d) STUDY AND REPORT.—Not later than June 1,
6 1998, the Secretary of Defense shall—

7 (1) carry out a study to determine—

8 (A) the reasons for the fiscal deficiencies
9 in the Ready Reserve Mobilization Income In-
10 surance Program that make it necessary to ap-
11 propriate \$72,000,000 or more to pay benefits
12 (including benefits in arrears) and other pro-
13 gram costs; and

14 (B) whether there is a need for such a pro-
15 gram; and

16 (2) submit to Congress a report containing—

17 (A) the Secretary's determinations; and

18 (B) if the Secretary determines that there
19 is a need for a Ready Reserve mobilization in-
20 come insurance program, the Secretary's rec-
21 ommendations for improving the program under
22 chapter 1214 of title 10, United States Code.

1 **SEC. 512. DISCHARGE OR RETIREMENT OF RESERVE OFFI-**
 2 **CERS IN AN INACTIVE STATUS.**

3 Section 12683(b)(1) of title 10, United States Code,
 4 is amended to read as follows:

5 “(1) to—

6 “(A) a separation under section 12684,
 7 14901, or 14907 of this title; or

8 “(B) a separation of a reserve officer in an
 9 inactive status in the Standby Reserve who is
 10 not qualified for transfer to the Retired Reserve
 11 or, if qualified, does not apply for transfer to
 12 the Retired Reserve;”.

13 **SEC. 513. RETENTION OF MILITARY TECHNICIANS IN**
 14 **GRADE OF BRIGADIER GENERAL AFTER MAN-**
 15 **DATORY SEPARATION DATE.**

16 (a) **RETENTION TO AGE 60.**—Section 14702(a) of
 17 title 10, United States Code, is amended—

18 (1) by striking out “section 14506 or 14507”
 19 and inserting in lie thereof “section 14506, 14507,
 20 or 14508(a)”; and

21 (2) by striking out “or colonel” and inserting in
 22 lieu thereof “colonel, or brigadier general”.

23 (b) **RELATIONSHIP TO OTHER RETENTION AUTHOR-**
 24 **ITY.**—Section 14508(c) of such title is amended by adding
 25 at the end the following: “For the purposes of the preced-
 26 ing sentence, a retention of a reserve officer under section

1 14702 of this title shall not be construed as being a reten-
 2 tion of that officer under this subsection.”.

3 **SEC. 514. FEDERAL STATUS OF SERVICE BY NATIONAL**
 4 **GUARD MEMBERS AS HONOR GUARDS AT FU-**
 5 **NERALS OF VETERANS.**

6 (a) IN GENERAL.—(1) Chapter 1 of title 32, United
 7 States Code, as amended by section 364, is further amend-
 8 ed by adding at the end the following new section:

9 **“§ 114. Honor guard functions at funerals for veter-**
 10 **ans**

11 “Subject to such restrictions as may be prescribed by
 12 the Secretary concerned, the performance of honor guard
 13 functions by members of the National Guard at funerals
 14 for veterans of the armed forces may be treated by the
 15 Secretary concerned as a Federal function for which ap-
 16 propriated funds may be used. Any such performance of
 17 honor guard functions at funerals may not be considered
 18 to be a period of drill or training otherwise required.”.

19 (2) The table of sections at the beginning of such
 20 chapter, as amended by section 364, is further amended
 21 by adding at the end the following new item:

“114. Honor guard functions at funerals for veterans.”.

22 (b) FUNDING FOR FISCAL YEAR 1997.—Section 114
 23 of title 32, United States Code, as added by subsection
 24 (a), does not authorize additional appropriations for fiscal
 25 year 1997. Any expenses of the National Guard that are

1 incurred by reason of such section during fiscal year 1997
 2 may be paid from existing appropriations available for the
 3 National Guard.

4 **Subtitle C—Education and** 5 **Training Programs**

6 **SEC. 521. SERVICE ACADEMIES FOREIGN EXCHANGE STUDY** 7 **PROGRAM.**

8 (a) UNITED STATES MILITARY ACADEMY.—(1)
 9 Chapter 403 of title 10, United States Code, is amended
 10 by inserting after section 4344 the following new section:

11 **“§ 4345. Exchange program with foreign military**
 12 **academies**

13 “(a) AGREEMENT AUTHORIZED.—The Secretary of
 14 the Army may enter into an agreement with an official
 15 of a foreign government authorized to act for that foreign
 16 government to carry out a military academy foreign ex-
 17 change study program.

18 “(b) TERMS OF AGREEMENT.—(1) An agreement
 19 with a foreign government under this section shall provide
 20 for the following:

21 “(A) That, on an exchange basis, the Secretary
 22 provide students of military academies of the foreign
 23 government with instruction at the Academy and the
 24 foreign government provide cadets of the Academy

1 with instruction at military academies of the foreign
2 government.

3 “(B) That the number of cadets of the Acad-
4 emy provided instruction under the exchange pro-
5 gram and the number of students of military acad-
6 emies of the foreign government provided instruction
7 at the Academy under the exchange program during
8 an academic year be equal.

9 “(C) That the duration of the period of ex-
10 change study for each student not exceed one aca-
11 demic semester (or an equivalent academic period of
12 a host foreign military academy).

13 “(2) An agreement with a foreign government under
14 this section may provide for the Secretary to provide a
15 student of a military academy of the foreign government
16 with quarters, subsistence, transportation, clothing, health
17 care, and other services during the period of the student’s
18 exchange study at the Academy to the same extent that
19 the foreign government provides comparable support and
20 services to cadets of the Academy during the period of
21 the cadets’ exchange study at a military academy of the
22 foreign government.

23 “(c) MAXIMUM NUMBER.—Under the exchange pro-
24 gram not more than a total of 24 cadets of the Academy
25 may be receiving instruction at military academies of for-

1 eign governments under the program at any time, and not
 2 more than a total of 24 students of military academies
 3 of foreign governments may be receiving instruction at the
 4 Academy at any time.

5 “(d) FOREIGN STUDENTS NOT TO RECEIVE PAY
 6 AND ALLOWANCES.—A student of a foreign military acad-
 7 emy provided instruction at the Academy under the ex-
 8 change program is not, by virtue of participation in the
 9 exchange program, entitled to the pay, allowances, and
 10 emoluments of a cadet appointed from the United States.

11 “(e) SPECIAL RULES FOR FOREIGN MILITARY ACAD-
 12 EMY STUDENTS.—(1) Foreign military academy students
 13 receiving instruction at the Academy under the exchange
 14 program are in addition to—

15 “(A) the number of persons from foreign coun-
 16 tries who are receiving instruction at the Academy
 17 under section 4344 of this title; and

18 “(B) the authorized strength of the cadets of
 19 the Academy under section 4342 of this title.

20 “(2) Subsections (c) and (d) of section 9344 of this
 21 title apply to students of military academies of foreign
 22 governments while the students are participating in the
 23 exchange program under this section.

24 “(f) REGULATIONS.—The Secretary shall prescribe
 25 regulations to carry out the military academy foreign ex-

1 change study program under this section. The regulations
 2 may, subject to subsection (e)(2), include eligibility cri-
 3 teria and methods for selection of students to participate
 4 in the exchange program.”.

5 (2) The table of sections at the beginning of such
 6 chapter is amended by inserting after the item relating
 7 to section 4344 the following new item:

“4345. Exchange program with foreign military academies.”.

8 (b) UNITED STATES NAVAL ACADEMY.—(1) Chapter
 9 603 of title 10, United States Code, is amended by insert-
 10 ing after section 6957 the following new section:

11 **“§ 6957a. Exchange program with foreign military**
 12 **academies**

13 “(a) AGREEMENT AUTHORIZED.—The Secretary of
 14 the Navy may enter into an agreement with an official
 15 of a foreign government authorized to act for that foreign
 16 government to carry out a military academy foreign ex-
 17 change study program.

18 “(b) TERMS OF AGREEMENT.—(1) An agreement
 19 with a foreign government under this section shall provide
 20 for the following:

21 “(A) That, on an exchange basis, the Secretary
 22 provide students of military academies of the foreign
 23 government with instruction at the Naval Academy
 24 and the foreign government provide midshipmen of

1 the Academy with instruction at military academies
2 of the foreign government.

3 “(B) That the number of midshipmen of the
4 Naval Academy provided instruction under the ex-
5 change program and the number of students of mili-
6 tary academies of the foreign government provided
7 instruction at the Naval Academy under the ex-
8 change program during an academic year be equal.

9 “(C) That the duration of the period of ex-
10 change study for each student not exceed one aca-
11 demic semester (or an equivalent academic period of
12 a host foreign military academy).

13 “(2) An agreement with a foreign government under
14 this section may provide for the Secretary to provide a
15 student of a military academy of the foreign government
16 with quarters, subsistence, transportation, clothing, health
17 care, and other services during the period of the student’s
18 exchange study at the Naval Academy to the same extent
19 that the foreign government provides comparable support
20 and services to midshipmen of the Naval Academy during
21 the period of the cadets’ exchange study at a military
22 academy of the foreign government.

23 “(c) MAXIMUM NUMBER.—Under the exchange pro-
24 gram not more than a total of 24 midshipmen of the Naval
25 Academy may be receiving instruction at military acad-

1 emies of foreign governments under the program at any
2 time, and not more than a total of 24 students of military
3 academies of foreign governments may be receiving in-
4 struction at the Naval Academy at any time.

5 “(d) FOREIGN STUDENTS NOT TO RECEIVE PAY
6 AND ALLOWANCES.—A student of a foreign military acad-
7 emy provided instruction at the Naval Academy under the
8 exchange program is not, by virtue of participation in the
9 exchange program, entitled to the pay, allowances, and
10 emoluments of a midshipman appointed from the United
11 States.

12 “(e) SPECIAL RULES FOR FOREIGN MILITARY ACAD-
13 EMY STUDENTS.—(1) Foreign military academy students
14 receiving instruction at the Naval Academy under the ex-
15 change program are in addition to—

16 “(A) the number of persons from foreign coun-
17 tries who are receiving instruction at the Naval
18 Academy under section 6957 of this title; and

19 “(B) the authorized strength of the midshipmen
20 under section 6954 of this title.

21 “(2) Section 6957(c) of this title applies to students
22 of military academies of foreign governments while the
23 students are participating in the exchange program under
24 this section.

1 “(f) REGULATIONS.—The Secretary shall prescribe
 2 regulations to carry out the military academy foreign ex-
 3 change study program under this section. The regulations
 4 may, subject to subsection (e)(2), include eligibility cri-
 5 teria and methods for selection of students to participate
 6 in the exchange program.”.

7 (2) The table of sections at the beginning of such
 8 chapter is amended by inserting after the item relating
 9 to section 6957 the following new item:

“6957a. Exchange program with foreign military academies.”.

10 (c) UNITED STATES AIR FORCE ACADEMY.—(1)
 11 Chapter 903 of title 10, United States Code, is amended
 12 by inserting after section 9344 the following new section:
 13 **“§ 9345. Exchange program with foreign military**
 14 **academies**

15 “(a) AGREEMENT AUTHORIZED.—The Secretary of
 16 the Air Force may enter into an agreement with an official
 17 of a foreign government authorized to act for that foreign
 18 government to carry out a military academy foreign ex-
 19 change study program.

20 “(b) TERMS OF AGREEMENT.—(1) An agreement
 21 with a foreign government under this section shall provide
 22 for the following:

23 “(A) That, on an exchange basis, the Secretary
 24 provide students of military academies of the foreign
 25 government with instruction at the Air Force Acad-

1 emy and the foreign government provide Air Force
2 Cadets of the Academy with instruction at military
3 academies of the foreign government.

4 “(B) That the number of Air Force Cadets of
5 the Academy provided instruction under the ex-
6 change program and the number of students of mili-
7 tary academies of the foreign government provided
8 instruction at the Academy under the exchange pro-
9 gram during an academic year be equal.

10 “(C) That the duration of the period of ex-
11 change study for each student not exceed one aca-
12 demic semester (or an equivalent academic period of
13 a host foreign military academy).

14 “(2) An agreement with a foreign government under
15 this section may provide for the Secretary to provide a
16 student of a military academy of the foreign government
17 with quarters, subsistence, transportation, clothing, health
18 care, and other services during the period of the student’s
19 exchange study at the Academy to the same extent that
20 the foreign government provides comparable support and
21 services to Air Force Cadets of the Academy during the
22 period of the cadets’ exchange study at a military academy
23 of the foreign government.

24 “(c) MAXIMUM NUMBER.—Under the exchange pro-
25 gram not more than a total of 24 Air Force Cadets of

1 the Academy may be receiving instruction at military
 2 academies of foreign governments under the program at
 3 any time, and not more than a total of 24 students of
 4 military academies of foreign governments may be receiv-
 5 ing instruction at the Academy at any time.

6 “(d) FOREIGN STUDENTS NOT TO RECEIVE PAY
 7 AND ALLOWANCES.—A student of a foreign military acad-
 8 emy provided instruction at the Academy under the ex-
 9 change program is not, by virtue of participation in the
 10 exchange program, entitled to the pay, allowances, and
 11 emoluments of a cadet appointed from the United States.

12 “(e) SPECIAL RULES FOR FOREIGN MILITARY ACAD-
 13 EMY STUDENTS.—(1) Foreign military academy students
 14 receiving instruction at the Academy under the exchange
 15 program are in addition to—

16 “(A) the number of persons from foreign coun-
 17 tries who are receiving instruction at the Academy
 18 under section 9344 of this title; and

19 “(B) the authorized strength of the Air Force
 20 Cadets of the Academy under section 9342 of this
 21 title.

22 “(2) Subsections (c) and (d) of section 9344 of this
 23 title apply to students of military academies of foreign
 24 governments while the students are participating in the
 25 exchange program under this section.

1 “(f) REGULATIONS.—The Secretary shall prescribe
 2 regulations to carry out the military academy foreign ex-
 3 change study program under this section. The regulations
 4 may, subject to subsection (e)(2), include eligibility cri-
 5 teria and methods for selection of students to participate
 6 in the exchange program.”.

7 (2) The table of sections at the beginning of such
 8 chapter is amended by inserting after the item relating
 9 to section 9344 the following new item:

“9345. Exchange program with foreign military academies.”.

10 **SEC. 522. PROGRAMS OF HIGHER EDUCATION OF THE COM-**
 11 **MUNITY COLLEGE OF THE AIR FORCE.**

12 (a) PROGRAMS FOR INSTRUCTORS AT AIR FORCE
 13 TRAINING SCHOOLS.—Section 9315 of title 10, United
 14 States Code, is amended—

15 (1) in subsection (b), by striking out “(b) Sub-
 16 ject to subsection (c)” and inserting in lieu thereof
 17 “(b) CONFERMENT OF DEGREE.—(1) Subject to
 18 paragraph (2)”;

19 (2) by redesignating subsection (c) as para-
 20 graph (2) and in such paragraph, as so redesign-
 21 nated—

22 (A) by striking out “(1) the” and inserting
 23 in lieu thereof “(A) the”; and

24 (B) by striking out “(2) the” and inserting
 25 in lieu thereof “(B) the”;

1 (3) in subsection (a)—

2 (A) by inserting after “(a)” the following:

3 “ESTABLISHMENT AND MISSION.—”; and

4 (B) in paragraph (1), by striking out “Air
5 Force” and inserting in lieu thereof “armed
6 forces described in subsection (b)”; and

7 (4) by inserting after subsection (a) the follow-
8 ing new subsection (b):

9 “(b) MEMBERS ELIGIBLE FOR PROGRAMS.—Subject
10 to such other eligibility requirements as the Secretary con-
11 cerned may prescribe, the following members of the armed
12 forces are eligible to participate in programs of higher
13 education referred to in subsection (a)(1):

14 “(1) An enlisted member of the Army, Navy, or
15 Air Force who is serving as an instructor at an Air
16 Force training school.

17 “(2) Any other enlisted member of the Air
18 Force.”.

19 (b) RETROACTIVE APPLICABILITY.—Subsection (b)
20 of section 9315 of such title, as added by subsection
21 (a)(4), shall apply with respect to programs of higher edu-
22 cation of the Community College of the Air Force as of
23 March 31, 1996.

1 **SEC. 523. PRESERVATION OF ENTITLEMENT TO EDU-**
 2 **CATIONAL ASSISTANCE OF MEMBERS OF THE**
 3 **SELECTED RESERVE SERVING ON ACTIVE**
 4 **DUTY IN SUPPORT OF A CONTINGENCY OPER-**
 5 **ATION.**

6 (a) PRESERVATION OF EDUCATIONAL ASSIST-
 7 ANCE.—Section 16131(c)(3)(B)(i) of title 10, United
 8 States Code, is amended by striking out “, in connection
 9 with the Persian Gulf War,”.

10 (b) EXTENSION OF 10-YEAR PERIOD OF AVAILABIL-
 11 ITY.—Section 16133(b)(4) of such title is amended—

12 (1) by striking out “(A)”;

13 (2) by striking out “, during the Persian Gulf
 14 War,”;

15 (3) by redesignating clauses (i) and (ii) as sub-
 16 paragraphs (A) and (B), respectively; and

17 (4) by striking out “(B) For the purposes” and
 18 all that follows through “title 38.”.

19 **SEC. 524. REPEAL OF CERTAIN STAFFING AND SAFETY RE-**
 20 **QUIREMENTS FOR THE ARMY RANGER**
 21 **TRAINING BRIGADE.**

22 (a) IN GENERAL.—(1) Section 4303 of title 10, Unit-
 23 ed States Code, is repealed.

24 (2) The table of sections at the beginning of chapter
 25 401 of such title is amended by striking out the item relat-
 26 ing to section 4303.

1 (b) REPEAL OF RELATED PROVISION.—Section 562
2 of Public Law 104–106 (110 Stat. 323) is repealed.

3 **SEC. 525. FLEXIBILITY IN MANAGEMENT OF JUNIOR RE-**
4 **SERVE OFFICERS’ TRAINING CORPS.**

5 (a) AUTHORITY OF THE SECRETARY OF DEFENSE.—
6 Chapter 102 of title 10, United States Code, is amended
7 by adding at the end the following:

8 **“§ 2032. Responsibility of the Secretary of Defense**

9 “(a) COORDINATION BY SECRETARY OF DEFENSE.—
10 The Secretary of Defense shall coordinate the establish-
11 ment and maintenance of Junior Reserve Officers’ Train-
12 ing Corps units by the Secretaries of the military depart-
13 ments in order to maximize enrollment in the Corps and
14 to enhance administrative efficiency in the management
15 of the Corps. The Secretary may impose such require-
16 ments regarding establishment of units and transfer of ex-
17 isting units as the Secretary considers necessary to achieve
18 the objectives set forth in the preceding sentence.

19 “(b) CONSIDERATION OF NEW SCHOOL OPENINGS
20 AND CONSOLIDATIONS.—In carrying out subsection (a),
21 the Secretary shall take into consideration openings of new
22 schools, consolidations of schools, and the desirability of
23 continuing the opportunity for participation in the Corps
24 by participants whose continued participation would other-

1 wise be adversely affected by new school openings and con-
 2 solidations of schools.

3 “(c) FUNDING.—If amounts available for the Junior
 4 Reserve Officers’ Training Corps are insufficient for tak-
 5 ing actions considered necessary by the Secretary under
 6 subsection (a), the Secretary shall seek additional funding
 7 for units from the local educational administration agen-
 8 cies concerned.”.

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

“2032. Responsibility of the Secretary of Defense.”.

12 **Subtitle D—Decorations and** 13 **Awards**

14 **SEC. 531. CLARIFICATION OF ELIGIBILITY OF MEMBERS OF** 15 **READY RESERVE FOR AWARD OF SERVICE** 16 **MEDAL FOR HEROISM.**

17 (a) SOLDIER’S MEDAL.—Section 3750(a) of title 10,
 18 United States Code, is amended—

19 (1) by inserting “(1)” after “(a)”; and

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

22 “(2) The authority in paragraph (1) includes author-
 23 ity to award the medal to a member of the Ready Reserve
 24 who was not in a duty status defined in section 101(d)

1 of this title when the member distinguished himself by her-
2 oism.”.

3 (b) NAVY AND MARINE CORPS MEDAL.—Section
4 6246 of such title is amended—

5 (1) by designating the text of the section as
6 subsection (a); and

7 (2) by adding at the end the following new sub-
8 section:

9 “(b) The authority in subsection (a) includes author-
10 ity to award the medal to a member of the Ready Reserve
11 who was not in a duty status defined in section 101(d)
12 of this title when the member distinguished himself by her-
13 oism.”.

14 (c) AIRMAN’S MEDAL.—Section 8750(a) of such title
15 is amended—

16 (1) by inserting “(1)” after “(a)”; and

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

19 “(2) The authority in paragraph (1) includes author-
20 ity to award the medal to a member of the Ready Reserve
21 who was not in a duty status defined in section 101(d)
22 of this title when the member distinguished himself by her-
23 oism.”.

1 **SEC. 532. WAIVER OF TIME LIMITATIONS FOR AWARD OF**
2 **CERTAIN DECORATIONS TO SPECIFIED PER-**
3 **SONS.**

4 (a) **WAIVER OF TIME LIMITATION.**—Any limitation
5 established by law or policy for the time within which a
6 recommendation for the award of a military decoration or
7 award must be submitted shall not apply in the case of
8 awards of decorations described in subsections (b), (c),
9 and (d), the award of each such decoration having been
10 determined by the Secretary of the military department
11 concerned to be warranted in accordance with section
12 1130 of title 10, United States Code.

13 (b) **SILVER STAR MEDAL.**—Subsection (a) applies to
14 the award of the Silver Star Medal as follows:

15 (1) To Joseph M. Moll, Jr. of Milford, New
16 Jersey, for service during World War II.

17 (2) To Philip Yolinsky of Hollywood, Florida,
18 for service during the Korean Conflict.

19 (c) **NAVY AND MARINE CORPS MEDAL.**—Subsection
20 (a) applies to the award of the Navy and Marine Corps
21 Medal to Gary A. Gruenwald of Damascus, Maryland, for
22 service in Tunisia in October 1977.

23 (d) **DISTINGUISHED FLYING CROSS.**—Subsection (a)
24 applies to awards of the Distinguished Flying Cross for
25 service during World War II or Korea (including multiple
26 awards to the same individual) in the case of each individ-

1 ual concerning whom the Secretary of the Navy (or an
 2 officer of the Navy acting on behalf of the Secretary) sub-
 3 mitted to the Committee on National Security of the
 4 House of Representatives and the Committee on Armed
 5 Services of the Senate, before the date of the enactment
 6 of this Act, a notice as provided in section 1130(b) of title
 7 10, United States Code, that the award of the Distin-
 8 guished Flying Cross to that individual is warranted and
 9 that a waiver of time restrictions prescribed by law for
 10 recommendation for such award is recommended.

11 **SEC. 533. ONE-YEAR EXTENSION OF PERIOD FOR RECEIPT**
 12 **OF RECOMMENDATIONS FOR DECORATIONS**
 13 **AND AWARDS FOR CERTAIN MILITARY INTEL-**
 14 **LIGENCE PERSONNEL.**

15 Section 523(b)(1) of the National Defense Authoriza-
 16 tion Act for Fiscal Year 1996 (Public Law 104–106; 110
 17 Stat. 311; 10 U.S.C. 1130 note) is amended by striking
 18 out “during the one-year period beginning on the date of
 19 the enactment of this Act” and inserting in lieu thereof
 20 “after February 9, 1996, and before February 10, 1998”.

21 **SEC. 534. ELIGIBILITY OF CERTAIN WORLD WAR II MILI-**
 22 **TARY ORGANIZATIONS FOR AWARD OF UNIT**
 23 **DECORATIONS.**

24 (a) **AUTHORITY.**—A unit decoration may be awarded
 25 for any unit or other organization of the Armed Forces

1 of the United States, such as the Military Intelligence
2 Service of the Army, that (1) supported the planning or
3 execution of combat operations during World War II pri-
4 marily through unit personnel who were attached to other
5 units of the Armed Forces or of other allied armed forces,
6 and (2) is not otherwise eligible for award of the decora-
7 tion by reason of not usually having been deployed as a
8 unit in support of such operations.

9 (b) TIME FOR SUBMISSION OF RECOMMENDATION.—
10 Any recommendation for award of a unit decoration under
11 subsection (a) shall be submitted to the Secretary con-
12 cerned (as defined in section 101(a)(9) of title 10, United
13 States Code), or to such other official as the Secretary
14 concerned may designate, not later than 2 years after the
15 date of the enactment of this Act.

16 **SEC. 535. RETROACTIVITY OF MEDAL OF HONOR SPECIAL**
17 **PENSION.**

18 (a) ENTITLEMENT.—In the case of Vernon J. Baker,
19 Edward A. Carter, Junior, and Charles L. Thomas, who
20 were awarded the Medal of Honor pursuant to section 561
21 of Public Law 104–201 (110 Stat. 2529) and whose
22 names have been entered and recorded on the Army, Navy,
23 Air Force, and Coast Guard Medal of Honor Roll, the en-
24 titlement of those persons to the special pension provided

1 under section 1562 of title 38, United States Code (and
2 antecedent provisions of law), shall be effective as follows:

3 (1) In the case of Vernon J. Baker, for months
4 that begin after April 1945.

5 (2) In the case of Edward A. Carter, Junior,
6 for months that begin after March 1945.

7 (3) In the case of Charles L. Thomas, for
8 months that begin after December 1944.

9 (b) AMOUNT.—The amount of the special pension
10 payable under subsection (a) for a month beginning before
11 the date of the enactment of this Act shall be the amount
12 of the special pension provided by law for that month for
13 persons entered and recorded on the Army, Navy, Air
14 Force, and Coast Guard Medal of Honor Roll (or an ante-
15 cedent Medal of Honor Roll required by law).

16 (c) PAYMENT TO NEXT OF KIN.—In the case of a
17 person referred to in subsection (a) who died before receiv-
18 ing full payment of the pension pursuant to this section,
19 the Secretary of Veterans Affairs shall pay the total
20 amount of the accrued pension, upon receipt of application
21 for payment within one year after the date of the enact-
22 ment of this Act, to the deceased person's spouse or, if
23 there is no surviving spouse, then to the deceased person's
24 children, per stirpes, in equal shares.

1 **SEC. 536. COLD WAR SERVICE MEDAL.**

2 (a) AUTHORITY.—Chapter 57 of title 10, United
3 States Code, is amended by adding at the end the
4 following:

5 **“§ 1131. Cold War service medal**

6 “(a) MEDAL REQUIRED.—The Secretary concerned
7 shall issue the Cold War service medal to persons eligible
8 to receive the medal under subsection (b). The Cold War
9 service medal shall be of an appropriate design approved
10 by the Secretary of Defense, with ribbons, lapel pins, and
11 other appurtenances.

12 “(b) ELIGIBLE PERSONS.—The following persons are
13 eligible to receive the Cold War service medal:

14 “(1) A person who—

15 “(A) performed active duty or inactive
16 duty training as an enlisted member of an
17 armed force during the Cold War;

18 “(B) completed the initial term of enlist-
19 ment;

20 “(C) after the expiration of the initial term
21 of enlistment, reenlisted in an armed force for
22 an additional term or was appointed as a com-
23 missioned officer or warrant officer in an armed
24 force; and

25 “(D) has not received a discharge less fa-
26 vorable than an honorable discharge or a re-

1 lease from active duty with a characterization
2 of service less favorable than honorable.

3 “(2) A person who—

4 “(A) performed active duty or inactive
5 duty training as a commissioned officer or war-
6 rant officer in an armed force during the Cold
7 War;

8 “(B) completed the initial service obliga-
9 tion as an officer;

10 “(C) served in the armed forces after com-
11 pleting the initial service obligation; and

12 “(D) has not been released from active
13 duty with a characterization of service less fa-
14 vorable than honorable and has not received a
15 discharge less favorable than an honorable dis-
16 charge.

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 DE-
20 CEASED.—If a person referred to in subsection (b) dies
21 before being issued the Cold War service medal, the medal
22 may be issued to the person’s representative, as designated
23 by the Secretary concerned.

24 “(e) REPLACEMENT.—Under regulations prescribed
25 by the Secretary concerned, a Cold War service medal that

1 is lost, destroyed, or rendered unfit for use without fault
 2 or 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
 12 at the beginning of such chapter is amended by adding
 13 at the 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
 24 of the United States or of a State, a person who is absent

1 from a State in compliance with military or naval orders
 2 shall not, solely by reason of that absence—

3 “(1) be deemed to have lost a residence or
 4 domicile 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
 8 a 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
 17 U.S.C. 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
 4 election described in paragraph (1), any otherwise
 5 valid voter registration application from an absent
 6 uniformed services voter if the application is received
 7 by the appropriate State election official not less
 8 than 30 days before the election.”.

9 (b) CONFORMING AMENDMENT.—The heading for
 10 title I of such Act is amended by striking out **“FOR**
 11 **FEDERAL 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 find-
 17 ings:

18 (1) In the all-volunteer force, women play an in-
 19 tegral role in the Armed Forces.

20 (2) With increasing numbers of women in the
 21 Armed Forces, questions arise concerning inequal-
 22 ities, and perceived inequalities, between the treat-
 23 ment of men and women in the Armed Forces.

24 (b) SENSE OF CONGRESS.—It is the sense of Con-
 25 gress 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
5 Forces; and

6 (2) submit to Congress a report on the study
7 not later than one year after the date of enactment
8 of this Act.

9 **SEC. 552. COMMISSION ON GENDER INTEGRATION IN THE**
10 **MILITARY.**

11 (a) **ESTABLISHMENT.**—There is established a com-
12 mission to be known as the Commission on Gender Inte-
13 gration in the Military.

14 (b) **MEMBERSHIP.**—

15 (1) **IN GENERAL.**—The commission shall be
16 composed of 11 members appointed from among pri-
17 vate citizens of the United States who have appro-
18 priate and diverse experiences, expertise, and histori-
19 cal perspectives on training, organizational, legal,
20 management, military, and gender integration mat-
21 ters.

22 (2) **SPECIFIC QUALIFICATIONS.**—Of the 11
23 members, at least two shall be appointed from
24 among persons who have superior academic creden-
25 tials, at least four shall be appointed from among

1 former members and retired members of the Armed
2 Forces, and at least two shall be appointed from
3 among members of the reserve components of the
4 Armed Forces.

5 (c) APPOINTMENTS.—

6 (1) AUTHORITY.—The President pro tempore of
7 the Senate shall appoint the members in consulta-
8 tion with the chairman of the Committee on Armed
9 Services, who shall recommend six persons for ap-
10 pointment, and the ranking member of the Commit-
11 tee on Armed Services, who shall recommend five
12 persons for appointment. The appointments shall be
13 made not later than 45 days after the date of the
14 enactment of this Act.

15 (2) PERIOD OF APPOINTMENT.—Members shall
16 be appointed for the life of the commission.

17 (3) VACANCIES.—A vacancy in the membership
18 shall not affect the commission's powers, but shall
19 be filled in the same manner as the original appoint-
20 ment.

21 (d) MEETINGS.—

22 (1) INITIAL MEETING.—The Commission shall
23 hold its first meeting not later than 30 days after
24 the date on which all members have been appointed.

1 (2) WHEN CALLED.—The Commission shall
2 meet upon the call of the chairman.

3 (3) QUORUM.—A majority of the members of
4 the Commission shall constitute a quorum, but a
5 lesser number may hold meetings.

6 (e) CHAIRMAN AND VICE CHAIRMAN.—The Commis-
7 sion shall select a chairman and a vice chairman from
8 among its members.

9 (f) AUTHORITY OF INDIVIDUALS TO ACT FOR COM-
10 MISSION.—Any member or agent of the Commission may,
11 if authorized, by the Commission, take any action which
12 the Commission is authorized to take under this title.

13 (g) DUTIES.—The Commission shall—

14 (1) review the current practices of the Armed
15 Forces, relevant studies, and private sector training
16 concepts pertaining to gender-integrated training;

17 (2) review the laws, regulations, policies, direc-
18 tives, and practices that govern personal relation-
19 ships between men and women in the armed forces
20 and personal relationships between members of the
21 armed forces and non-military personnel of the op-
22 posite sex;

23 (3) assess the extent to which the laws, regula-
24 tions, policies, and directives have been applied con-
25 sistently throughout the Armed Forces without re-

1 gard to the armed force, grade, or rank of the indi-
2 viduals involved;

3 (4) provide an independent assessment of the
4 reports of the independent panel, the Department of
5 Defense task force, and the review of existing guid-
6 ance on adultery announced by the Secretary of De-
7 fense; and

8 (5) examine the experiences, policies, and prac-
9 tices of the armed forces of other industrialized na-
10 tions regarding gender-integrated training.

11 (h) REPORTS.—

12 (1) INITIAL REPORT.—Not later than April 15,
13 1998, the Commission shall submit to the Commit-
14 tee on Armed Services of the Senate an initial report
15 setting forth the activities, findings, and rec-
16 ommendations of the Commission. The report shall
17 include any recommendations for congressional ac-
18 tion and administrative action that the Commission
19 considers appropriate.

20 (2) FINAL REPORT.—Not later than September
21 16, 1998, the Commission shall submit to the Com-
22 mittee on Armed Services a final report setting forth
23 the activities, findings, and recommendations of the
24 Commission, including any recommendations for

1 congressional action and administrative action that
2 the Commission considers appropriate.

3 (i) POWERS.—

4 (1) HEARINGS, ET CETERA.—The Commission
5 may hold such hearings, sit and act at such times
6 and places, take such testimony, and receive such
7 evidence as the Commission considers advisable to
8 carry out its duties.

9 (2) INFORMATION FROM FEDERAL AGENCIES.—

10 The Commission may secure directly from the De-
11 partment of Defense and any other department or
12 agency of the Federal Government such information
13 as the Commission considers necessary to carry out
14 its duties. Upon the request of the chairman of the
15 Commission, the head of a department or agency
16 shall furnish the requested information expeditiously
17 to the Commission.

18 (3) POSTAL SERVICES.— The Commission may
19 use the United States mails in the same manner and
20 under the same conditions as other departments and
21 agencies of the Federal Government.

22 (j) ADMINISTRATIVE SUPPORT.—The Secretary of
23 Defense shall, upon the request of the chairman of the
24 Commission, furnish the Commission any administrative
25 and support services that the Commission may require.

1 (k) COMMISSION PERSONNEL MATTERS.—

2 (1) COMPENSATION OF MEMBERS.—Each mem-
3 ber of the Commission may be compensated at a
4 rate equal to the daily equivalent of the annual rate
5 of basic pay prescribed for level IV of the Executive
6 Schedule under section 5315 of title 5, United
7 States Code, for each day (including travel time)
8 during which such member is engaged in performing
9 the duties of the Commission.

10 (2) TRAVEL ON MILITARY CONVEYANCES.—
11 Members and personnel of the Commission may
12 travel on aircraft, vehicles, or other conveyances of
13 the Armed Forces when travel is necessary in the
14 performance of a duty of the Commission except
15 when the cost of commercial transportation is less
16 expensive.

17 (3) TRAVEL EXPENSES.—The members of the
18 Commission may be allowed travel expenses, includ-
19 ing per diem in lieu of subsistence, at rates author-
20 ized for employees of agencies under subchapter I of
21 chapter 57 of title 5, United States Code, while
22 away from their homes or regular places of business
23 in the performance of services for the Commission.

24 (4) STAFF.—The chairman of the Commission
25 may, without regard to civil service laws and regula-

1 tions, appoint and terminate an executive director
2 and up to three additional staff members as nec-
3 essary to enable the Commission to perform its du-
4 ties. The chairman of the Commission may fix the
5 compensation of the executive director and other
6 personnel without regard to the provisions of chapter
7 51, and subchapter III of chapter 53, of title 5,
8 United States Code, relating to classification of posi-
9 tions and General Schedule pay rates, except that
10 the rate of pay may not exceed the rate payable for
11 level V of the executive schedule under section 5316
12 of such title.

13 (5) DETAIL OF GOVERNMENT EMPLOYEES.—
14 Upon the request of the chairman of the Commis-
15 sion, the head of any department or agency of the
16 Federal Government may detail, without reimburse-
17 ment, any personnel of the department or agency to
18 the Commission to assist in carrying out its duties.
19 A detail of an employee shall be without interruption
20 or loss of civil service status or privilege.

21 (6) TEMPORARY AND INTERMITTENT SERV-
22 ICES.—The chairman of the Commission may pro-
23 cure temporary and intermittent services under sec-
24 tion 3109(b) of title 5, United States Code, at rates
25 for individuals that do not exceed the daily equiva-

1 lent of the annual rate of basic pay prescribed for
 2 level IV of the Executive Schedule under section
 3 5315 of such title.

4 (l) TERMINATION.—The Commission shall terminate
 5 90 days after the date on which it submits the final report
 6 under subsection (h)(2).

7 (m) FUNDING.—

8 (1) FROM DEPARTMENT OF DEFENSE APPRO-
 9 PRIATIONS.—Upon the request of the chairman of
 10 the Commission, the Secretary of Defense shall
 11 make available to the Commission, out of funds ap-
 12 propriated for the Department of Defense, such
 13 amounts as the Commission may require to carry
 14 out its duties.

15 (2) PERIOD OF AVAILABILITY.—Funds made
 16 available to the Commission shall remain available,
 17 without fiscal year limitation, until the date on
 18 which the Commission terminates.

19 **SEC. 553. SEXUAL HARASSMENT INVESTIGATIONS AND RE-**
 20 **PORTS.**

21 (a) INVESTIGATIONS.—Any commanding officer or
 22 officer in charge of a unit, vessel, facility, or area who
 23 receives from a member of the command or a civilian em-
 24 ployee under the supervision of the officer a complaint al-
 25 leging sexual harassment by a member of the Armed

1 Forces or a civilian employee of the Department of De-
2 fense shall, to the extent practicable—

3 (1) within 72 hours after receipt of the com-
4 plaint—

5 (A) forward the complaint or a detailed de-
6 scription of the allegation to the next superior
7 officer in the chain of command who is author-
8 ized to convene a general court-martial;

9 (B) commence, or cause the commence-
10 ment of, an investigation of the complaint; and

11 (C) advise the complainant of the com-
12 mencement of the investigation;

13 (2) ensure that the investigation of the com-
14 plaint is completed not later than 14 days after the
15 investigation is commenced; and

16 (3) either—

17 (A) submit a final report on the results of
18 the investigation, including any action taken as
19 a result of the investigation, to the next supe-
20 rior officer referred to in paragraph (1) within
21 20 days after the investigation is commenced;
22 or

23 (B) submit a report on the progress made
24 in completing the investigation to the next su-
25 perior officer referred to in paragraph (1) with-

1 in 20 days after the investigation is commenced
2 and every 14 days thereafter until the investiga-
3 tion is completed and, upon completion of the
4 investigation, then submit a final report on the
5 results of the investigation, including any action
6 taken as a result of the investigation, to that
7 next superior officer.

8 (b) REPORTS.—(1) Not later than January 1 of each
9 of 1998 and 1999, each officer receiving any complaint
10 forwarded in accordance with subsection (a) during the
11 preceding year shall submit to the Secretary of the mili-
12 tary department concerned a report on all such complaints
13 and the investigations of such complaints (including the
14 results of the investigations, in cases of investigations
15 completed during such preceding year).

16 (2)(A) Not later than March 1 of each of 1998 and
17 1999, each Secretary receiving a report under paragraph
18 (1) for a year shall submit to the Secretary of Defense
19 a report on all such reports so received.

20 (B) Not later than the April 1 following receipt of
21 a report for a year under subparagraph (A), the Secretary
22 of Defense shall transmit to Congress all such reports re-
23 ceived for the year under subparagraph (A) together with
24 the Secretary's assessment of each such report.

1 (c) SEXUAL HARASSMENT DEFINED.—In this sec-
2 tion, the term “sexual harassment” means—

3 (1) a form of sex discrimination that—

4 (A) involves unwelcome sexual advances,
5 requests for sexual favors, and other verbal or
6 physical conduct of a sexual nature when—

7 (i) submission to such conduct is
8 made either explicitly or implicitly a term
9 or condition of a person’s job, pay, or ca-
10 reer;

11 (ii) submission to or rejection of such
12 conduct by a person is used as a basis for
13 career or employment decisions affecting
14 that person; or

15 (iii) such conduct has the purpose or
16 effect of unreasonably interfering with an
17 individual’s work performance or creates
18 an intimidating, hostile, or offensive work-
19 ing environment; and

20 (B) is so severe or pervasive that a reason-
21 able person would perceive, and the victim does
22 perceive, the work environment as hostile or of-
23 fensive;

24 (2) any use or condonation, by any person in a
25 supervisory or command position, of any form of

1 sexual behavior to control, influence, or affect the
2 career, pay, or job of a member of the Armed Forces
3 or a civilian employee of the Department of Defense;
4 and

5 (3) any deliberate or repeated unwelcome verbal
6 comment, gesture, or physical contact of a sexual
7 nature in the workplace by any member of the
8 Armed Forces or civilian employee of the Depart-
9 ment of Defense.

10 **SEC. 554. REQUIREMENT FOR EXEMPLARY CONDUCT BY**
11 **COMMANDING OFFICERS AND OTHER AU-**
12 **THORITIES.**

13 (a) ARMY.—(1) Chapter 345 of title 10, United
14 States Code, is amended by adding at the end:

15 **“§ 3583. Requirement of exemplary conduct**

16 “All commanding officers and others in authority in
17 the Army are required to show in themselves a good exam-
18 ple of virtue, honor, patriotism, and subordination; to be
19 vigilant in inspecting the conduct of all persons who are
20 placed under their command; to guard against and sup-
21 press all dissolute and immoral practices, and to correct,
22 according to the laws and regulations of the Army, all per-
23 sons who are guilty of them; and to take all necessary and
24 proper measures, under the laws, regulations, and customs
25 of the Army, to promote and safeguard the morale, the

1 physical well-being, and the general welfare of the officers
 2 and enlisted persons under their command or charge.”.

3 (2) The table of sections at the beginning of such
 4 chapter is amended by adding at the end the following:

“3583. Requirement of exemplary conduct.”.

5 (b) AIR FORCE.—(1) Chapter 845 of title 10, United
 6 States Code, is amended by adding at the end the follow-
 7 ing:

8 **“§ 8583. Requirement of exemplary conduct**

9 “All commanding officers and others in authority in
 10 the Air Force are required to show in themselves a good
 11 example of virtue, honor, patriotism, and subordination;
 12 to be vigilant in inspecting the conduct of all persons who
 13 are placed under their command; to guard against and
 14 suppress all dissolute and immoral practices, and to cor-
 15 rect, according to the laws and regulations of the Air
 16 Force, all persons who are guilty of them; and to take
 17 all necessary and proper measures, under the laws, regula-
 18 tions, and customs of the Air Force, to promote and safe-
 19 guard the morale, the physical well-being, and the general
 20 welfare of the officers and enlisted persons under their
 21 command or charge.”.

22 (2) The table of sections at the beginning of such
 23 chapter is amended by adding at the end the following:

“8583. Requirement of exemplary conduct.”.

1 **SEC. 555. PARTICIPATION OF DEPARTMENT OF DEFENSE**
2 **PERSONNEL IN MANAGEMENT OF NON-FED-**
3 **ERAL ENTITIES.**

4 (a) AUTHORITY.—Chapter 53 of title 10, United
5 States Code, is amended by inserting after section 1060a
6 the following new section:

7 **“§ 1060b. Participation in management of non-Fed-**
8 **eral entities: members of the armed**
9 **forces; civilian employees**

10 “(a) AUTHORITY TO PERMIT PARTICIPATION.—The
11 Secretary concerned may authorize a member of the
12 armed forces, a civilian officer or employee of the Depart-
13 ment of Defense, or a civilian officer or civilian employee
14 of the Coast Guard—

15 “(1) to serve as a director, officer, or trustee of
16 a military welfare society or other entity described in
17 subsection (c); or

18 “(2) to participate in any other capacity in the
19 management of such a society or entity.

20 “(b) COMPENSATION PROHIBITED.—Compensation
21 may not be accepted for service or participation authorized
22 under subsection (a).

23 “(c) COVERED ENTITIES.—This section applies with
24 respect to the following entities:

25 “(1) MILITARY WELFARE SOCIETIES.—The fol-
26 lowing military welfare societies:

1 “(A) The Army Emergency Relief.

2 “(B) The Air Force Aid Society.

3 “(C) The Navy-Marine Corps Relief Soci-
4 ety.

5 “(D) The Coast Guard Mutual Assistance.

6 “(2) OTHER ENTITIES.—Each of the following
7 additional entities that is not operated for profit:

8 “(A) Any athletic conference, or other en-
9 tity, that regulates and supports the athletics
10 programs of the United States Military Acad-
11 emy, the United States Naval Academy, the
12 United States Air Force Academy, or the Unit-
13 ed States Coast Guard Academy.

14 “(B) Any entity that regulates inter-
15 national athletic competitions.

16 “(C) Any regional educational accrediting
17 agency, or other entity, that accredits the acad-
18 emies referred to in subparagraph (A) or ac-
19 credits any other school of the armed forces.

20 “(D) Any health care association, profes-
21 sional society, or other entity that regulates and
22 supports standards and policies applicable to
23 the provision of health care by or for the De-
24 partment of Defense.

1 “(d) SECRETARY OF DEFENSE AS SECRETARY CON-
 2 CERNED.—In this section, the term ‘Secretary concerned’
 3 includes the Secretary of Defense with respect to civilian
 4 officers and employees of the Department of Defense who
 5 are not officers or employees of a military department.”.

6 (b) CLERICAL AMENDMENT.—The table of sections
 7 at the beginning of such chapter is amended by inserting
 8 after the item relating to section 1060a the following new
 9 item:

“1060b. Participation in management of non-Federal entities: members of the
 armed forces; civilian employees.”.

10 **SEC. 556. TECHNICAL CORRECTION TO CROSS REFERENCE**
 11 **IN ROPMA PROVISION RELATING TO POSI-**
 12 **TION VACANCY PROMOTION.**

13 Section 14317(d) of title 10, United States Code, is
 14 amended by striking out “section 14314” in the first sen-
 15 tence and inserting in lieu thereof “section 14315”.

16 **SEC. 557. GRADE OF DEFENSE ATTACHE IN FRANCE.**

17 The Secretary of Defense and the Chairman of the
 18 Joint Chiefs of Staff shall take actions appropriate to en-
 19 sure that each officer selected for assignment to the posi-
 20 tion of defense attache in France is an officer who holds,
 21 or is promotable to, the grade of brigadier general or, in
 22 the case of the Navy, rear admiral (lower half).

1 **TITLE VI—COMPENSATION AND**
 2 **OTHER PERSONNEL BENEFITS**

3 **Subtitle A—Pay**

4 **SEC. 601. MILITARY PAY RAISE FOR FISCAL YEAR 1998.**

5 (a) WAIVER OF SECTION 1009 ADJUSTMENT.—Any
 6 adjustment required by section 1009 of title 37, United
 7 States Code, in elements of compensation of members of
 8 the uniformed services to become effective during fiscal
 9 year 1998 shall not be made.

10 (b) INCREASE IN BASIC PAY.—Effective on January
 11 1, 1998, the rates of basic pay of members of the uni-
 12 formed services are increased by 2.8 percent.

13 **Subtitle B—Subsistence, Housing,**
 14 **and Other Allowances**

15 **PART I—REFORM OF BASIC ALLOWANCE FOR**
 16 **SUBSISTENCE**

17 **SEC. 611. REVISED ENTITLEMENT AND RATES.**

18 (a) UNIVERSAL ENTITLEMENT TO BAS EXCEPT
 19 DURING BASIC TRAINING.—

20 (1) IN GENERAL.—Section 402 of title 37,
 21 United States Code, is amended by striking out sub-
 22 sections (b) and (c).

23 (2) EXCEPTION.—Subsection (a) of such sec-
 24 tion is amended by adding at the end the following:
 25 “However, an enlisted member is not entitled to the

1 basic allowance for subsistence during basic train-
2 ing.”.

3 (b) RATES BASED ON FOOD COSTS.—Such section,
4 as amended by subsection (a), is further amended by in-
5 serting after subsection (a) the following new subsection
6 (b):

7 “(b) RATES OF BAS.—(1) The monthly rate of basic
8 allowance for subsistence in effect for an enlisted member
9 for a year (beginning on January 1 of the year) shall be
10 the amount that is halfway between the following amounts
11 that are determined by the Secretary of Agriculture as of
12 October 1 of the preceding year:

13 “(A) The amount equal to the monthly cost of
14 a moderate-cost food plan for a male in the United
15 States who is between 20 and 50 years of age.

16 “(B) The amount equal to the monthly cost of
17 a liberal food plan for a male in the United States
18 who is between 20 and 50 years of age.

19 “(2) The monthly rate of basic allowance for subsist-
20 ence in effect for an officer for a year (beginning on Janu-
21 ary 1 of the year) shall be the amount equal to the month-
22 ly rate of basic allowance for subsistence in effect for offi-
23 cers for the preceding year, increased by the same percent-
24 age by which the rate of basic allowance for subsistence

1 for enlisted members for the preceding year is increased
2 effective on such January 1.”.

3 (c) CONTINUATION OF ADVANCE PAYMENT AUTHOR-
4 ITY.—Such section is further amended by inserting after
5 subsection (b), as added by subsection (b) of this section,
6 the following new subsection (c):

7 “(c) ADVANCE PAYMENT.—The allowance to an en-
8 listed member may be paid in advance for a period of not
9 more than three months.”.

10 (d) FLEXIBILITY TO MANAGE DEMAND FOR DINING
11 AND MESSING SERVICES.—Such section is further amend-
12 ed by striking out subsection (e) and inserting in lieu
13 thereof the following new subsection (e):

14 “(e) POLICIES ON USE OF DINING AND MESSING FA-
15 CILITIES.—The Secretary of Defense, in consultation with
16 the Secretaries concerned, shall prescribe policies regard-
17 ing use of dining and field messing facilities of the uni-
18 formed services.”.

19 (e) REGULATIONS.—Such section is further amended
20 by adding after subsection (e), as added by subsection (d)
21 of this section, the following:

22 “(f) REGULATIONS.—(1) The Secretary of Defense
23 shall prescribe regulations for the administration of this
24 section. Before prescribing the regulations, the Secretary
25 shall consult with each Secretary concerned.

1 “(2) The regulations shall include the rates of basic
2 allowance for subsistence.”.

3 (f) STYLISTIC AND CONFORMING AMENDMENTS.—

4 (1) SUBSECTION HEADINGS.—Such section is
5 amended—

6 (A) in subsection (a), by inserting “ENTI-
7 TLEMENT.—” after “(a)”; and

8 (B) in subsection (d), by inserting “COAST
9 GUARD.—” after “(d)”.

10 (2) TRAVEL STATUS EXCEPTION TO ENTITLE-
11 MENT.—Section 404 of title 37, United States Code,
12 is amended—

13 (A) by striking out subsection (g); and

14 (B) by redesignating subsections (h), (i),
15 (j), and (k) as subsections (g), (h), (i), and (j),
16 respectively.

17 **SEC. 612. TRANSITIONAL BASIC ALLOWANCE FOR SUBSIST-**
18 **ENCE.**

19 (a) BAS TRANSITION PERIOD.—For the purposes of
20 this section, the BAS transition period is the period begin-
21 ning on the effective date of this part and ending on the
22 date that this section ceases to be effective under section
23 613(b).

1 (b) TRANSITIONAL AUTHORITY.—Notwithstanding
2 section 402 of title 37, United States Code (as amended
3 by section 611), during the BAS transition period—

4 (1) the basic allowance for subsistence shall not
5 be paid under that section for that period;

6 (2) a member of the uniformed services is enti-
7 tled to the basic allowance for subsistence only as
8 provided in subsection (c);

9 (3) an enlisted member of the uniformed serv-
10 ices may be paid a partial basic allowance for sub-
11 sistence as provided in subsection (d); and

12 (4) the rates of the basic allowance for subsist-
13 ence are those determined under subsection (e).

14 (c) TRANSITIONAL ENTITLEMENT TO BAS.—

15 (1) ENLISTED MEMBERS.—

16 (A) TYPES OF ENTITLEMENT.—An en-
17 listed member is entitled to the basic allowance
18 for subsistence, on a daily basis, of one of the
19 following types—

20 (i) when rations in kind are not avail-
21 able;

22 (ii) when permission to mess sepa-
23 rately is granted; and

1 (iii) when assigned to duty under
2 emergency conditions where no messing fa-
3 cilities of the United States are available.

4 (B) OTHER ENTITLEMENT CIRCUM-
5 STANCES.—An enlisted member is entitled to
6 the allowance while on an authorized leave of
7 absence, while confined in a hospital, or while
8 performing travel under orders away from the
9 member's designated post of duty other than
10 field duty or sea duty (as defined in regulations
11 prescribed by the Secretary of Defense). For
12 purposes of the preceding sentence, a member
13 shall not be considered to be performing travel
14 under orders away from his designated post of
15 duty if such member—

16 (i) is an enlisted member serving his
17 first tour of active duty;

18 (ii) has not actually reported to a per-
19 manent duty station pursuant to orders di-
20 recting such assignment; and

21 (iii) is not actually traveling between
22 stations pursuant to orders directing a
23 change of station.

24 (C) ADVANCE PAYMENT.—The allowance
25 to an enlisted member, when authorized, may

1 be paid in advance for a period of not more
2 than three months.

3 (2) OFFICERS.—An officer of a uniformed serv-
4 ice who is entitled to basic pay is, at all times, enti-
5 tled to the basic allowances for subsistence. An avia-
6 tion cadet of the Navy, Air Force, Marine Corps, or
7 Coast Guard is entitled to the same basic allowance
8 for subsistence as is provided for an officer of the
9 Navy, Air Force, Marine Corps, or Coast Guard, re-
10 spectively.

11 (d) TRANSITIONAL AUTHORITY FOR PARTIAL
12 BAS.—

13 (1) ENLISTED MEMBERS FURNISHED SUBSIST-
14 ENCE IN KIND.—The Secretary of Defense may pro-
15 vide in regulations for an enlisted member of a uni-
16 formed service to be paid a partial basic allowance
17 for subsistence when—

18 (A) rations in kind are available to the
19 member;

20 (B) the member is not granted permission
21 to mess separately; or

22 (C) the member is assigned to duty under
23 emergency conditions where messing facilities of
24 the United States are available.

1 (2) MONTHLY PAYMENT.—Any partial basic al-
2 lowance for subsistence authorized under paragraph
3 (1) shall be paid on a monthly basis.

4 (e) TRANSITIONAL RATES.—

5 (1) FULL BAS FOR OFFICERS.—The rate of
6 basic allowance for subsistence that is payable to of-
7 ficers of the uniformed services for a year shall be
8 the amount that is equal to 101 percent of the rate
9 of basic allowance for subsistence that was payable
10 to officers of the uniformed services for the preced-
11 ing year.

12 (2) FULL BAS FOR ENLISTED MEMBERS.—The
13 rate of basic allowance for subsistence that is pay-
14 able to an enlisted member of the uniformed services
15 for a year shall be the higher of—

16 (A) the amount that is equal to 101 per-
17 cent of the rate of basic allowance for subsist-
18 ence that was in effect for similarly situated en-
19 listed members of the uniformed services for the
20 preceding year; or

21 (B) the daily equivalent of what, except for
22 subsection (b), would otherwise be the monthly
23 rate of basic allowance for subsistence for en-
24 listed members under section 402(b)(1) of title

1 37, United States Code (as added by section
2 611(b)).

3 (3) PARTIAL BAS FOR ENLISTED MEMBERS.—

4 The rate of any partial basic allowance for subsist-
5 ence paid under subsection (d) for a member for a
6 year shall be equal to the lower of—

7 (A) the amount equal to the excess, if any,
8 of—

9 (i) the amount equal to the monthly
10 equivalent of the rate of basic allowance
11 for subsistence that was in effect for the
12 preceding year for enlisted members of the
13 uniformed services above grade E-1 (when
14 permission to mess separately is granted),
15 increased by the same percent by which
16 the rates of basic pay for members of the
17 uniformed services were increased for the
18 year over those in effect for such preceding
19 year, over

20 (ii) the amount equal to 101 percent
21 of the monthly equivalent of the rate of
22 basic allowance for subsistence that was in
23 effect for the previous year for enlisted
24 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 subsection (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 Defense (Comptroller) as of October 1 of the preceding year.

SEC. 613. EFFECTIVE DATE AND TERMINATION OF TRANSITIONAL AUTHORITY.

(a) **EFFECTIVE DATE.**—This part and the amendments made by section 611 shall take effect on January 1, 1998.

(b) **TERMINATION OF TRANSITIONAL PROVISIONS.**—Section 612 shall cease to be effective on the first day of the month immediately following the first month for which the monthly equivalent of the rate of basic allowance for subsistence payable to enlisted members of the uniformed services (when permission to mess separately is

1 granted), as determined under subsection (e)(2) of such
 2 section, equals or exceeds the amount that, except for sub-
 3 section (b) of such section, would otherwise be the monthly
 4 rate of basic allowance for subsistence for enlisted mem-
 5 bers under section 402(b)(1) of title 37, United States
 6 Code.

7 **PART II—REFORM OF HOUSING AND RELATED**
 8 **ALLOWANCES**

9 **SEC. 616. ENTITLEMENT TO BASIC ALLOWANCE FOR HOUS-**
 10 **ING.**

11 (a) REDESIGNATION OF BAQ.—Section 403 of title
 12 37, United States Code, is amended by striking out “basic
 13 allowance for quarters” each place it appears, except in
 14 subsections (f) and (m), and inserting in lieu thereof
 15 “basic allowance for housing”.

16 (b) RATES.—Subsection (a) of such section is amend-
 17 ed by striking out “section 1009” and inserting in lieu
 18 thereof “section 403a”.

19 (c) TEMPORARY HOUSING ALLOWANCE WHILE IN
 20 TRAVEL OR LEAVE STATUS.—Subsection (f) of such sec-
 21 tion is amended to read as follows:

22 “(f) TEMPORARY HOUSING ALLOWANCE WHILE IN
 23 TRAVEL OR LEAVE STATUS.—A member of a uniformed
 24 service who is in pay grade above E-4 (four or more years
 25 of service) or above is entitled to a temporary housing al-

1 lowance (at a rate determined under section 403a of this
 2 title) while the member is in a travel or leave status be-
 3 tween permanent duty stations, including time granted as
 4 delay en route or proceed time, when the member is not
 5 assigned to quarters of the United States.”.

6 (d) DETERMINATIONS NECESSARY FOR ADMINISTER-
 7 ING AUTHORITY FOR ALL MEMBERS.—Subsection (h) of
 8 such section is amended by striking out “enlisted” each
 9 place it appears.

10 (e) ENTITLEMENT OF MEMBERS NOT ENTITLED TO
 11 PAY.—Subsection (i) of such section is amended by strik-
 12 ing out “enlisted”.

13 (f) TEMPORARY HOUSING AND ALLOWANCE FOR
 14 SURVIVORS OF ACTIVE DUTY MEMBERS.—

15 (1) CONTINUATION OF OCCUPANCY.—Para-
 16 graph (1) of subsection (l) of such section is amend-
 17 ed by striking out “in line of duty” and inserting in
 18 lieu thereof “on active duty”.

19 (2) ALLOWANCE.—Paragraph (2) of such sub-
 20 section is amended to read as follows:

21 “(2)(A) The Secretary concerned may pay a basic al-
 22 lowance for housing (at the rate determined under section
 23 403a of this title) to the dependents of a member of the
 24 uniformed services who dies while on active duty and
 25 whose dependents—

1 “(i) are not occupying a housing facility under
2 the jurisdiction of a uniformed service on the date
3 of the member’s death;

4 “(ii) are occupying such housing on a rental
5 basis on such date; or

6 “(iii) vacate such housing sooner than 180 days
7 after the date of the member’s death.

8 “(B) The payment of the allowance under this sub-
9 section shall terminate 180 days after the date of the
10 member’s death.”.

11 (g) ENTITLEMENT OF MEMBER PAYING CHILD SUP-
12 PORT.—Subsection (m) of such section is amended to read
13 as follows:

14 “(m) MEMBERS PAYING CHILD SUPPORT.—(1) A
15 member of a uniformed service with dependents may not
16 be paid a basic allowance for housing at the with depend-
17 ents rate solely by reason of the payment of child support
18 by the member if—

19 “(A) the member is assigned to a housing facil-
20 ity under the jurisdiction of a uniformed service; or

21 “(B) the member is in a pay grade above E-
22 4, is assigned to sea duty, and elects not to occupy
23 assigned quarters for unaccompanied personnel.

24 “(2) A member of a uniformed service assigned to
25 quarters of the United States or a housing facility under

1 the jurisdiction of a uniformed service who is not other-
 2 wise authorized a basic allowance for housing and who
 3 pays child support is entitled to the basic allowance for
 4 housing differential (at the rate applicable under section
 5 403a of this title) to the members' pay grade except for
 6 months for which the amount payable for the child support
 7 is less than the rate of the differential. Payment of a basic
 8 allowance for housing differential does not affect any enti-
 9 tlement of the member to a partial allowance for quarters
 10 under subsection (o).”.

11 (h) REPLACEMENT OF VHA BY BASIC ALLOWANCE
 12 FOR HOUSING.—

13 (1) MEMBERS NOT ACCOMPANIED BY DEPEND-
 14 ENTS OUTSIDE CONUS.—Such section is further
 15 amended by adding at the end the following:

16 “(n) MEMBERS NOT ACCOMPANIED BY DEPENDENTS
 17 OUTSIDE CONUS.—(1) A member of a uniformed service
 18 with dependents who is assigned to an unaccompanied
 19 tour of duty outside the continental United States is eligi-
 20 ble for a basic allowance for housing as provided in
 21 paragraph (2).

22 “(2)(A) For any period during which the dependents
 23 of a member referred to in paragraph (1) reside in the
 24 United States where, if the member were residing with
 25 them, the member would be entitled to receive a basic al-

1 lowance for housing, the member is entitled to a basic al-
 2 lowance for housing at the rate applicable under section
 3 403a of this title to the member's pay grade and the loca-
 4 tion of the residence of the member's dependents.

5 “(B) A member referred to in paragraph (1) may be
 6 paid a basic allowance for housing at the rate applicable
 7 under section 403a of this title to the members's pay
 8 grade and location.

9 “(3) Payment of a basic allowance for housing to a
 10 member under paragraph (2)(B) shall be in addition to
 11 any allowance or per diem to which the member otherwise
 12 may be entitled under this title.”.

13 (2) MEMBERS NOT ACCOMPANIED BY DEPEND-
 14 ENTS INSIDE CONUS.—Paragraph (2) of section
 15 403a(a) of title 37, United States Code, is trans-
 16 ferred to the end of section 403 of such title and,
 17 as transferred, is amended—

18 (A) by striking out “(2)” and inserting in
 19 lieu thereof “(o) MEMBERS NOT ACCOMPANIED
 20 BY DEPENDENTS INSIDE CONUS.—”;

21 (B) by striking out “variable housing al-
 22 lowance” each place it appears and inserting in
 23 lieu thereof “basic allowance for housing”;

24 (C) by striking out “(under regulations
 25 prescribed under subsection (e))” in the matter

1 following subparagraph (B) and inserting in
2 lieu thereof “(under regulations prescribed by
3 the Secretary of Defense)”; and

4 (D) by redesignating subparagraphs (A)
5 and (B) as paragraphs (1) and (2), respectively.

6 (3) REPEAL OF VHA ALLOWANCE.—Section
7 403a of title 37, United States Code, is repealed.

8 (i) MEMBERS WITHOUT DEPENDENTS.—Section 403
9 of such title, as amended by subsection (f), is further
10 amended by adding at the end the following:

11 “(p) PARTIAL ALLOWANCE FOR MEMBERS WITHOUT
12 DEPENDENTS.—A member of a uniformed service without
13 dependents who is not entitled to receive a basic allowance
14 for housing under subsection (b) or (c) is entitled to a
15 partial allowance for quarters determined under section
16 403a of this title.”.

17 (j) STYLISTIC AMENDMENTS.—Section 403 of title
18 37, United States Code, as amended by this section, is
19 further amended—

20 (1) in subsection (a), by striking out “(a)(1)”
21 and inserting in lieu thereof “(a) GENERAL ENTI-
22 TLEMENT.—(1)”;

23 (2) in subsection (b), by striking out “(b)(1)”
24 and inserting in lieu thereof “(b) MEMBERS AS-
25 SIGNED TO QUARTERS.—(1)”;

1 (3) in subsection (c), by striking out “(c)(1)”
 2 and inserting in lieu thereof “(c) INELIGIBILITY
 3 DURING INITIAL FIELD DUTY OR SEA DUTY.—
 4 (1)”;

5 (4) in subsection (d), by striking out “(d)(1)”
 6 and inserting in lieu thereof “(d) PROHIBITED
 7 GROUNDS FOR DENIAL.—(1)”;

8 (5) in subsection (e), by inserting “RENTAL OF
 9 PUBLIC QUARTERS.—” after “(e)”;

10 (6) in subsection (g), by inserting “AVIATION
 11 CADETS.—” after “(g)”;

12 (7) in subsection (h), by inserting “NECESSARY
 13 DETERMINATIONS.—” after “(h)”;

14 (8) in subsection (i), by inserting “ENTITLE-
 15 MENT OF MEMBER NOT ENTITLED TO PAY.—”
 16 after “(i)”;

17 (9) in subsection (j), by striking out “(j)(1)”
 18 and inserting in lieu thereof “(j) ADMINISTRATIVE
 19 AUTHORITY.—(1)”;

20 (10) in subsection (k), by inserting “PARKING
 21 FACILITIES NOT CONSIDERED QUARTERS.—” after
 22 “(k)”;

23 (11) in subsection (l), by striking out “(l)(1)”
 24 and inserting in lieu thereof “(l) DEPENDENTS OF
 25 MEMBERS DYING ON ACTIVE DUTY.—(1)”.

1 (k) SECTION HEADING.—The heading of section 403
 2 of title 37, United States Code, is amended to read as
 3 follows:

4 **“§ 403. Basic allowance for housing: eligibility”.**

5 **SEC. 617. RATES OF BASIC ALLOWANCE FOR HOUSING.**

6 Chapter 7 of title 37, United States Code, is amended
 7 by inserting after section 403 the following new section
 8 403a:

9 **“§ 403a. Basic allowance for housing: rates**

10 **“(a) RATES PRESCRIBED BY SECRETARY OF DE-**
 11 **FENSE.**—The Secretary of Defense shall prescribe month-
 12 ly rates of basic allowance for housing payable under sec-
 13 tion 403 of this title. The Secretary shall specify the rates,
 14 by pay grade and dependency status, for each geographic
 15 area defined in accordance with subsection (b).

16 **“(b) GEOGRAPHIC BASIS FOR RATES.**—(1) The Sec-
 17 retary shall define the areas within the United States and
 18 the areas outside the United States for which rates of
 19 basic allowance for housing are separately specified.

20 **“(2)** For each area within the United States that is
 21 defined under paragraph (1), the Secretary shall deter-
 22 mine the costs of housing in that area that the Secretary
 23 considers adequate for civilians residents of that area
 24 whose relevant circumstances the Secretary considers as

1 being comparable to those of members of the uniformed
2 services.

3 “(3) For each area outside the United States defined
4 under paragraph (1), the Secretary shall determine the
5 costs of housing in that area that the Secretary considers
6 adequate for members of the uniformed services.

7 “(c) RATES WITHIN THE UNITED STATES.—(1) Sub-
8 ject to paragraph (2), the monthly rate of basic allowance
9 for housing for members of the uniformed services of a
10 particular grade and dependency status for an area within
11 the United States shall be the amount equal to the excess
12 of—

13 “(A) the monthly cost of housing determined
14 applicable for members of that grade and depend-
15 ency status for that area under subsection (b), over

16 “(B) the amount equal to 15 percent of the av-
17 erage of the monthly costs of housing determined
18 applicable for members of the uniformed services of
19 that grade and dependency status for all areas of
20 the United States under subsection (b).

21 “(2) The rates of basic allowance for housing deter-
22 mined under paragraph (1) shall be reduced as necessary
23 to comply with subsection (g).

24 “(d) RATES OUTSIDE THE UNITED STATES.—The
25 monthly rate of basic allowance for housing for members

1 of the uniformed services of a particular grade and de-
2 pendency status for an area outside the United States
3 shall be an amount appropriate for members of the uni-
4 formed services of that grade and dependency status for
5 that area, as determined by the Secretary on the basis
6 of the costs of housing in that area.

7 “(e) ADJUSTMENTS WHEN RATES OF BASIC PAY IN-
8 CREASED.—The Secretary of Defense shall periodically re-
9 determine the housing costs for areas under subsection (b)
10 and adjust the rates of basic allowance for housing as ap-
11 propriate on the basis of the redetermination of costs. The
12 effective date of any adjustment in rates of basic allowance
13 for housing for an area as a result of such a redetermina-
14 tion shall be the same date as the effective date of the
15 next increase in rates of basic pay for members of the uni-
16 formed services after the redetermination.

17 “(f) SAVINGS OF RATE.—The rate of basic allowance
18 for housing payable to a particular member for an area
19 within the United States may not be reduced during a con-
20 tinuous period of eligibility of the member to receive a
21 basic allowance for housing for that area by reason of—

22 “(1) a general reduction of rates of basic allow-
23 ance for housing for members of the same grade and
24 dependency status for the area taking effect during
25 the period; or

1 “(2) a promotion of the member during the pe-
2 riod.

3 “(g) FISCAL YEAR LIMITATION ON TOTAL ALLOW-
4 ANCES PAID FOR HOUSING INSIDE THE UNITED
5 STATES.—(1) The total amount that may be paid for a
6 fiscal year for the basic allowance for housing for areas
7 within the United States by authorized members of the
8 uniformed services by section 403 of this title is the prod-
9 uct of—

10 “(A) the total amount authorized to be paid for
11 the allowance for such areas for the preceding fiscal
12 year (as adjusted under paragraph (2)); and

13 “(B) the fraction—

14 “(i) the numerator of which is the average
15 of the costs of housing determined by the Sec-
16 retary under subsection (b)(2) for the areas of
17 the United States for June of the preceding fis-
18 cal year; and

19 “(ii) the denominator of which is the aver-
20 age of the costs of housing determined by the
21 Secretary under subsection (b)(2) for the areas
22 of the United States for June of the fiscal year
23 before the preceding fiscal year.

24 “(2) In making a determination under paragraph (1)
25 for a fiscal year, the Secretary shall adjust the amount

1 authorized to be paid for the preceding fiscal year for the
2 basic allowance for housing to reflect changes (during the
3 fiscal year for which the determination is made) in the
4 number, grade distribution, and dependency status of
5 members of the uniformed services entitled to the basic
6 allowance for housing from the number of such members
7 during such preceding fiscal year.

8 “(h) MEMBERS EN ROUTE BETWEEN PERMANENT
9 DUTY STATIONS.—The Secretary of Defense shall pre-
10 scribe in regulations the rate of the temporary housing
11 allowance to which a member is entitled under section
12 403(f) of this title while the member is in a travel or leave
13 status between permanent duty stations.

14 “(i) SURVIVORS OF MEMBERS DYING ON ACTIVE
15 DUTY.— The rate of the basic allowance for housing pay-
16 able to dependents of a deceased member under section
17 403(l)(2) of this title shall be the rate that is payable for
18 members of the same grade and dependency status as the
19 deceased member for the area where the dependents are
20 residing.

21 “(j) MEMBERS PAYING CHILD SUPPORT.—(1) The
22 basic allowance for housing differential to which a member
23 is entitled under section 403(m)(2) of this title is the
24 amount equal to the excess of—

1 “(A) the rate of the basic allowance for quar-
2 ters (with dependents) for the member’s pay grade,
3 as such rate was in effect on December 31, 1997,
4 under section 403 of this title (as such section was
5 in effect on such date), over

6 “(B) the rate of the basic allowance for quar-
7 ters (without dependents) for the member’s pay
8 grade, as such rate was in effect on December 31,
9 1997, under section 403 of this title (as such section
10 was in effect on that date).

11 “(2) Whenever the rates of basic pay for members
12 of the uniformed services are increased, the monthly
13 amount of the basic allowance for housing differential
14 shall be increased by the average percent increase in the
15 rates of basic pay. The effective date of the increase shall
16 be the same date as the effective date in the increase in
17 the rates of basic pay.

18 “(k) PARTIAL ALLOWANCE FOR QUARTERS.—The
19 rate of the partial allowance for quarters to which a mem-
20 ber without dependents is entitled under section 403(p)
21 of this title is the partial rate of basic allowance for quar-
22 ters for the member’s pay grade as such partial rate was
23 in effect on December 31, 1997, under section 1009(c)(2)
24 of this title (as such section was in effect on such date).”.

1 **SEC. 618. DISLOCATION ALLOWANCE.**

2 (a) AMOUNT.—Section 407 of title 37, United States
3 Code, is amended—

4 (1) in subsection (a), by striking out “equal to
5 the basic allowance for quarters for two and one-half
6 months as provided for the member’s pay grade and
7 dependency status in section 403 of this title” in the
8 matter preceding paragraph (1) and inserting in lieu
9 thereof “determined under subsection (g)”;

10 (2) in subsection (b), by striking out “equal to
11 the basic allowance for quarters for two months as
12 provided for a member’s pay grade and dependency
13 status in section 403 of this title” and inserting in
14 lieu thereof “determined under subsection (g)”;

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

16 “(g) AMOUNT.—(1) The dislocation allowance pay-
17 able to a member under subsection (a) shall be the amount
18 equal to 160 percent of the monthly national average cost
19 of housing determined for members of the same grade and
20 dependency status as the member.

21 “(2) The dislocation allowance payable to a member
22 under subsection (b) shall be the amount equal to 130 per-
23 cent of the monthly national average cost of housing deter-
24 mined for members of the same grade and dependency sta-
25 tus as the member.

1 “(3) In this section, the term ‘monthly national aver-
 2 age cost of housing’, with respect to members of a particu-
 3 lar grade and dependency status, means the average of
 4 the monthly costs of housing that the Secretary deter-
 5 mines adequate for members of that grade and depend-
 6 ency status for all areas in the United States under section
 7 403a(b)(2) of this title.”.

8 (b) STYLISTIC AMENDMENTS.—Such section is
 9 amended—

10 (1) in subsection (a), by inserting “FIRST AL-
 11 LOWANCE.—” after “(a)”;

12 (2) in subsection (b), by inserting “SECOND
 13 ALLOWANCE.—” after “(b)”;

14 (3) in subsection (c), by inserting “ONE AL-
 15 LOWANCE PER FISCAL YEAR.—” after “(c)”;

16 (4) in subsection (d), by inserting “NO ENTI-
 17 TLEMENT FOR FIRST AND LAST MOVES.—” after
 18 “(d)”;

19 (5) in subsection (e), by inserting “WHEN
 20 MEMBER WITH DEPENDENTS CONSIDERED MEM-
 21 BER WITHOUT DEPENDENTS.—” after “(e)”;

22 (6) in subsection (f), by inserting “PAYMENT IN
 23 ADVANCE.—” after “(f)”.

1 **SEC. 619. FAMILY SEPARATION AND STATION ALLOW-**
 2 **ANCES.**

3 (a) FAMILY SEPARATION ALLOWANCE.—

4 (1) REPEAL OF AUTHORITY FOR ALLOWANCE
 5 EQUAL TO BAQ.—Section 427 of title 37, United
 6 States Code, is amended by striking out subsection
 7 (a).

8 (2) CONFORMING AMENDMENTS.—Subsection
 9 (b) of such section is amended—

10 (A) by striking out “(b) ADDITIONAL SEP-
 11 ARATION ALLOWANCE.—”;

12 (B) by redesignating paragraphs (1), (2),
 13 (3), (4), and (5), as subsections (a), (b), (c),
 14 (d), and (e), respectively;

15 (C) in subsection (a), as so redesignated—

16 (i) by inserting “ENTITLEMENT.—”
 17 after “(a)”;

18 (ii) by striking out “, including sub-
 19 section (a),”; and

20 (iii) by redesignating subparagraphs
 21 (A), (B), (C), and (D) as paragraphs (1),
 22 (2), (3), and (4), respectively;

23 (D) in subsection (b), as redesignated by
 24 paragraph (2)—

1 (i) by inserting “EFFECTIVE DATE
2 FOR SEPARATION DUE TO CRUISE OR
3 TEMPORARY 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 nated—

15 (I) by striking out “subsection”
16 and inserting in lieu thereof “sec-
17 tion”; 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
24 WHEN NO RESIDENCE OR HOUSEHOLD

1 MAINTAINED FOR DEPENDENTS.—” after
 2 “(c)”; 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)”; and

10 (ii) by striking out “paragraph (1)(A)
 11 of this subsection” and inserting in lieu
 12 thereof “subsection (a)(1)”; and

13 (G) in subsection (e), as redesignated by
 14 paragraph (2)—

15 (i) by inserting “ENTITLEMENT
 16 WHILE DEPENDENT ENTITLED TO BASIC
 17 PAY.—” after “(e)”; and

18 (ii) by striking out “paragraph
 19 (1)(D)” each place it appears and insert-
 20 ing in lieu thereof “subsection (a)(4)”.

21 (b) STATION ALLOWANCE.—

22 (1) REPEAL OF AUTHORITY.—Section 405 of
 23 title 37, United States Code, is amended by striking
 24 out subsection (b).

1 (2) CONFORMING AMENDMENT.—Such section
 2 is further amended by redesignating subsections (c)
 3 and (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,
 7 is amended by striking out “basic allowance for quarters
 8 (including 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
 13 amended by striking out “quarters” and inserting in lieu
 14 thereof “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
 19 is amended by striking out “basic allowance for quarters”
 20 and inserting in lieu thereof “basic allowance for hous-
 21 ing”.

22 (e) OCCUPANCY OF SUBSTANDARD FAMILY HOUS-
 23 ING.—Section 2830(a) of title 10, United States Code, is
 24 amended by striking out “basic allowance for quarters”

1 each place it appears and inserting in lieu thereof “basic
2 allowance for housing”.

3 **SEC. 621. CLERICAL AMENDMENT.**

4 The table of sections at the beginning of chapter 7
5 of title 37, United States Code, is amended by striking
6 out the items relating to section 403 and 403a and insert-
7 ing in lieu thereof the following:

“403. Basic allowance for housing: eligibility.
“403a. Basic allowance for housing: rates.”.

8 **SEC. 622. EFFECTIVE DATE.**

9 This part and the amendments made by this part
10 shall take effect on January 1, 1998.

11 **PART III—OTHER AMENDMENTS RELATING TO**
12 **ALLOWANCES**

13 **SEC. 626. REVISION OF AUTHORITY TO ADJUST COMPENSA-**
14 **TION NECESSITATED BY REFORM OF SUB-**
15 **SISTENCE AND HOUSING ALLOWANCES.**

16 (a) CONFORMING REPEAL OF AUTHORITY RELATING
17 TO BAS AND BAQ.—

18 (1) IN GENERAL.—Section 1009 of title 37,
19 United States Code, is amended to read as follows:

20 **“§ 1009. Adjustments of monthly basic pay**

21 “(a) ADJUSTMENT REQUIRED.—Whenever the Gen-
22 eral Schedule of compensation for Federal classified em-
23 ployees as contained in section 5332 of title 5 is adjusted
24 upward, the President shall immediately make an upward

1 adjustment in the monthly basic pay authorized members
 2 of the uniformed services by section 203(a) of this title.

3 “(b) EFFECTIVENESS OF ADJUSTMENT.—An adjust-
 4 ment under this section shall—

5 “(1) have the force and effect of law; and

6 “(2) carry the same effective date as that ap-
 7 plying to the compensation adjustments provided
 8 General Schedule employees.

9 “(c) EQUAL PERCENTAGE INCREASE FOR ALL MEM-
 10 BERS.—Subject to subsection (d), an adjustment under
 11 this section shall provide all eligible members with an in-
 12 crease in the monthly basic pay which is of the same per-
 13 centage as the overall average percentage increase in the
 14 General Schedule rates of basic pay for civilian employees.

15 “(d) ALLOCATION OF INCREASE AMONG PAY
 16 GRADES AND YEARS-OF-SERVICE.—(1) Subject to para-
 17 graph (2), whenever the President determines such action
 18 to be in the best interest of the Government, he may allo-
 19 cate the overall percentage increase in the monthly basic
 20 pay under subsection (a) among such pay grade and years-
 21 of-service categories as he considers appropriate.

22 “(2) In making any allocation of an overall percent-
 23 age increase in basic pay under paragraph (1)—

24 “(A) the amount of the increase in basic pay
 25 for any given pay grade and years-of-service cat-

1 egory after any allocation made under this sub-
2 section may not be less than 75 percent of the
3 amount of the increase in the monthly basic pay that
4 would otherwise have been effective with respect to
5 such pay grade and years-of-service category under
6 subsection (c); and

7 “(B) the percentage increase in the monthly
8 basic pay in the case of any member of the uni-
9 formed services with four years or less service may
10 not exceed the overall percentage increase in the
11 General Schedule rates of basic pay for civilian em-
12 ployees.

13 “(e) NOTICE OF ALLOCATIONS.—Whenever the
14 President plans to exercise his authority under subsection
15 (d) with respect to any anticipated increase in the monthly
16 basic pay of members of the uniformed services, he shall
17 advise Congress, at the earliest practicable time prior to
18 the effective date of such increase, regarding the proposed
19 allocation of such increase.

20 “(f) QUADRENNIAL ASSESSMENT OF ALLOCA-
21 TIONS.—The allocations of increases made under this sec-
22 tion shall be assessed in conjunction with the quadrennial
23 review of military compensation required by section
24 1008(b) of this title.”.

1 (2) CLERICAL AMENDMENT.—The item relating
 2 to such section in the table of sections at the begin-
 3 ning of chapter 19 of such title is amended to read
 4 as follows:

“1009. Adjustments of monthly basic pay.”.

5 (b) EFFECTIVE DATE.—The amendments made by
 6 subsection (a) shall take effect on January 1, 1998.

7 **SEC. 627. DEADLINE FOR PAYMENT OF READY RESERVE**
 8 **MUSTER DUTY ALLOWANCE.**

9 Section 433(c) of title 37, United States Code, is
 10 amended by striking out “and shall” in the first sentence
 11 and all that follows in that sentence and inserting in lieu
 12 thereof a period and the following: “The allowance shall
 13 be paid to the member before, on, or after the date on
 14 which the muster duty is performed, but not later than
 15 30 days after that date.”.

16 **Subtitle C—Bonuses and Special**
 17 **and Incentive Pays**

18 **SEC. 631. ONE-YEAR EXTENSION OF CERTAIN BONUSES**
 19 **AND SPECIAL PAY AUTHORITIES FOR RE-**
 20 **SERVE FORCES.**

21 (a) SPECIAL PAY FOR CRITICALLY SHORT WARTIME
 22 HEALTH SPECIALISTS.—Section 302g(f) of title 37, Unit-
 23 ed States Code, is amended by striking out “September
 24 30, 1998” and inserting in lieu thereof “September 30,
 25 1999”.

1 (b) SELECTED RESERVE REENLISTMENT BONUS.—
2 Section 308b(f) of title 37, United States Code, is amend-
3 ed by striking out “September 30, 1998” and inserting
4 in lieu thereof “September 30, 1999”.

5 (c) SELECTED RESERVE ENLISTMENT BONUS.—Sec-
6 tion 308c(e) of title 37, United States Code, is amended
7 by striking out “September 30, 1998” and inserting in
8 lieu thereof “September 30, 1999”.

9 (d) SPECIAL PAY FOR ENLISTED MEMBERS AS-
10 SIGNED TO CERTAIN HIGH PRIORITY UNITS.—Section
11 308d(c) 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 (e) SELECTED RESERVE AFFILIATION BONUS.—Sec-
15 tion 308e(e) of title 37, United States Code, is amended
16 by striking out “September 30, 1998” and inserting in
17 lieu thereof “September 30, 1999”.

18 (f) READY RESERVE ENLISTMENT AND REENLIST-
19 MENT BONUS.—Section 308h(g) of title 37, United States
20 Code, is amended by striking out “September 30, 1998”
21 and inserting in lieu thereof “September 30, 1999”.

22 (g) PRIOR SERVICE ENLISTMENT BONUS.—Section
23 308i(i) of title 37, United States Code, is amended by
24 striking out “September 30, 1998” and inserting in lieu
25 thereof “September 30, 1999”.

1 (h) REPAYMENT OF EDUCATION LOANS FOR CER-
 2 TAIN HEALTH PROFESSIONALS WHO SERVE IN THE SE-
 3 LECTED RESERVE.—Section 16302(d) of title 10, United
 4 States Code, is amended by striking out “October 1,
 5 1998” and inserting in lieu thereof “October 1, 1999”.

6 **SEC. 632. ONE-YEAR EXTENSION OF CERTAIN BONUSES**
 7 **AND SPECIAL PAY AUTHORITIES FOR NURSE**
 8 **OFFICER CANDIDATES, REGISTERED NURSES,**
 9 **AND NURSE ANESTHETISTS.**

10 (a) NURSE OFFICER CANDIDATE ACCESSION PRO-
 11 GRAM.—Section 2130a(a)(1) of title 10, United States
 12 Code, is amended by striking out “September 30, 1998”
 13 and inserting in lieu thereof “September 30, 1999”.

14 (b) ACCESSION BONUS FOR REGISTERED NURSES.—
 15 Section 302d(a)(1) of title 37, United States Code, is
 16 amended by striking out “September 30, 1998” and in-
 17 serting in lieu thereof “September 30, 1999”.

18 (c) INCENTIVE SPECIAL PAY FOR NURSE ANES-
 19 THETISTS.—Section 302e(a)(1) of title 37, United States
 20 Code, is amended by striking out “September 30, 1998”
 21 and inserting in lieu thereof “September 30, 1999”.

1 **SEC. 633. ONE-YEAR EXTENSION OF AUTHORITIES RELAT-**
2 **ING TO PAYMENT OF OTHER BONUSES AND**
3 **SPECIAL PAYS.**

4 (a) REENLISTMENT BONUS FOR ACTIVE MEM-
5 BERS.—Section 308(g) of title 37, United States Code, is
6 amended by striking out “September 30, 1998” and in-
7 serting in lieu thereof “September 30, 1999”.

8 (b) ENLISTMENT BONUSES FOR CRITICAL SKILLS.—
9 Sections 308a(c) and 308f(c) of title 37, United States
10 Code, are each amended by striking out “September 30,
11 1998” and inserting in lieu thereof “September 30,
12 1999”.

13 (c) SPECIAL PAY FOR NUCLEAR QUALIFIED OFFI-
14 CERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section
15 312(e) of title 37, United States Code, is amended by
16 striking out “September 30, 1998” and inserting in lieu
17 thereof “September 30, 1999”.

18 (d) NUCLEAR CAREER ACCESSION BONUS.—Section
19 312b(c) of title 37, United States Code, is amended by
20 striking out “September 30, 1998” and inserting in lieu
21 thereof “September 30, 1999”.

22 (e) NUCLEAR CAREER ANNUAL INCENTIVE
23 BONUS.—Section 312c(d) of title 37, United States Code,
24 is amended by striking out “October 1, 1998” and insert-
25 ing in lieu thereof “October 1, 1999”.

1 **SEC. 634. INCREASED AMOUNTS FOR AVIATION CAREER IN-**
 2 **CENTIVE PAY.**

3 (a) AMOUNTS.—The table in subsection (b)(1) of sec-
 4 tion 301a(b)(1) of title 37, United States Code, is amend-
 5 ed—

6 (1) by inserting at the end of phase I of the
 7 table the following:

“Over 14 840”;

8 and

9 (2) by striking out phase II of the table and in-
 10 serting in lieu thereof the following:

“PHASE II

“Years of service as an officer:	“Monthly rate
“Over 22	\$585
“Over 23	495
“Over 24	385
“Over 25	250”.

11 (b) EFFECTIVE DATE AND APPLICABILITY.—The
 12 amendments made by subsection (a) shall take effect on
 13 October 1, 1998, and shall apply with respect to months
 14 beginning on or after that date.

15 **SEC. 635. AVIATION CONTINUATION PAY.**

16 (a) EXTENSION OF AUTHORITY.—Subsection (a) of
 17 section 301b of title 37, United States Code, is amended
 18 by striking out “1998” and inserting in lieu thereof
 19 “2005”.

20 (b) BONUS AMOUNTS.—Subsection (c) of such sec-
 21 tion is amended—

1 (1) in paragraph (1), by striking out “\$12,000”
 2 and inserting in lieu thereof “\$25,000”; and

3 (2) in paragraph (2), by striking out “\$6,000”
 4 and inserting in lieu thereof “\$12,000”.

5 (c) DEFINITION OF AVIATION SPECIALTY.—Sub-
 6 section (j)(2) of such section is amended by inserting “spe-
 7 cific” before “community”.

8 (d) CONTENT OF ANNUAL REPORT.—Subsection
 9 (i)(1) of such section is amended—

10 (1) by inserting “and” at the end of subpara-
 11 graph (A);

12 (2) by striking out the semicolon and “and” at
 13 the end of subparagraph (B) and inserting in lieu
 14 thereof a period; and

15 (3) by striking out subparagraph (C).

16 (e) EFFECTIVE DATES AND APPLICABILITY.—(1)
 17 Except as provided in paragraphs (1) and (2), the amend-
 18 ments made by this section shall take effect on the date
 19 of the enactment of this Act.

20 (2) The amendment made by subsection (b) shall take
 21 effect on October 1, 1997, and shall apply with respect
 22 to agreements accepted under subsection (a) of section
 23 301b of title 37, United States Code, on or after that date.

24 (3) The amendment made by subsection (c) shall take
 25 effect as of October 1, 1996, and shall apply with respect

1 to agreements accepted under subsection (a) of section
 2 301b of title 37, United States Code, on or after that date.

3 **SEC. 636. ELIGIBILITY OF DENTAL OFFICERS FOR THE**
 4 **MULTIYEAR RETENTION BONUS PROVIDED**
 5 **FOR MEDICAL OFFICERS.**

6 (a) ADDITION OF DENTAL OFFICERS.—Section 301d
 7 of title 37, United States Code, is amended—

8 (1) in subsection (a)(1), by inserting “or den-
 9 tal” after “medical”; and

10 (2) in subsection (b)—

11 (A) in paragraph (1)—

12 (i) by inserting “or Dental Corps”
 13 after “Medical Corps”; and

14 (ii) by inserting “or dental” after
 15 “medical”; and

16 (B) in paragraph (3), by inserting “or den-
 17 tal” after “medical”.

18 (b) CONFORMING AMENDMENT AND RELATED CLER-
 19 ICAL AMENDMENT.—(1) The heading of such section is
 20 amended to read as follows:

21 **“§ 301d. Multiyear retention bonus: medical and den-**
 22 **tal officers of the armed forces”.**

23 (2) The item relating to such section in the table of
 24 sections at the beginning of chapter 5 of title 37, United
 25 States Code, is amended to read as follows:

“301d. Multiyear retention bonus: medical and dental officers of the armed forces.”.

1 (c) EFFECTIVE DATE.—The amendments made by
2 this section shall take effect on October 1, 1997, and apply
3 to agreements accepted under section 301d of title 37,
4 United States Code, on or after that date.

5 **SEC. 637. INCREASED SPECIAL PAY FOR DENTAL OFFICERS.**

6 (a) VARIABLE SPECIAL PAY FOR OFFICERS BELOW
7 GRADE O–7.—Paragraph (2) of section 302b(a) of title
8 37, United States Code, is amended by striking out sub-
9 paragraphs (C), (D), (E), and (F), and inserting in lieu
10 thereof the following:

11 “(C) \$4,000 per year, if the officer has at least
12 six but less than 8 years of creditable service.

13 “(D) \$12,000 per year, if the officer has at
14 least 8 but less than 12 years of creditable service.

15 “(E) \$10,000 per year, if the officer has at
16 least 12 but less than 14 years of creditable service.

17 “(F) \$9,000 per year, if the officer has at least
18 14 but less than 18 years of creditable service.

19 “(G) \$8,000 per year, 18 or more years of cred-
20 itable service.”.

21 (b) VARIABLE SPECIAL PAY FOR OFFICERS ABOVE
22 GRADE O–6.—Paragraph (3) of such section is amended
23 by striking out “\$1,000” and inserting in lieu thereof
24 “\$7,000”.

1 (c) ADDITIONAL SPECIAL PAY.—Paragraph (4) of
2 such section is amended—

3 (1) in subparagraph (B), by striking out “14”
4 and inserting in lieu thereof “10”; and

5 (2) by striking out subparagraphs (C) and (D)
6 and inserting in lieu thereof the following:

7 “(C) \$15,000 per year, if the officer has 10 or
8 more years of creditable service.”.

9 (d) EFFECTIVE DATE.—The amendments made by
10 this section shall take effect on October 1, 1997, and shall
11 apply with respect to months beginning on or after that
12 date.

13 **SEC. 638. MODIFICATION OF SELECTED RESERVE REEN-**
14 **LISTMENT BONUS AUTHORITY.**

15 (a) ELIGIBILITY OF MEMBERS WITH UP TO 14
16 YEARS OF TOTAL SERVICE.—Subsection (a) of section
17 308b of title 37, United States Code, is amended by strik-
18 ing out “ten years” in paragraph (1) and inserting in lieu
19 thereof “14 years”.

20 (b) TWO-BONUS AUTHORITY FOR CONSECUTIVE 3-
21 YEAR ENLISTMENTS.—Such subsection is further amend-
22 ed—

23 (1) by redesignating paragraphs (1) and (2) as
24 subparagraphs (A) and (B), respectively;

1 (2) by inserting “AUTHORITY AND ELIGIBILITY
2 REQUIREMENTS.—(1)” after “(a)”;

3 (3) by striking out “a bonus as provided in sub-
4 section (b)” before the period at the end and insert-
5 ing in lieu thereof “a bonus or bonuses in accord-
6 ance with this section”; and

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

9 “(2) If a person eligible to receive a bonus under this
10 section by reason of an enlistment for a period of three
11 years so elects on or before the date of the enlistment,
12 the Secretary concerned may pay the person—

13 “(A) a bonus for that enlistment; and

14 “(B) an additional bonus for a later voluntary
15 extension of the enlistment, or a subsequent con-
16 secutive enlistment, for a period of at least three
17 years if—

18 “(i) on the date of the expiration of the en-
19 listment for which the first bonus was paid, or
20 the date on which, but for an extension of the
21 enlistment, the enlistment would otherwise ex-
22 pire, as the case may be, the person satisfies
23 the eligibility requirements set forth in para-
24 graph (1) and the eligibility requirements for
25 reenlisting or extending the enlistment; and

1 “(ii) the extension of the enlistment or the
2 subsequent consecutive enlistment, as the case
3 may be, is in a critical military skill designated
4 for such a bonus by the Secretary concerned.”.

5 (c) BONUS AMOUNTS.—Subsection (b) of such sec-
6 tion is amended to read as follows:

7 “(b) BONUS AMOUNTS.—(1) In the case of a member
8 who enlists for a period of six years, the bonus to be paid
9 under subsection (a) shall be a total amount not to exceed
10 \$5,000.

11 “(2) In the case of a member who enlists for a period
12 of three years, the bonus to be paid under subsection (a)
13 shall be as follows:

14 “(A) If the member does not make an election
15 authorized under subsection (a)(2), the total amount
16 of the bonus shall be an amount not to exceed
17 \$2,500.

18 “(B) If the member makes an election under
19 subsection (a)(2) to be paid a bonus for the enlist-
20 ment and an additional bonus for a later extension
21 of the enlistment or for a subsequent consecutive en-
22 listment—

23 “(i) the total amount of the first bonus
24 shall be an amount not to exceed \$2,000; and

1 “(ii) the total amount of the additional
2 bonus shall be an amount not to exceed
3 \$2,500.”.

4 (d) DISBURSEMENT OF BONUS.—Subsection (c) of
5 such section is amended to read as follows:

6 “(c) DISBURSEMENT OF BONUS.—(1) Any bonus
7 payable under this section shall be disbursed in one initial
8 payment of an amount not to exceed one-half of the total
9 amount of the bonus and subsequent periodic partial pay-
10 ments of the balance of the bonus. The Secretary con-
11 cerned shall prescribe the amount of each partial payment
12 and the schedule for making the partial payments.

13 “(2) Payment of any additional bonus under sub-
14 section (a)(2)(B) for an extension of an enlistment or a
15 subsequent consecutive enlistment shall begin on or after
16 the date referred to in clause (i) of that subsection.”.

17 (e) SUBSECTION HEADINGS.—Such section is further
18 amended—

19 (1) in subsection (d), by inserting “REFUND
20 FOR UNSATISFACTORY SERVICE.—” after “(d)”;

21 (2) in subsection (e), by inserting “REGULA-
22 TIONS.—” after “(e)”;

23 (3) in subsection (f), by inserting “TERMI-
24 NATION OF AUTHORITY.—” after “(f)”.

1 (f) EFFECTIVE DATE.—The amendments made by
 2 this section shall take effect on October 1, 1997, and apply
 3 to enlistments in the Armed Forces on or after that date.

4 **SEC. 639. MODIFICATION OF AUTHORITY TO PAY BONUSES**
 5 **FOR ENLISTMENTS BY PRIOR SERVICE PER-**
 6 **SONNEL IN CRITICAL SKILLS IN THE SE-**
 7 **LECTED RESERVE.**

8 (a) REORGANIZATION OF SECTION.—Section 308i of
 9 title 37, United States Code, is amended—

10 (1) by redesignating subsections (e), (f), and
 11 (g) as paragraphs (2), (3), and (4), respectively, of
 12 subsection (d);

13 (2) by redesignating subsections (b), (c), (d),
 14 (h), and (i) as subsections (c), (e), (f), (g), and (h),
 15 respectively; and

16 (3) by redesignating paragraph (2) of sub-
 17 section (a) as subsection (b) and in subsection (b),
 18 as so redesignated, by redesignating subparagraphs
 19 (A), (B), (C), and (D) as paragraphs (1), (2), (3),
 20 and (4), respectively.

21 (b) TWO-BONUS AUTHORITY FOR CONSECUTIVE 3-
 22 YEAR ENLISTMENTS.—Subsection (a) of such section is
 23 amended by inserting after paragraph (1) the following
 24 new paragraph (2):

1 “(2) If a person eligible to receive a bonus under this
 2 section by reason of an enlistment for a period of three
 3 years so elects on or before the date of the enlistment,
 4 the Secretary concerned may pay the person—

5 “(A) a bonus for that enlistment; and

6 “(B) an additional bonus for a later extension
 7 of the enlistment, or a subsequent consecutive enlist-
 8 ment, for a period of at least three years if—

9 “(i) on the date of the expiration of the en-
 10 listment for which the first bonus was paid, or
 11 the date on which, but for an extension of the
 12 enlistment, the enlistment would otherwise ex-
 13 pire, the person satisfies the eligibility require-
 14 ments set forth in subsection (b) and the eligi-
 15 bility requirements for reenlisting or extending
 16 the enlistment, as the case may be; and

17 “(ii) the extension of the enlistment or the
 18 subsequent consecutive enlistment, as the case
 19 may be, is in a critical military skill designated
 20 for such a bonus by the Secretary concerned.”.

21 (c) ELIGIBILITY OF FORMER MEMBERS WITH UP TO
 22 14 YEARS OF PRIOR SERVICE.—Subsection (b) of such
 23 section, as redesignated by subsection (a)(3), is amended
 24 by striking out “10 years” and inserting in lieu thereof
 25 “14 years”.

1 (d) BONUS AMOUNTS.—Subsection (c) of such sec-
2 tion, as redesignated by subsection (a)(2), is amended to
3 read as follows:

4 “(c) BONUS AMOUNTS.—(1) In the case of a member
5 who enlists for a period of six years, the bonus to be paid
6 under subsection (a) shall be a total amount not to exceed
7 \$5,000.

8 “(2) In the case of a member who enlists for a period
9 of three years, the bonus to be paid under subsection (a)
10 shall be as follows:

11 “(A) If the member does not make an election
12 authorized under subsection (a)(2), the total amount
13 of the bonus shall be an amount not to exceed
14 \$2,500.

15 “(B) If the member makes an election under
16 subsection (a)(2) to be paid a bonus for the enlist-
17 ment and an additional bonus for a later extension
18 of the enlistment or for a subsequent consecutive en-
19 listment—

20 “(i) the total amount of the first bonus
21 shall be an amount not to exceed \$2,000; and

22 “(ii) the total amount of the additional
23 bonus shall be an amount not to exceed
24 \$2,500.”.

1 (e) DISBURSEMENT OF BONUS.—Such section is
 2 amended by inserting after subsection (c), as redesignated
 3 by subsection (a)(2) and amended by subsection (d), the
 4 following new subsection (d):

5 “(d) DISBURSEMENT OF BONUS.—(1) Any bonus
 6 payable under this section shall be disbursed in one initial
 7 payment of an amount not to exceed one-half of the total
 8 amount of the bonus and subsequent periodic partial pay-
 9 ments of the balance of the bonus. The Secretary con-
 10 cerned shall prescribe the amount of each partial payment
 11 and the schedule for making the partial payments.

12 “(2) Payment of any additional bonus under sub-
 13 section (a)(2)(B) for an extension of an enlistment or a
 14 subsequent consecutive enlistment shall begin on or after
 15 the date referred to in clause (i) of that subsection.”.

16 (f) CONFORMING AMENDMENTS.—(1) Subsection
 17 (a)(1) of such section is amended by striking out “para-
 18 graph (2) may be paid a bonus as prescribed in subsection
 19 (b)” and inserting in lieu thereof “subsection (b) may be
 20 paid a bonus or bonuses in accordance with this section”.

21 (2) Subsection (e) of such section, as redesignated by
 22 subsection (a)(2), is amended by striking out “may not
 23 be paid more than one bonus under this section and”.

24 (3) Subsection (f) of such section, as redesignated by
 25 subsection (a)(2), is amended—

1 (A) by inserting “REFUND FOR UNSATISFAC-
2 TORY SERVICE.—(1)” after “(f)”;

3 (B) in paragraphs (2) and (4), as redesignated
4 by subsection (a)(1), by striking out “subsection
5 (d)” and inserting in lieu thereof “paragraph (1)”;
6 and

7 (C) in paragraph (3), as redesignated by sub-
8 section (a)(1)—

9 (i) by striking out “subsection (h)” and in-
10 serting in lieu thereof “subsection (g)”;

11 (ii) by striking out “subsection (d)” and
12 inserting in lieu thereof “paragraph (1)”.

13 (g) SUBSECTION HEADINGS.—Such section, as
14 amended by subsections (a) through (f), is further amend-
15 ed—

16 (1) in subsection (a), by inserting “AUTHOR-
17 ITY.—” after “(a)”;

18 (2) in subsection (b), by inserting “ELIGI-
19 BILITY.—” after “(b)”;

20 (3) in subsection (e), by inserting “LIMITA-
21 TION.—” after “(e)”;

22 (4) in subsection (g), by inserting “REGULA-
23 TIONS.—” after “(g)”;

24 (5) in subsection (h), by inserting “TERMI-
25 NATION OF AUTHORITY.—” after “(h)”.

1 (h) EFFECTIVE DATE.—The amendments made by
 2 this section shall take effect on October 1, 1997, and apply
 3 to enlistments in the Armed Forces on or after that date.

4 **SEC. 640. INCREASED SPECIAL PAY AND BONUSES FOR NU-**
 5 **CLEAR QUALIFIED OFFICERS.**

6 (a) SPECIAL PAY FOR OFFICERS EXTENDING PE-
 7 RIOD OF ACTIVE SERVICE.—Subsection (a) of section 312
 8 of title 37, United States Code, is amended by striking
 9 out “\$12,000” and inserting in lieu thereof “\$15,000”.

10 (b) NUCLEAR CAREER ACCESSION BONUS.—Sub-
 11 section (a)(1) of section 312b of title 37, United States
 12 Code, is amended by striking out “\$8,000” and inserting
 13 in lieu thereof “\$10,000”.

14 (c) NUCLEAR CAREER ANNUAL INCENTIVE BO-
 15 NUSES.—Section 312c of title 37, United States Code, is
 16 amended—

17 (1) in subsection (a)(1), by striking out
 18 “\$10,000” and inserting in lieu thereof “\$12,000”;
 19 and

20 (2) in subsection (b)(1), by striking out
 21 “\$4,500” and inserting in lieu thereof “\$5,500”.

22 (d) EFFECTIVE DATE.—(1) The amendments made
 23 by this section shall take effect on October 1, 1997.

24 (2) The amendments made by subsections (a) and (b)
 25 shall apply with respect to agreements accepted under sec-

1 tions 312(a) and 312b(a), respectively, of title 37, United
 2 States Code, on or after the effective date of the amend-
 3 ments.

4 **SEC. 641. AUTHORITY TO PAY BONUSES IN LIEU OF SPE-**
 5 **CIAL PAY FOR ENLISTED MEMBERS EXTEND-**
 6 **ING DUTY AT DESIGNATED LOCATIONS OVER-**
 7 **SEAS.**

8 (a) PAYMENT FLEXIBILITY.—Section 314 of title 37,
 9 United States Code, is amended—

10 (1) in subsection (a), by striking out “at a
 11 rate” and all that follows through “Secretary con-
 12 cerned”;

13 (2) by redesignating subsection (b) as sub-
 14 section (c); and

15 (3) by inserting after subsection (a) the follow-
 16 ing new subsection (b):

17 “(b) PAYMENT SCHEDULE AND RATES.—At the elec-
 18 tion of the Secretary concerned, the Secretary may pay
 19 the special pay to which a member is entitled under sub-
 20 section (a)—

21 “(1) in monthly installments in an amount pre-
 22 scribed by the Secretary, but not to exceed \$80 each;
 23 or

1 “(2) as an annual bonus in an amount pre-
2 scribed by the Secretary, but not to exceed \$2,000
3 per year.”.

4 (b) PROHIBITION OF CONCURRENT RECEIPT WITH
5 REST AND RECUPERATIVE ABSENCE OR TRANSPOR-
6 TATION.—Subsection (c) of such section, as redesignated
7 by subsection (a)(2), is amended—

8 (1) by inserting “CONCURRENT RECEIPT OF
9 BENEFITS PROHIBITED.—(1)” after “(c)”; and

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

11 “(2)(A) In the case of a member entitled to an annual
12 bonus for a 12-month period under subsection (b)(2), the
13 amount of the annual bonus shall be reduced by the per-
14 cent determined by dividing 12 into the number of months
15 in the period that the member is authorized rest and recu-
16 perative absence or transportation. For the purposes of
17 the preceding sentence, a member shall be treated as hav-
18 ing been authorized rest and recuperative absence or
19 transportation for a full month if rest and recuperative
20 absence or transportation is authorized for the member
21 for any part of the month.

22 “(B) The Secretary concerned shall recoup by collec-
23 tion from a member any amount of an annual bonus paid
24 under subsection (b)(2) to the member for a 12-month pe-
25 riod that exceeds the amount of the bonus to which the

1 member is entitled for the period by reason of an author-
2 ization of rest and recuperative absence or transportation
3 for the member during that period that was not taken into
4 account in computing the amount of the entitlement.”.

5 (c) REPAYMENT.—Such section is further amended
6 by adding at the end the following:

7 “(d) REFUND FOR FAILURE TO COMPLETE TOUR OF
8 DUTY.—(1) A member who, having entered into a written
9 agreement to extend a tour of duty for a period under
10 subsection (a), receives a bonus payment under subsection
11 (b)(2) for a 12-month period covered by the agreement
12 and ceases during that 12-month period to perform the
13 agreed tour of duty shall refund to the United States the
14 unearned portion of the bonus. The unearned portion of
15 the bonus is the amount by which the amount of the bonus
16 paid to the member exceeds the amount determined by
17 multiplying the amount of the bonus paid by the percent
18 determined by dividing 12 into the number of full months
19 during which the member performed the duty in the 12-
20 month period.

21 “(2) The Secretary concerned may waive the obliga-
22 tion of a member to reimburse the United States under
23 paragraph (1) if the Secretary determines that conditions
24 and circumstances warrant the waiver.

1 “(e) TREATMENT OF REIMBURSEMENT OBLIGA-
 2 TIONS.—(1) An obligation to reimburse the United States
 3 imposed under subsection (c)(2)(B) or (d) is for all pur-
 4 poses a debt owed to the United States.

5 “(2) A discharge in bankruptcy under title 11 that
 6 is entered less than 5 years after the termination of a writ-
 7 ten agreement entered into under subsection (a) does not
 8 discharge the member signing the agreement from a debt
 9 referred to in paragraph (1). This paragraph applies to
 10 any case commenced under title 11 on or after October
 11 1, 1997.”.

12 (d) STYLISTIC AMENDMENT.—Subsection (a) of such
 13 section is amended by inserting “AUTHORITY.—” after
 14 “(a)”.

15 (e) EFFECTIVE DATE.—The amendments made by
 16 this section shall take effect on October 1, 1997, and apply
 17 to agreements accepted under section 314 of title 37,
 18 United States Code, on or after that date.

19 **SEC. 642. RESERVE AFFILIATION AGREEMENT BONUS FOR**
 20 **THE COAST GUARD.**

21 Section 308e of title 37, United States Code, is
 22 amended—

23 (1) in subsection (a), by striking out “Secretary
 24 of a military department” in the matter preceding

1 paragraph (1) and inserting in lieu thereof “Sec-
2 retary concerned”; and

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

4 “(f) The authority in subsection (a) does not apply
5 to the Secretary of Commerce and the Secretary of Health
6 and Human Services.”.

7 **Subtitle D—Retired Pay, Survivor**
8 **Benefits, and Related Matters**

9 **SEC. 651. ONE-YEAR OPPORTUNITY TO DISCONTINUE PAR-**
10 **TICIPATION IN SURVIVOR BENEFIT PLAN.**

11 (a) ELECTION TO DISCONTINUE WITHIN ONE YEAR
12 AFTER SECOND ANNIVERSARY OF COMMENCEMENT OF
13 PAYMENT OF RETIRED PAY.—(1) Subchapter II of chap-
14 ter 73 of title 10, United States Code, is amended by in-
15 serting after section 1448 the following:

16 **“§ 1448a. Election to discontinue participation: one-**
17 **year opportunity after second anniver-**
18 **sary of commencement of payment of re-**
19 **tired pay**

20 “(a) AUTHORITY.—A participant in the Plan may,
21 subject to the provisions of this section, elect to dis-
22 continue participation in the Plan at any time during the
23 1-year period beginning on the second anniversary of the
24 date on which payment of retired pay to the participant
25 commences.

1 “(b) CONCURRENCE OF SPOUSE.—(1) A married
2 participant may not make an election under subsection (a)
3 without the concurrence of the participant’s spouse, except
4 that the participant may make such an election without
5 the concurrence of the person’s spouse if the person estab-
6 lishes to the satisfaction of the Secretary concerned that
7 one of the conditions described in section 1448(a)(3)(C)
8 of this title exists.

9 “(2) The concurrence of a spouse under paragraph
10 (1) shall be made in such written form and shall contain
11 such information as may be required under regulations
12 prescribed by the Secretary of Defense.

13 “(c) LIMITATION ON ELECTION WHEN FORMER
14 SPOUSE COVERAGE IN EFFECT.—The limitation set forth
15 in section 1450(f)(2) of this title shall apply to an election
16 to discontinue participation in the Plan under subsection
17 (a).

18 “(d) WITHDRAWAL OF ELECTION TO DIS-
19 CONTINUE.—Section 1448(b)(1)(D) of this title shall
20 apply to an election under subsection (a).

21 “(e) CONSEQUENCES OF DISCONTINUATION.—Sec-
22 tion 1448(b)(1)(E) of this title shall apply to an election
23 under subsection (a).

24 “(f) NOTICE TO EFFECTED BENEFICIARIES.—The
25 Secretary concerned shall notify any former spouse or

1 other natural person previously designated under section
 2 1448(b) of this title of any election to discontinue partici-
 3 pation under subsection (a).

4 “(g) EFFECTIVE DATE OF ELECTION.—An election
 5 authorized under this section is effective as of the first
 6 day of the first calendar month following the month in
 7 which the election is received by the Secretary concerned.

8 “(h) INAPPLICABILITY OF IRREVOCABILITY PROVI-
 9 SIONS.—Paragraphs (4)(B) and (5)(C) of section 1448(a)
 10 of this title do not apply to prevent an election under sub-
 11 section (a).”.

12 (2) The table of sections at the beginning of such sub-
 13 chapter is amended by inserting after the item relating
 14 to section 1448 the following:

“1448a. Election to discontinue participation: one-year opportunity after second
 anniversary of commencement of payment of retired pay.”.

15 (b) TRANSITION PROVISION.—Notwithstanding the
 16 limitation on the time for making an election under section
 17 1448a of title 10, United States Code (as added by sub-
 18 section (a)), that is specified in subsection (a) of such sec-
 19 tion, a participant in the Survivor Benefit Plan under sub-
 20 chapter II of chapter 73 of such title may make an election
 21 in accordance with that section within one year after the
 22 effective date of the section if the second anniversary of
 23 the commencement of payment of retired pay to the par-
 24 ticipant precedes that effective date.

1 (c) EFFECTIVE DATE.—Section 1448a of title 10,
 2 United States Code, as added by subsection (a), shall take
 3 effect 180 days after the date of the enactment of this
 4 Act.

5 **SEC. 652. TIME FOR CHANGING SURVIVOR BENEFIT COV-**
 6 **ERAGE FROM FORMER SPOUSE TO SPOUSE.**

7 Section 1450(f)(1)(C) of title 10, United States Code,
 8 is amended by adding at the end the following: “Notwith-
 9 standing the preceding sentence, a change of election
 10 under this subsection to provide an annuity to a spouse
 11 instead of a former spouse may (subject to paragraph (2))
 12 be made at any time without regard to the time limitation
 13 in section 1448(a)(5)(B) of this title.”.

14 **SEC. 653. PAID-UP COVERAGE UNDER SURVIVOR BENEFIT**
 15 **PLAN.**

16 Section 1452 of title 10, United States Code, is
 17 amended by adding at the end the following new sub-
 18 section:

19 “(j) COVERAGE PAID UP AT 30 YEARS OR AGE 70.—
 20 (1) Coverage of a survivor of a member under the Plan
 21 shall be considered paid up as of the end of the earlier
 22 of—

23 “(A) the 360th month in which the member’s
 24 retired pay has been reduced under this section; or

1 “(B) the month in which the member attains
2 70 years of age.

3 “(2) The retired pay of a member shall not be re-
4 duced under this section to provide coverage of a survivor
5 under the Plan after the month when the coverage is con-
6 sidered paid up under paragraph (1).”.

7 **SEC. 654. ANNUITIES FOR CERTAIN MILITARY SURVIVING**
8 **SPOUSES.**

9 (a) SURVIVOR ANNUITY.—(1) The Secretary con-
10 cerned shall pay an annuity to the qualified surviving
11 spouse of each member of the uniformed services who—

12 (A) died before March 21, 1974, and was enti-
13 tled to retired or retainer pay on the date of death;
14 or

15 (B) was a member of a reserve component of
16 the Armed Forces during the period beginning on
17 September 21, 1972, and ending on October 1,
18 1978, and at the time of his death would have been
19 entitled to retired pay under chapter 67 of title 10,
20 United States Code (as in effect before December 1,
21 1994), but for the fact that he was under 60 years
22 of age.

23 (2) A qualified surviving spouse for purposes of this
24 section is a surviving spouse who has not remarried and

1 who is not eligible for an annuity under section 4 of Public
2 Law 92–425 (10 U.S.C. 1448 note).

3 (b) AMOUNT OF ANNUITY.—(1) An annuity under
4 this section shall be paid at the rate of \$165 per month,
5 as adjusted from time to time under paragraph (3).

6 (2) An annuity paid to a surviving spouse under this
7 section shall be reduced by the amount of any dependency
8 and indemnity compensation (DIC) to which the surviving
9 spouse is entitled under section 1311(a) of title 38, United
10 States Code.

11 (3) Whenever after the date of the enactment of this
12 Act retired or retainer pay is increased under section
13 1401a(b)(2) of title 10, United States Code, each annuity
14 that is payable under this section shall be increased at
15 the same time and by the same total percent. The amount
16 of the increase shall be based on the amount of the month-
17 ly annuity payable before any reduction under this section.

18 (c) APPLICATION REQUIRED.—No benefit shall be
19 paid to any person under this section unless an application
20 for such benefit is filed with the Secretary concerned by
21 or on behalf of such person.

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

23 (1) The terms “uniformed services” and “Sec-
24 retary concerned” have the meanings given such
25 terms in section 101 of title 37, United States Code.

1 (2) The term “surviving spouse” has the mean-
 2 ing given the terms “widow” and “widower” in para-
 3 graphs (3) and (4) of section 1447 of title 10, Unit-
 4 ed States Code.

5 (e) PROSPECTIVE APPLICABILITY.—(1) Annuities
 6 under this section shall be paid for months beginning after
 7 the month in which this Act is enacted.

8 (2) No benefit shall accrue to any person by reason
 9 of the enactment of this section for any period before the
 10 first month that begins after the month in which this Act
 11 is enacted.

12 (f) EXPIRATION OF AUTHORITY.—The authority to
 13 pay annuities under this section shall expire on September
 14 30, 2001.

15 **Subtitle E—Other Matters**

16 **SEC. 661. ELIGIBILITY OF RESERVES FOR BENEFITS FOR** 17 **ILLNESS, INJURY, OR DEATH INCURRED OR** 18 **AGGRAVATED IN LINE OF DUTY.**

19 (a) PAY AND ALLOWANCES.—(1) Section 204 of title
 20 37, United States Code, is amended—

21 (A) in subsection (g)(1)(D), by inserting after
 22 “while remaining overnight,” the following: “imme-
 23 diately before the commencement of inactive-duty
 24 training or”; and

1 (B) in subsection (h)(1)(D), by inserting after
2 “while remaining overnight,” the following: “imme-
3 diately before the commencement of inactive-duty
4 training or”.

5 (2) Section 206(a)(3)(C) of such title is amended by
6 inserting after “while remaining overnight,” the following:
7 “immediately before the commencement of inactive-duty
8 training or”.

9 (b) MEDICAL AND DENTAL CARE.—(1) Section
10 1074a(a)(3) of title 10, United States Code, is amended
11 by inserting after “while remaining overnight,” the follow-
12 ing: “immediately before the commencement of inactive-
13 duty training or”.

14 (2) Section 1076(a)(2) of title 10, United States
15 Code, is amended—

16 (A) by striking out “or” at the end of subpara-
17 graph (A);

18 (B) by striking out the period at the end of
19 subparagraph (B)(ii) and inserting in lieu thereof “;
20 or”; and

21 (C) by adding at the end the following:

22 “(C) who incurs or aggravates an injury, ill-
23 ness, or disease in the line of duty while serving on
24 active duty under a call or order to active duty for
25 a period of 30 days or less, if the call or order is

1 modified to extend the period of active duty of the
2 member to be more than 30 days.”.

3 (c) ELIGIBILITY FOR DISABILITY RETIREMENT OR
4 SEPARATION.—(1) Section 1204(2) of title 10, United
5 States Code, is amended to read as follows:

6 “(2) the disability is a result of an injury, ill-
7 ness, or disease incurred or aggravated—

8 “(A) in line of duty while performing ac-
9 tive duty or inactive-duty training;

10 “(B) while traveling directly to or from the
11 place at which such duty is performed; or

12 “(C) while remaining overnight, imme-
13 diately before the commencement of inactive-
14 duty training or between successive periods of
15 inactive-duty training, at or in the vicinity of
16 the site of the inactive-duty training, if the site
17 of the inactive-duty training is outside reason-
18 able commuting distance of the member’s resi-
19 dence;”.

20 (2) Section 1206 of title 10, United States Code, is
21 amended—

22 (A) by redesignating paragraphs (2), (3), and
23 (4) as paragraphs (3), (4), and (5), respectively, and

24 (B) by inserting after paragraph (1) the follow-
25 ing new paragraph:

1 “(2) the disability is a result of an injury, ill-
2 ness, or disease incurred or aggravated—

3 “(A) in line of duty while performing ac-
4 tive duty or inactive-duty training;

5 “(B) while traveling directly to or from the
6 place at which such duty is performed; or

7 “(C) while remaining overnight, imme-
8 diately before the commencement of inactive-
9 duty training or between successive periods of
10 inactive-duty training, at or in the vicinity of
11 the site of the inactive-duty training, if the site
12 of the inactive-duty training is outside reason-
13 able commuting distance of the member’s resi-
14 dence;”.

15 (d) RECOVERY, CARE, AND DISPOSITION OF RE-
16 MAINS.—Section 1481(a)(2)(D) of title 10, United States
17 Code, is amended by inserting after “while remaining
18 overnight,” the following: “immediately before the com-
19 mencement of inactive-duty training or”.

20 (e) CONFORMING AMENDMENTS AND RELATED
21 CLERICAL AMENDMENTS.—(1) The heading of section
22 1204 of title 10, United States Code, is amended to read
23 as follows:

1 **“§ 1204. Members on active duty for 30 days or less or**
 2 **on inactive-duty training: retirement”.**

3 (2) The heading of section 1206 of such title is
 4 amended to read as follows:

5 **“§ 1206. Members on active duty for 30 days or less or**
 6 **on inactive-duty training: separation”.**

7 (3) The table of sections at the beginning of chapter
 8 61 of such title is amended—

9 (A) by striking out the item relating to section
 10 1204 and inserting in lieu thereof the following:

“1204. Members on active duty for 30 days or less or on inactive-duty training:
 retirement.”;

11 and

12 (B) by striking out the item relating to section
 13 1206 and inserting in lieu thereof the following:

“1206. Members on active duty for 30 days or less or on inactive-duty training:
 separation.”.

14 (f) PROSPECTIVE APPLICABILITY.—No benefit shall
 15 accrue under an amendment made by this section for any
 16 period before the date of the enactment of this Act.

17 **SEC. 662. TRAVEL AND TRANSPORTATION ALLOWANCES**
 18 **FOR DEPENDENTS BEFORE APPROVAL OF A**
 19 **MEMBER’S COURT-MARTIAL SENTENCE.**

20 Section 406(h)(2)(C) of title 37, United States Code,
 21 is amended by inserting before the period at the end of
 22 the matter following clause (iii) the following: “or action
 23 on the sentence is pending under that section”.

1 **SEC. 663. ELIGIBILITY OF MEMBERS OF THE UNIFORMED**
2 **SERVICES FOR REIMBURSEMENT OF ADOP-**
3 **TION EXPENSES.**

4 (a) PUBLIC HEALTH SERVICE.—Section 221(a) of
5 the Public Health Service Act (42 U.S.C. 213a(a)) is
6 amended by adding at the end the following:

7 “(16) Section 1052, Reimbursement for adop-
8 tion expenses.”.

9 (b) NATIONAL OCEANIC AND ATMOSPHERIC ADMIN-
10 ISTRATION.—Section 3(a) of the Act entitled “An Act to
11 revise, codify, and enact into law, title 10 of the United
12 States Code, entitled ‘Armed Forces’, and title 32 of the
13 United States Code, entitled ‘National Guard’ ”, approved
14 August 10, 1956 (33 U.S.C. 857a(a)), is amended by add-
15 ing at the end the following:

16 “(16) Section 1052, Reimbursement for adop-
17 tion expenses.”.

18 (c) PROSPECTIVE APPLICABILITY.—The amendments
19 made by this section shall take effect on the date of the
20 enactment of this Act and apply to adoptions completed
21 on or after such date.

22 **SEC. 664. SUBSISTENCE OF MEMBERS OF THE ARMED**
23 **FORCES ABOVE THE POVERTY LEVEL.**

24 (a) FINDINGS.—Congress makes the following find-
25 ings:

1 (1) The morale and welfare of members of the
2 Armed Forces and their families are key components
3 of the readiness of the Armed Forces.

4 (2) Several studies have documented significant
5 instances of members of the Armed Forces and their
6 families relying on various forms of income support
7 under programs of the Federal Government, includ-
8 ing assistance under the Food Stamp Act of 1977
9 (7 U.S.C. 2012(o) and assistance under the special
10 supplemental nutrition program for women, infants,
11 and children under section 17 of the Child Nutrition
12 Act of 1966 (42 U.S.C. 1786).

13 (b) SENSE OF CONGRESS.—It is the sense of Con-
14 gress that the Secretary of Defense should strive—

15 (1) to eliminate the need for members of the
16 Armed Forces and their families to subsist at, near,
17 or below the poverty level; and

18 (2) to improve the wellbeing and welfare of
19 members of the Armed Forces and their families by
20 implementing, and programming full funding for,
21 programs that have proven effective in elevating the
22 standard of living of members and their families sig-
23 nificantly above the poverty level.

24 (c) STUDY REQUIRED.—(1) The Secretary of De-
25 fense shall conduct a study of members of the Armed

1 Forces and their families who subsist at, near, or below
2 the poverty level.

3 (2) The study shall include the following:

4 (A) An analysis of potential solutions for miti-
5 gating or eliminating the need for members of the
6 Armed Forces and their families to subsist at, near,
7 or below the poverty level, including potential solu-
8 tions involving changes in the systems and rates of
9 basic allowance for subsistence, basic allowance for
10 quarters, and variable housing allowance.

11 (B) Identification of the populations most likely
12 to need income support under Federal Government
13 programs, including—

14 (i) the populations living in areas of the
15 United States where housing costs are notably
16 high;

17 (ii) the populations living outside the Unit-
18 ed States; and

19 (iii) the number of persons in each identi-
20 fied population.

21 (C) The desirability of increasing rates of basic
22 pay and allowances over a defined period of years by
23 a range of percentages that provides for higher per-
24 centage increases for lower ranking personnel than
25 for higher ranking personnel.

1 (d) IMPLEMENTATION OF DEPARTMENT OF DE-
2 FENSE SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR
3 PERSONNEL OUTSIDE THE UNITED STATES.—(1) Section
4 1060a(b) of title 10, United States Code, is amended to
5 read as follows:

6 “(b) FEDERAL PAYMENTS AND COMMODITIES.—For
7 the purpose of obtaining Federal payments and commod-
8 ities in order to carry out the program referred to in sub-
9 section (a), the Secretary of Agriculture shall make avail-
10 able to the Secretary of Defense the same payments and
11 commodities as are made for the special supplemental food
12 program in the United States under section 17 of the
13 Child Nutrition Act of 1966 (42 U.S.C. 1786). Funds
14 available for the Department of Defense may be used for
15 carrying out the program under subsection (a).”.

16 (2) Not later than 90 days after the date of the enact-
17 ment of this Act, the Secretary of Defense shall submit
18 to Congress a report regarding the Secretary’s intentions
19 regarding implementation of the program authorized
20 under section 1060a of title 10, United States Code, in-
21 cluding any 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**
 5 **ANNUAL FEES FOR MEMBERS ASSIGNED TO**
 6 **CERTAIN DUTY LOCATIONS FAR FROM**
 7 **SOURCES OF CARE.**

8 (a) **AUTHORITY.**—Chapter 55 of title 10, United
 9 States Code, is amended by adding at the end the follow-
 10 ing:

11 **“§ 1107. Waiver of deductibles, copayments, and an-**
 12 **nual fees for members assigned to certain**
 13 **duty locations far from sources of care**

14 “(a) **AUTHORITY.**—The administering Secretaries
 15 shall prescribe in regulations—

16 “(1) authority for members of the armed forces
 17 referred to in subsection (b) to receive care under
 18 the Civilian Health and Medical Program of the
 19 Uniformed Services; and

20 “(2) policies and procedures for waiving an obli-
 21 gation for such members to pay a deductible, copay-
 22 ment, or annual fee that would otherwise be applica-
 23 ble under that program for care provided to the
 24 members under the program.

1 “(b) ELIGIBILITY.—The regulations may be applied
2 to a member of the uniformed services on active duty
3 who—

4 “(1) is assigned to—

5 “(A) permanent duty as a recruiter;

6 “(B) permanent duty at an educational in-
7 stitution to instruct, administer a program of
8 instruction, or provide administrative services in
9 support of a program of instruction for the Re-
10 serve Officers’ Training Corps;

11 “(C) permanent duty as a full-time adviser
12 to a unit of a reserve component of the armed
13 forces; or

14 “(D) any other permanent duty designated
15 by the administering Secretary concerned for
16 purposes of the regulations; and

17 “(2) pursuant to such assignment, resides at a
18 location that is more than 50 miles, or one hour of
19 driving time, from—

20 “(A) the nearest health care facility of the
21 uniformed services adequate to provide the
22 needed care under this chapter; and

23 “(B) the nearest source of the needed care
24 that is available to the member under the
25 TRICARE Prime plan.

1 “(c) PAYMENT OF COSTS.—Deductibles, copayments,
 2 and annual fees not payable by a member by reason of
 3 a waiver granted under the regulations shall be paid out
 4 of funds available to the Department of Defense for the
 5 defense health program.

6 “(d) DEFINITIONS.—In this section:

7 “(1) The term ‘TRICARE Prime plan’ means
 8 a plan under the TRICARE program that provides
 9 for voluntary enrollment for health care to be fur-
 10 nished in a manner similar to the manner in which
 11 health care is furnished by health maintenance orga-
 12 nizations.

13 “(2) The term ‘TRICARE program’ means the
 14 managed health care program that is established by
 15 the Secretary of Defense under the authority of this
 16 chapter, principally section 1097 of this title, and in-
 17 cludes the competitive selection of contractors to fi-
 18 nancially underwrite the delivery of health care serv-
 19 ices under the Civilian Health and Medical Program
 20 of the Uniformed Services.”.

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

“1107. Waiver of deductibles, copayments, and annual fees for members as-
 signed 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
7 Forces, civilian employee of the Department of De-
8 fense, or civilian employee of a contractor while the
9 person is performing temporary or permanent duty
10 with the On-Site Inspection Agency outside the
11 United States; and

12 (2) is furnished to such person during fiscal
13 year 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 fis-
16 cal year 1998 by this Act shall be available to cover pay-
17 ments 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
23 1073(3) of title 10, United States Code, shall prescribe
24 regulations that require each source dispensing a prescrip-
25 tion medication to a person under chapter 55 of such title

1 to furnish to that person, with the medication, written
2 cautionary information on the medication.

3 (b) INFORMATION TO BE DISCLOSED.—Information
4 required to be disclosed about a medication under the reg-
5 ulations 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
9 require that information be furnished in a form that, to
10 the maximum extent practicable, is easily read and under-
11 stood.

12 (d) COVERED SOURCES.—The regulations shall apply
13 to the following:

14 (1) Pharmacies and any other dispensers of
15 prescription medications in medical facilities of the
16 uniformed services.

17 (2) Sources of prescription medications under
18 any mail order pharmaceuticals program provided by
19 any of the administering Secretaries under chapter
20 55 of title 10, United States Code.

21 (3) Pharmacies paid under the Civilian Health
22 and Medical Program of the Uniformed Services (in-
23 cluding the TRICARE program).

24 (4) Pharmacies, and any other pharmaceutical
25 dispensers, of designated providers referred to in

1 section 721(5) of the National Defense Authoriza-
2 tion Act for Fiscal Year 1997 (Public Law 104–201;
3 110 Stat. 2593; 10 U.S.C. 1073 note).

4 **SEC. 704. HEALTH CARE SERVICES FOR CERTAIN RE-**
5 **SERVES WHO SERVED IN SOUTHWEST ASIA**
6 **DURING THE PERSIAN GULF WAR.**

7 (a) REQUIREMENT.—A member of the Armed Forces
8 described in subsection (b) shall be entitled to medical and
9 dental care under chapter 55 of title 10, United States
10 Code, for a symptom or illness described in subsection
11 (b)(2) to the same extent and under the same conditions
12 (other than the requirement to be on active duty) as is
13 a member of a uniformed service who is entitled under
14 section 1074(a) of such title to medical and dental care
15 under such chapter. The Secretary shall provide such care
16 free of charge to the member.

17 (b) COVERED MEMBERS.—Subsection (a) applies to
18 any member of a reserve component of the Armed Forces
19 who—

20 (1) is a Persian Gulf veteran;

21 (2) registers a symptom or illness in the Per-
22 sian Gulf War Veterans Health Surveillance System
23 of the Department of Defense that is presumed
24 under section 721(d) of the National Defense Au-
25 thorization Act for Fiscal Year 1995 (Public Law

1 103–337; 108 Stat. 2805; 10 U.S.C. 1074 note) to
2 be a result of such service; 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.
10 1074 note).

11 **SEC. 705. COLLECTION OF DENTAL INSURANCE PREMIUMS.**

12 (a) SELECTED RESERVE DENTAL INSURANCE.—
13 Paragraph (3) of section 1076b(b) of title 10, United
14 States Code, 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
22 duty.”.

23 (b) RETIREE DENTAL INSURANCE.—Paragraph (2)
24 of section 1076c(c) of title 10, United States Code, is
25 amended by striking out “(2) The amount of the pre-

1 miums” and inserting in lieu thereof “(2) The Secretary
 2 of Defense shall establish procedures for the collection of
 3 the premiums charged for coverage by the dental insur-
 4 ance plan. To the extent that the Secretary determines
 5 practicable, the premiums”.

6 **SEC. 706. DENTAL INSURANCE PLAN COVERAGE FOR RE-**
 7 **TIREES OF UNIFORMED SERVICE IN THE**
 8 **PUBLIC HEALTH SERVICE AND NOAA.**

9 (a) OFFICIALS RESPONSIBLE.—Subsection (a) of sec-
 10 tion 1076c of title 10, United States Code, is amended
 11 by striking out “Secretary of Defense” and inserting in
 12 lieu thereof “administering Secretaries”.

13 (b) ELIGIBILITY.—Subsection (b)(1) of such section
 14 is amended by striking out “Armed Forces” and inserting
 15 in lieu thereof “uniformed services”.

16 **SEC. 707. PROSTHETIC DEVICES FOR DEPENDENTS.**

17 (a) EXPANDED AUTHORITY.—Section 1077(a) of
 18 title 10, United States Code, is amended by adding at the
 19 end the following:

20 “(15) Artificial limbs, voice prostheses, and ar-
 21 tificial eyes.

22 “(16) Any prosthetic device not named in para-
 23 graph (15) that is determined under regulations pre-
 24 scribed by the Secretary of Defense to be necessary
 25 because of one or more significant impairments re-

1 sulting from trauma, congenital anomaly, or dis-
2 ease.”.

3 (b) CONFORMING AMENDMENT.—Paragraph (2) of
4 subsection (b) of such section is amended to read as fol-
5 lows:

6 “(2) Hearing aids, orthopedic footwear, and
7 spectacles, except that such items may be sold, at
8 the cost to the United States, to dependents outside
9 the United States and at stations inside the United
10 States where adequate civilian facilities are unavail-
11 able.”.

12 **SEC. 708. SENSE OF CONGRESS REGARDING QUALITY**
13 **HEALTH CARE FOR RETIREES.**

14 (a) FINDINGS.—Congress makes the following find-
15 ings:

16 (1) Many retired military personnel believe that
17 they were promised lifetime health care in exchange
18 for 20 or more years of service.

19 (2) Military retirees are the only Federal Gov-
20 ernment personnel who have been prevented from
21 using their employer-provided health care at or after
22 65 years of age.

23 (3) Military health care has become increasingly
24 difficult to obtain for military retirees as the De-

1 partment of Defense reduces its health care infra-
2 structure.

3 (4) Military retirees deserve to have a health
4 care program at least comparable with that of retir-
5 ees from civilian employment by the Federal Govern-
6 ment.

7 (5) The availability of quality, lifetime health
8 care is a critical recruiting incentive for the Armed
9 Forces.

10 (6) Quality health care is a critical aspect of
11 the quality of life of the men and women serving in
12 the Armed Forces.

13 (b) SENSE OF CONGRESS.—It is the sense of Con-
14 gress that—

15 (1) the United States has incurred a moral obli-
16 gation to provide health care to retirees from service
17 in the Armed Forces;

18 (2) it is, therefore, necessary to provide quality,
19 affordable health care to such retirees; and

20 (3) Congress and the President should take
21 steps to address the problems associated with health
22 care for such retirees within two years after the date
23 of the enactment of this Act.

1 **SEC. 709. CHIROPRACTIC HEALTH CARE DEMONSTRATION**
2 **PROGRAM.**

3 (a) TWO-YEAR EXTENSION.—Subsection (b) of sec-
4 tion 731 of the National Defense Authorization Act for
5 Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2809;
6 10 U.S.C. 1092 note) is amended by striking out “1997”
7 and inserting in lieu thereof “1999”.

8 (b) EXPANSION TO AT LEAST THREE ADDITIONAL
9 TREATMENT FACILITIES.—Subsection (a)(2) of such sec-
10 tion is amended by striking out “not less than 10” and
11 inserting in lieu thereof “the National Naval Medical Cen-
12 ter, the Walter Reed Army Medical Center, and not less
13 than 11 other”

14 (c) REPORTS.—Subsection (c) of such section is
15 amended—

16 (1) in paragraph (1), by striking out “Commit-
17 tees on Armed Services of the Senate and” and in-
18 serting in lieu thereof “Committee on Armed Serv-
19 ices of the Senate and the Committee on National
20 Security of”;

21 (2) by redesignating paragraph (3) as para-
22 graph (4);

23 (3) by inserting after paragraph (2) the follow-
24 ing new paragraph (3):

25 “(3)(A) Not later than January 30, 1998, the Sec-
26 retary of Defense shall submit to the committees referred

1 to in paragraph (1) a report that identifies the additional
2 treatment facilities designated to furnish chiropractic care
3 under the program that were not so designated before the
4 report required by paragraph (1) was prepared, together
5 with the plan for the conduct of the program at the addi-
6 tional treatment facilities.

7 “(B) Not later than May 1, 1998, the Secretary of
8 Defense shall modify the plan for evaluating the program
9 submitted pursuant to paragraph (2) in order to provide
10 for the evaluation of the program at all of the designated
11 treatment facilities, including the treatment facilities re-
12 ferred to in subparagraph (B).”; and

13 (4) in paragraph (4), as redesignated by paragraph
14 (2), by striking out “The Secretary” and inserting in lieu
15 thereof “Not later than May 1, 2000, the Secretary”.

16 **SEC. 710. AUTHORITY FOR AGREEMENT FOR USE OF MEDI-**
17 **CAL RESOURCE FACILITY, ALAMAGORDO,**
18 **NEW MEXICO.**

19 (a) **AUTHORITY.**—The Secretary of the Air Force
20 may enter into an agreement with Gerald Champion Hos-
21 pital, Alamagordo, New Mexico (in this section referred
22 to as the “Hospital”), providing for the Secretary to fur-
23 nish health care services to eligible individuals in a medical
24 resource facility in Alamagordo, New Mexico, that is con-

1 structed, in part, using funds provided by the Secretary
2 under the agreement.

3 (b) CONTENT OF AGREEMENT.—Any agreement en-
4 tered into under subsection (a) shall, at a minimum, speci-
5 fy the following:

6 (1) The relationship between the Hospital and
7 the Secretary in the provision of health care services
8 to eligible individuals in the facility, including—

9 (A) whether or not the Secretary and the
10 Hospital is to use and administer the facility
11 jointly or independently; and

12 (B) under what circumstances the Hospital
13 is to act as a provider of health care services
14 under the TRICARE managed care program.

15 (2) Matters relating to the administration of
16 the agreement, including—

17 (A) the duration of the agreement;

18 (B) the rights and obligations of the Sec-
19 retary and the Hospital under the agreement,
20 including any contracting or grievance proce-
21 dures applicable under the agreement;

22 (C) the types of care to be provided to eli-
23 gible individuals under the agreement, including
24 the cost to the Department of the Air Force of

1 providing the care to eligible individuals during
2 the term of the agreement;

3 (D) the access of Air Force medical per-
4 sonnel to the facility under the agreement;

5 (E) the rights and responsibilities of the
6 Secretary and the Hospital upon termination of
7 the agreement; and

8 (F) any other matters jointly identified by
9 the Secretary and the Hospital.

10 (3) The nature of the arrangement between the
11 Secretary and the Hospital with respect to the own-
12 ership of the facility and any property under the
13 agreement, including—

14 (A) the nature of that arrangement while
15 the agreement is in force;

16 (B) the nature of that arrangement upon
17 termination of the agreement; and

18 (C) any requirement for reimbursement of
19 the Secretary by the Hospital as a result of the
20 arrangement upon termination of the agree-
21 ment.

22 (4) The amount of the funds available under
23 subsection (c) that the Secretary is to contribute for
24 the construction and equipping of the facility.

1 (5) Any conditions or restrictions relating to
2 the construction, equipping, or use of the facility.

3 (c) AVAILABILITY OF FUNDS FOR CONSTRUCTION
4 AND EQUIPPING OF FACILITY.—Of the amount authorized
5 to be appropriated by section 301(21), not more than
6 \$7,000,000 may be available for the contribution of the
7 Secretary referred to in subsection (b)(4) to the construc-
8 tion and equipping of the facility described in subsection
9 (a).

10 (d) NOTICE AND WAIT.—The Secretary may not
11 enter into the agreement authorized by subsection (a)
12 until 90 days after the Secretary submits to the congres-
13 sional defense committees a report describing the agree-
14 ment. The report shall set forth the memorandum of
15 agreement under subsection (b), the results of a cost-bene-
16 fit analysis conducted by the Secretary with respect to the
17 agreement, and such other information with respect to the
18 agreement as the Secretary considers appropriate.

19 (e) ELIGIBLE INDIVIDUAL DEFINED.—In this sec-
20 tion, the term “eligible individual” means any individual
21 eligible for medical and dental care under chapter 55 of
22 title 10, United States Code, including any individual enti-
23 tled to such care under section 1074(a) of that title.

1 **SEC. 711. STUDY CONCERNING THE PROVISION OF COM-**
2 **PARATIVE INFORMATION.**

3 (a) STUDY.—The Secretary of Defense shall conduct
4 a study concerning the provision of the information de-
5 scribed in subsection (b) to beneficiaries under the
6 TRICARE program established under the authority of
7 chapter 55 of title 10, United States Code, and prepare
8 and submit to the appropriate committees of Congress a
9 report concerning such study.

10 (b) PROVISION OF COMPARATIVE INFORMATION.—
11 Information described in this subsection, with respect to
12 a managed care entity that contracts with the Secretary
13 of Defense to provide medical assistance under the pro-
14 gram described in subsection (a), shall include the follow-
15 ing:

16 (1) BENEFITS.—The benefits covered by the
17 entity involved, including—

18 (A) covered items and services beyond
19 those provided under a traditional fee-for-serv-
20 ice program;

21 (B) any beneficiary cost sharing; and

22 (C) any maximum limitations on out-of-
23 pocket expenses.

24 (2) PREMIUMS.—The net monthly premium, if
25 any, under the entity.

1 (3) SERVICE AREA.—The service area of the en-
2 tity.

3 (4) QUALITY AND PERFORMANCE.—To the ex-
4 tent available, quality and performance indicators
5 for the benefits under the entity (and how they com-
6 pare to such indicators under the traditional fee-for-
7 service programs in the area involved), including—

8 (A) disenrollment rates for enrollees elect-
9 ing to receive benefits through the entity for the
10 previous 2 years (excluding disenrollment due
11 to death or moving outside the service area of
12 the entity);

13 (B) information on enrollee satisfaction;

14 (C) information on health process and out-
15 comes;

16 (D) grievance procedures;

17 (E) the extent to which an enrollee may se-
18 lect the health care provider of their choice, in-
19 cluding health care providers within the net-
20 work of the entity and out-of-network health
21 care providers (if the entity covers out-of-net-
22 work items and services); and

23 (F) an indication of enrollee exposure to
24 balance billing and the restrictions on coverage

1 of items and services provided to such enrollee
 2 by an out-of-network health care provider.

3 (5) SUPPLEMENTAL BENEFITS OPTIONS.—
 4 Whether the entity offers optional supplemental ben-
 5 efits and the terms and conditions (including pre-
 6 miums) for such coverage.

7 (6) PHYSICIAN COMPENSATION.—An overall
 8 summary description as to the method of compensa-
 9 tion of participating physicians.

10 **Subtitle B—Uniformed Services** 11 **Treatment Facilities**

12 **SEC. 731. IMPLEMENTATION OF DESIGNATED PROVIDER** 13 **AGREEMENTS FOR UNIFORMED SERVICES** 14 **TREATMENT FACILITIES.**

15 (a) COMMENCEMENT OF HEALTH CARE SERVICES
 16 UNDER AGREEMENT.—Subsection (c) of section 722 of
 17 the National Defense Authorization Act for fiscal year
 18 1997 (Public Law 104–201; 10 U.S.C. 1073 note) is
 19 amended—

20 (1) by redesignating paragraphs (1) and (2) as
 21 subparagraphs (A) and (B);

22 (2) by inserting “(1)” before “Unless”; and

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

1 “(2) The Secretary may modify the effective
 2 date established under paragraph (1) for an agree-
 3 ment to permit a transition period of not more than
 4 six months between the date on which the agreement
 5 is executed by the parties and the date on which the
 6 designated provider commences the delivery of
 7 health care services under the agreement.”.

8 (b) TEMPORARY CONTINUATION OF EXISTING PAR-
 9 TICIPATION AGREEMENTS.—Subsection (d) of such sec-
 10 tion is amended by inserting before the period at the end
 11 the following: “, including any transitional period provided
 12 by the Secretary under paragraph (2) of such subsection”.

13 (c) ARBITRATION.—Subsection (c) of such section is
 14 further amended by adding at the end the following new
 15 paragraph:

16 “(3) In the case of a designated provider whose
 17 service area has a managed care support contract
 18 implemented under the TRICARE program as of
 19 September 23, 1996, the Secretary and the des-
 20 ignated provider shall submit to binding arbitration
 21 if the agreement has not been executed by October
 22 1, 1997. The arbitrator, mutually agreed upon by
 23 the Secretary and the designated provider, shall be
 24 selected from the American Arbitration Association.
 25 The arbitrator shall develop an agreement that shall

1 be executed by the Secretary and the designated pro-
2 vider by January 1, 1998. Notwithstanding para-
3 graph (1), the effective date for such agreement
4 shall be not more than six months after the date on
5 which the agreement is executed.”.

6 (d) CONTRACTING OUT OF PRIMARY CARE SERV-
7 ICES.—Subsection (f)(2) of such section is amended by in-
8 serting at the end the following new sentence: “Such limi-
9 tation on contracting out primary care services shall only
10 apply to contracting out to a health maintenance organiza-
11 tion, or to a licensed insurer that is not controlled directly
12 or indirectly by the designated provider, except in the case
13 of primary care contracts between a designated provider
14 and a contractor in force as of September 23, 1996. Sub-
15 ject to the overall enrollment restriction under section 724
16 and limited to the historical service area of the designated
17 provider, professional service agreements or independent
18 contractor agreements with primary care physicians or
19 groups of primary care physicians, however organized, and
20 employment agreements with such physicians shall not be
21 considered to be the type of contracts that are subject to
22 the limitation of this subsection, so long as the designated
23 provider itself remains at risk under its agreement with
24 the Secretary in the provision of services by any such con-
25 tracted physicians or groups of physicians.”.

1 (e) UNIFORM BENEFIT.—Section 723(b) of the Na-
 2 tional Defense Authorization Act for fiscal year 1997
 3 (Public Law 104–201; 10 U.S.C. 1073 note) is amend-
 4 ed—

5 (1) in subsection (1), by inserting before the pe-
 6 riod at the end the following: “, subject to any modi-
 7 fication to the effective date the Secretary may pro-
 8 vide pursuant to section 722(c)(2)”, and

9 (2) in subsection (2), by inserting before the pe-
 10 riod at the end the following: “, or the effective date
 11 of agreements negotiated pursuant to section
 12 722(c)(3)”.

13 **SEC. 732. LIMITATION ON TOTAL PAYMENTS.**

14 Section 726(b) of the National Defense Authorization
 15 Act for fiscal year 1997 (Public Law 104–201; 10 U.S.C.
 16 1073 note) is amended by adding at the end the following
 17 new sentence: “In establishing the ceiling rate for enroll-
 18 ees with the designated providers who are also eligible for
 19 the Civilian Health and Medical Program of the Uni-
 20 formed Services, the Secretary of Defense shall take into
 21 account the health status of the enrollees.”.

22 **SEC. 733. CONTINUED ACQUISITION OF REDUCED-COST**
 23 **DRUGS.**

24 Section 722 of the National Defense Authorization
 25 Act for fiscal year 1997 (Public Law 104–201; 10 U.S.C.

1 1073 note) is amended by adding at the end the following
2 new subsection:

3 “(g) CONTINUED ACQUISITION OF REDUCED-COST
4 DRUGS.—A designated provider shall be treated as part
5 of the Department of Defense for purposes of section 8126
6 of title 38, United States Code, in connection with the pro-
7 vision by the designated provider of health care services
8 to covered beneficiaries pursuant to the participation
9 agreement of the designated provider under section 718(c)
10 of the National Defense Authorization Act for fiscal year
11 1991 (Public Law 101–510; 42 U.S.C. 248c note) or pur-
12 suant to the agreement entered into under subsection
13 (b).”.

14 **Subtitle C—Persian Gulf Illnesses**

15 **SEC. 751. DEFINITIONS.**

16 For purposes of this subtitle:

17 (1) The term “Gulf War illness” means any one
18 of the complex of illnesses and symptoms that might
19 have been contracted by members of the Armed
20 Forces as a result of service in the Southwest Asia
21 theater of operations during the Persian Gulf War.

22 (2) The term “Persian Gulf War” has the
23 meaning given that term in section 101 of title 38,
24 United States Code.

1 (3) The term “Persian Gulf veteran” means an
2 individual who served on active duty in the Armed
3 Forces in the Southwest Asia theater of operations
4 during the Persian Gulf War.

5 (4) The term “contingency operation” has the
6 meaning given that term in section 101(a) of title
7 10, United States Code, and includes a humani-
8 tarian operation, peacekeeping operation, or similar
9 operation.

10 **SEC. 752. PLAN FOR HEALTH CARE SERVICES FOR PERSIAN**
11 **GULF VETERANS.**

12 (a) **PLAN REQUIRED.**—The Secretary of Defense and
13 the Secretary of Veterans Affairs, acting jointly, shall pre-
14 pare a plan to provide appropriate health care to Persian
15 Gulf veterans (and their dependents) who suffer from a
16 Gulf War illness.

17 (b) **CONTENT OF PLAN.**—In preparing the plan, the
18 Secretaries shall—

19 (1) use the presumptions of service connection
20 and illness specified in paragraphs (1) and (2) of
21 section 721(d) of the National Defense Authoriza-
22 tion Act for Fiscal Year 1995 (Public Law 103–337;
23 10 U.S.C. 1074 note) to determine the Persian Gulf
24 veterans (and the dependents of Persian Gulf veter-
25 ans) who should be covered by the plan;

1 (2) consider the need and methods available to
2 provide health care services to Persian Gulf veterans
3 who are no longer on active duty in the Armed
4 Forces, such as Persian Gulf veterans who are mem-
5 bers of the reserve components and Persian Gulf
6 veterans who have been separated from the Armed
7 Forces; and

8 (3) estimate the costs to the Government of
9 providing full or partial health care services under
10 the plan to covered Persian Gulf veterans (and their
11 covered dependents).

12 (c) FOLLOWUP TREATMENT.—The plan required by
13 subsection (a) shall specifically address the measures to
14 be used to monitor the quality, appropriateness, and effec-
15 tiveness of, and patient satisfaction with, health care serv-
16 ices provided to Persian Gulf veterans after their initial
17 medical examination as part of registration in the Persian
18 Gulf War Veterans Health Registry or the Comprehensive
19 Clinical Evaluation Program.

20 (d) SUBMISSION OF PLAN.—Not later than March
21 15, 1998, the Secretaries shall submit to Congress the
22 plan required by subsection (a).

1 **SEC. 753. IMPROVED MEDICAL TRACKING SYSTEM FOR**
2 **MEMBERS DEPLOYED OVERSEAS IN CONTIN-**
3 **GENCY OR COMBAT OPERATIONS.**

4 (a) SYSTEM REQUIRED.—Chapter 55 of title 10,
5 United States Code, is amended by inserting after section
6 1074d the following new section:

7 **“§ 1074e. Medical tracking system for members de-**
8 **ployed overseas**

9 “(a) SYSTEM REQUIRED.—The Secretary of Defense
10 shall establish a system to assess the medical condition
11 of members of the armed forces (including members of the
12 reserve components) who are deployed outside the United
13 States or its territories or possessions as part of a contin-
14 gency operation (including a humanitarian operation,
15 peacekeeping operation, or similar operation) or combat
16 operation.

17 “(b) ELEMENTS OF SYSTEM.—The system shall in-
18 clude the use of predeployment medical examinations and
19 postdeployment medical examinations (including an as-
20 sessment of mental health and the drawing of blood sam-
21 ples) to accurately record the medical condition of mem-
22 bers before their deployment and any changes in their
23 medical condition during the course of their deployment.
24 The postdeployment examination shall be conducted when
25 the member is redeployed or otherwise leaves an area in

1 which the system is in operation (or as soon as possible
2 thereafter).

3 “(c) RECORDKEEPING.—The Secretary of Defense
4 shall submit to Congress not later than March 15, 1998,
5 a plan to ensure that the results of all medical examina-
6 tions conducted under the system, records of all health
7 care services (including immunizations) received by mem-
8 bers described in subsection (a) in anticipation of their
9 deployment or during the course of their deployment, and
10 records of events occurring in the deployment area that
11 may affect the health of such members shall be retained
12 and maintained in a centralized location or locations to
13 improve future access to the records. The report shall in-
14 clude a schedule for implementation of the plan completion
15 within 2 years of enactment.

16 “(d) QUALITY ASSURANCE.—The Secretary of De-
17 fense shall establish a quality assurance program to evalu-
18 ate the success of the system in ensuring that members
19 described in subsection (a) receive predeployment medical
20 examinations and postdeployment medical examinations
21 and that the recordkeeping requirements are met.”.

22 (b) CLERICAL AMENDMENT.—The table of sections
23 at the beginning of such chapter is amended by inserting
24 after the item relating to section 1074d the following new
25 item:

“1074e. Medical tracking system for members deployed overseas.”.

1 **SEC. 754. REPORT ON PLANS TO TRACK LOCATION OF MEM-**
2 **BERS IN A THEATER OF OPERATIONS.**

3 Not later than March 1, 1998, the Secretary of De-
4 fense shall submit to Congress a report containing a plan
5 for collecting and maintaining information regarding the
6 daily location of units of the Armed Forces, and to the
7 extent practicable individual members of such units, serv-
8 ing in a theater of operations during a contingency oper-
9 ation or combat operation.

10 **SEC. 755. REPORT ON PLANS TO IMPROVE DETECTION AND**
11 **MONITORING OF CHEMICAL, BIOLOGICAL,**
12 **AND ENVIRONMENTAL HAZARDS IN A THEA-**
13 **TER OF OPERATIONS.**

14 Not later than March 1, 1998, the Secretary of De-
15 fense shall submit to Congress a report containing a plan
16 regarding the deployment, in a theater of operations dur-
17 ing a contingency operation or combat operation, of a spe-
18 cialized unit of the Armed Forces with the capability and
19 expertise to detect and monitor the presence of chemical
20 hazards, biological hazards, and environmental hazards to
21 which members of the Armed Forces may be exposed.

22 **SEC. 756. NOTICE OF USE OF DRUGS UNAPPROVED FOR**
23 **THEIR INTENDED USAGE.**

24 (a) NOTICE REQUIREMENTS.—Chapter 55 of title 10,
25 United States Code, is amended by adding at the end the
26 following new section:

1 **“§ 1107. Notice of use of investigational new drugs**

2 “(a) NOTICE REQUIRED.—(1) Whenever the Sec-
3 retary of Defense requests or requires a member of the
4 armed forces to receive a drug unapproved for its intended
5 use, the Secretary shall provide the member with notice
6 containing the information specified in subsection (d).

7 “(2) The Secretary shall also ensure that medical
8 care providers who administer a drug unapproved for its
9 intended use or who are likely to treat members who re-
10 ceive such a drug receive the information required to be
11 provided under paragraphs (3) and (4) of subsection (d).

12 “(b) TIME FOR NOTICE.—The notice required to be
13 provided to a member under subsection (a)(1) shall be pro-
14 vided before the drug is first administered to the member,
15 if practicable, but in no case later than 30 days after the
16 drug is first administered to the member.

17 “(c) FORM OF NOTICE.—The notice required under
18 subsection (a)(1) shall be provided in writing unless the
19 Secretary of Defense determines that the use of written
20 notice is impractical because of the number of members
21 receiving the unapproved drug, time constraints, or similar
22 reasons. If the Secretary provides notice under subsection
23 (a)(1) in a form other than in writing, the Secretary shall
24 submit to Congress a report describing the notification
25 method used and the reasons for the use of the alternative
26 method.

1 “(d) CONTENT OF NOTICE.—The notice required
2 under subsection (a)(1) shall include the following:

3 “(1) Clear notice that the drug being adminis-
4 tered has not been approved for its intended usage.

5 “(2) The reasons why the unapproved drug is
6 being administered.

7 “(3) Information regarding the possible side ef-
8 fects of the unapproved drug, including any known
9 side effects possible as a result of the interaction of
10 the drug with other drugs or treatments being ad-
11 ministered to the members receiving the drug.

12 “(4) Such other information that, as a condi-
13 tion for authorizing the use of the unapproved drug,
14 the Secretary of Health and Human Services may
15 require to be disclosed.

16 “(e) RECORDS OF USE.—The Secretary of Defense
17 shall ensure that the medical records of members accu-
18 rately document the receipt by members of any investiga-
19 tional new drug and the notice required by subsection (d).

20 “(f) DEFINITION.—In this section, the term ‘inves-
21 tigational new drug’ means a drug covered by section
22 505(i) of the Federal Food, Drug, and Cosmetic Act (21
23 U.S.C. 355(i)).”.

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

“1107. Notice of use of drugs unapproved for their intended usage.”.

4 **SEC. 757. REPORT ON EFFECTIVENESS OF RESEARCH EF-**
 5 **FORTS REGARDING GULF WAR ILLNESSES.**

6 Not later than March 1, 1998, the Secretary of De-
 7 fense shall submit to Congress a report evaluating the ef-
 8 fectiveness of medical research initiatives regarding Gulf
 9 War illnesses. The report shall address the following:

10 (1) The type and effectiveness of previous re-
 11 search efforts, including the activities undertaken
 12 pursuant to section 743 of the National Defense Au-
 13 thorization Act for Fiscal Year 1997 (Public Law
 14 104–201; 10 U.S.C. 1074 note), section 722 of the
 15 National Defense Authorization Act for Fiscal Year
 16 1995 (Public Law 103–337; 10 U.S.C. 1074 note),
 17 and sections 270 and 271 of the National Defense
 18 Authorization Act for Fiscal Year 1994 (Public Law
 19 103–160; 107 Stat. 1613).

20 (2) Recommendations regarding additional re-
 21 search regarding Gulf War illnesses, including re-
 22 search regarding the nature and causes of Gulf War
 23 illnesses and appropriate treatments for such ill-
 24 nesses.

1 (3) The adequacy of Federal funding and the
2 need for additional funding for medical research ini-
3 tiatives regarding Gulf War illnesses.

4 **SEC. 758. PERSIAN GULF ILLNESS CLINICAL TRIALS PRO-**
5 **GRAM.**

6 (a) FINDINGS.—Congress finds the following:

7 (1) There are many ongoing studies that inves-
8 tigate risk factors which may be associated with the
9 health problems experienced by Persian Gulf veter-
10 ans; however, there have been no studies that exam-
11 ine health outcomes and the effectiveness of the
12 treatment received by such veterans.

13 (2) The medical literature and testimony pre-
14 sented in hearings on Gulf War illnesses indicate
15 that there are therapies, such as cognitive behavioral
16 therapy, that have been effective in treating patients
17 with symptoms similar to those seen in many Per-
18 sian Gulf veterans.

19 (b) ESTABLISHMENT OF PROGRAM.—The Secretary
20 of Defense and the Secretary of Veterans Affairs, acting
21 jointly, shall establish a program of cooperative clinical
22 trials at multiple sites to assess the effectiveness of proto-
23 cols for treating Persian Gulf veterans who suffer from
24 ill-defined or undiagnosed conditions. Such protocols shall

1 include a multidisciplinary treatment model, of which cog-
2 nitive behavioral therapy is a component.

3 (c) FUNDING.—Of the amount authorized to be ap-
4 propriated in section 201(1), the sum of \$4,500,000 shall
5 be available for program element 62787A (medical tech-
6 nology) in the budget of the Department of Defense for
7 fiscal year 1998 to carry out the clinical trials program
8 established pursuant to subsection (b).

9 **TITLE VIII—ACQUISITION POL-**
10 **ICY, ACQUISITION MANAGE-**
11 **MENT, AND RELATED MAT-**
12 **TERS**

13 **Subtitle A—Amendments to Gen-**
14 **eral Contracting Authorities,**
15 **Procedures, and Limitations**

16 **SEC. 801. STREAMLINED APPROVAL REQUIREMENTS FOR**
17 **CONTRACTS UNDER INTERNATIONAL AGREE-**
18 **MENTS.**

19 Section 2304(f)(2)(E) of title 10, United States
20 Code, is amended by striking out “and such document is
21 approved by the competition advocate for the procuring
22 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
 6 to 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
 10 necessary in order to support any of the following oper-
 11 ations:

12 “(A) A contingency operation.

13 “(B) A humanitarian or peacekeeping oper-
 14 ation.”.

15 (b) HUMANITARIAN OR PEACEKEEPING OPERATION
 16 DEFINED.—Section 2302(7) of such title is amended—

17 (1) by striking out “(7)(A)” and inserting in
 18 lieu thereof “(7)”; and

19 (2) by striking out “(B) In subparagraph (A),
 20 the” and inserting in lieu thereof “(8) The”.

21 **SEC. 803. EXPANSION OF AUTHORITY TO CROSS FISCAL**
 22 **YEARS TO ALL SEVERABLE SERVICE CON-**
 23 **TRACTS NOT EXCEEDING A YEAR.**

24 (a) EXPANDED AUTHORITY.—Section 2410a of title
 25 10, United States Code, is amended to read as follows:

1 **“§ 2410a. Severable service contracts for periods**
 2 **crossing 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
 6 that begins in one fiscal year and ends in the next fiscal
 7 year if (without regard to any option to extend the period
 8 of the contract) the contract period does not exceed one
 9 year.

10 “(b) **OBLIGATION OF FUNDS.**—Funds made available
 11 for a fiscal year may be obligated for the total amount
 12 of a contract entered into under the authority of sub-
 13 section (a).”.

14 (b) **CLERICAL AMENDMENT.**—The item relating to
 15 such section in the table of sections at the beginning of
 16 chapter 141 of such title is amended to read as follows:

“2410a. Severable service contracts for periods crossing fiscal years.”.

17 **SEC. 804. LIMITATION ON ALLOWABILITY OF COMPENSA-**
 18 **TION FOR CERTAIN CONTRACTOR PERSON-**
 19 **NEL.**

20 (a) **CERTAIN COMPENSATION NOT ALLOWABLE AS**
 21 **COSTS UNDER DEFENSE CONTRACTS.**—(1) Subsection
 22 (e)(1) of section 2324 of title 10, United States Code, is
 23 amended by adding at the end the following:

24 “(P) Costs of compensation of senior executives
 25 of contractors for a fiscal year, to the extent that

1 such compensation exceeds the benchmark com-
2 pensation amount determined applicable for the fis-
3 cal year by the Administrator for Federal Procure-
4 ment Policy under section 39 of the Office of Fed-
5 eral Procurement Policy Act (41 U.S.C. 435).”.

6 (2) Subsection (1) of such section is amended by add-
7 ing at the end the following:

8 “(4) The term ‘compensation’, for a fiscal year,
9 means the total amount of wages, salary, bonuses
10 and deferred compensation for the fiscal year,
11 whether paid, earned, or otherwise accruing, as re-
12 corded in an employer’s cost accounting records for
13 the fiscal year.

14 “(5) The term ‘senior executive’, with respect to
15 a contractor, means—

16 “(A) the chief executive officer of the con-
17 tractor or any individual acting in a similar ca-
18 pacity for the contractor;

19 “(B) the five most highly compensated em-
20 ployees in management positions of the contrac-
21 tor other than the chief executive officer; and

22 “(C) in the case of a contractor that has
23 components managed by personnel who report
24 on the operations of the components directly to
25 officers of the contractor, the five most highly

1 compensated individuals in management posi-
2 tions at each such component.”.

3 (b) CERTAIN COMPENSATION NOT ALLOWABLE AS
4 COSTS UNDER NON-DEFENSE CONTRACTS.—(1) Sub-
5 section (e)(1) of section 306 of the Federal Property and
6 Administrative Services Act of 1949 (41 U.S.C. 256) is
7 amended by adding at the end the following:

8 “(P) Costs of compensation of senior executives
9 of contractors for a fiscal year, to the extent that
10 such compensation exceeds the benchmark com-
11 pensation amount determined applicable for the fis-
12 cal year by the Administrator for Federal Procure-
13 ment Policy under section 39 of the Office of Fed-
14 eral Procurement Policy Act (41 U.S.C. 435).”.

15 (2) Such section is further amended by adding at the
16 end the following:

17 “(m) OTHER DEFINITIONS.—In this section:

18 “(1) The term ‘compensation’, for a fiscal year,
19 means the total amount of wages, salary, bonuses
20 and deferred compensation for the fiscal year,
21 whether paid, earned, or otherwise accruing, as re-
22 corded in an employer’s cost accounting records for
23 the fiscal year.

24 “(2) The term ‘senior executive’, with respect to
25 a contractor, means—

1 “(A) the chief executive officer of the con-
 2 tractor or any individual acting in a similar ca-
 3 pacity for the contractor;

4 “(B) the five most highly compensated em-
 5 ployees in management positions of the contrac-
 6 tor other than the chief executive officer; and

7 “(C) in the case of a contractor that has
 8 components managed by personnel who report
 9 on the operations of the components directly to
 10 officers of the contractor, the five most highly
 11 compensated individuals in management posi-
 12 tions at each such component.”.

13 (c) LEVELS OF COMPENSATION NOT ALLOWABLE.—
 14 (1) The Office of Federal Procurement Policy Act (41
 15 U.S.C. 401 et seq.) is amended by adding at the end the
 16 following:

17 **“SEC. 39. LEVELS OF COMPENSATION OF CERTAIN CON-**
 18 **TRACTOR PERSONNEL NOT ALLOWABLE AS**
 19 **COSTS UNDER CERTAIN CONTRACTS.**

20 “(a) DETERMINATION REQUIRED.—For purposes of
 21 section 2324(e)(1)(P) of title 10, United States Code, and
 22 section 306(e)(1)(P) of the Federal Property and Admin-
 23 istrative Services Act of 1949 (41 U.S.C. 256(e)(1)(P)),
 24 the Administrator shall review commercially available sur-
 25 veys of executive compensation and, on the basis of the

1 results of the review, determine a benchmark compensa-
2 tion amount to apply for each fiscal year. In making deter-
3 minations under this subsection the Administrator shall
4 consult with the Director of the Defense Contract Audit
5 Agency and such other officials of executive agencies as
6 the Administrator considers appropriate.

7 “(b) BENCHMARK COMPENSATION AMOUNT.—The
8 benchmark compensation amount applicable for a fiscal
9 year is the median amount of the compensation provided
10 for all senior executives of all benchmark corporations for
11 the most recent year for which data is available at the
12 time the determination under subsection (a) is made.

13 “(c) DEFINITIONS.—In this section:

14 “(1) The term ‘compensation’, for a year,
15 means the total amount of wages, salary, bonuses
16 and deferred compensation for the year, whether
17 paid, earned, or otherwise accruing, as recorded in
18 an employer’s cost accounting records for the year.

19 “(2) The term ‘senior executive’, with respect to
20 a corporation, means—

21 “(A) the chief executive officer of the cor-
22 poration or any individual acting in a similar
23 capacity for the corporation;

1 “(B) the five most highly compensated em-
 2 ployees in management positions of the corpora-
 3 tion other than the chief executive officer; and

4 “(C) in the case of a corporation that has
 5 components managed by personnel who report
 6 on the operations of the components directly to
 7 officers of the corporation, the five most highly
 8 compensated individuals in management posi-
 9 tions at each such component.

10 “(3) The term ‘benchmark corporation’, with
 11 respect to a year, means a publicly-owned United
 12 States corporation that has annual sales in excess of
 13 \$50,000,000 for the year.

14 “(4) The term ‘publicly-owned United States
 15 corporation’ means a corporation organized under
 16 the laws of a State of the United States, the District
 17 of Columbia, the Commonwealth of Puerto Rico, or
 18 a possession of the United States the voting stock of
 19 which is publicly traded.”.

20 (2) The table of sections in section 1(b) of such Act
 21 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.”.

22 (d) REGULATIONS.—Regulations implementing the
 23 amendments made by this section shall be published in

1 the Federal Register not later than the effective date of
 2 the amendments under subsection (e).

3 (e) EFFECTIVE DATE.—(1) The amendments made
 4 by this section shall take effect on the date that is 90
 5 days after the date of the enactment of this Act and shall
 6 apply with respect to payments that become due from the
 7 United States after that date under covered contracts en-
 8 tered into before, on, or after that date.

9 (2) In paragraph (1), the term “covered contract”
 10 has the meaning given such term in section 2324(l) of title
 11 10, United States Code, and section 306(l) of the Federal
 12 Property and Administrative Services Act of 1949 (41
 13 U.S.C. 256(l)).

14 **SEC. 805. INCREASED PRICE LIMITATION ON PURCHASES**
 15 **OF RIGHT-HAND DRIVE VEHICLES.**

16 Section 2253(a)(2) of title 10, United States Code,
 17 is amended by striking out “\$12,000” and inserting in
 18 lieu thereof “\$30,000”.

19 **SEC. 806. CONVERSION OF DEFENSE CAPABILITY PRESER-**
 20 **VATION AUTHORITY TO NAVY SHIPBUILDING**
 21 **CAPABILITY PRESERVATION AUTHORITY.**

22 (a) AUTHORITY OF SECRETARY OF THE NAVY.—Sec-
 23 tion 808 of the National Defense Authorization Act for
 24 Fiscal Year 1996 (Public Law 104–106; 110 Stat. 393;
 25 10 U.S.C. 2501) is amended—

1 (1) in subsection (a), by striking out “Secretary
2 of Defense” and inserting in lieu thereof “Secretary
3 of the Navy”; and

4 (2) in subsection (b)(2), by striking out “Sec-
5 retary of Defense if the Secretary of Defense” and
6 inserting in lieu thereof “Secretary of the Navy if
7 the Secretary”.

8 (b) NAME OF AGREEMENTS.—Subsection (a) of such
9 section is amended—

10 (1) by striking out “DEFENSE CAPABILITY
11 PRESERVATION AGREEMENT.—” and inserting in
12 lieu thereof “SHIPBUILDING CAPABILITY PRESERVA-
13 TION AGREEMENT.—”; and

14 (2) by striking out “‘defense capability preser-
15 vation agreement’” and inserting in lieu thereof
16 “‘shipbuilding capability preservation agreement’”.

17 (c) SCOPE OF AUTHORITY.—(1) The first sentence
18 of subsection (a) of such section is amended—

19 (A) by striking out “defense contractor” and in-
20 serting in lieu thereof “shipbuilder”; and

21 (B) by adding at the end the following “to the
22 shipbuilder under a Navy contract for the construc-
23 tion of a ship”.

24 (2) Subsection (b)(1)(A) of such section is amended
25 by striking out “defense contract” and inserting in lieu

1 thereof “contract for the construction of a ship for the
2 Navy”.

3 (d) MAXIMUM AMOUNT OF ALLOCABLE INDIRECT
4 COSTS.—Subsection (b)(1)(C) of such section is amend-
5 ed—

6 (1) by striking out “in any year of” and insert-
7 ing in lieu thereof “covered by”; and

8 (2) by striking out “that year” and inserting in
9 lieu thereof “the period covered by the agreement”.

10 (e) APPLICABILITY.—Such section is further amend-
11 ed by striking out subsections (c), (d), and (e) and insert-
12 ing in lieu thereof the following:

13 “(c) APPLICABILITY.—(1) An agreement entered into
14 with a shipbuilder under subsection (a) shall apply to each
15 of the following Navy contracts with the shipbuilder:

16 “(A) A contract that is in effect on the date on
17 which the agreement is entered into.

18 “(B) A contract that is awarded during the
19 term of the agreement.

20 “(2) In a shipbuilding capability preservation agree-
21 ment applicable to a shipbuilder, the Secretary may agree
22 to apply the cost reimbursement rules set forth in sub-
23 section (b) to allocations of indirect costs to private sector
24 work performed by the shipbuilder only with respect to
25 costs that the shipbuilder incurred on or after the date

1 of the enactment of the National Defense Authorization
2 Act for Fiscal Year 1998 under a contract between the
3 shipbuilder and a private sector customer of the ship-
4 builder that became effective on or after January 26,
5 1996.”.

6 (f) IMPLEMENTATION AND REPORT.—Such section is
7 further amended adding at the end the following:

8 “(d) IMPLEMENTATION.—Not later than 30 days
9 after the date of the enactment of the National Defense
10 Authorization Act for Fiscal Year 1998, the Secretary of
11 the Navy shall establish application procedures and proce-
12 dures for expeditious consideration of shipbuilding capa-
13 bility preservation agreements as authorized by this sec-
14 tion.

15 “(e) REPORT.—Not later than February 15, 1998,
16 the Secretary of the Navy shall submit to the congres-
17 sional defense committees a report on applications for
18 shipbuilding capability preservation agreements. The re-
19 port shall contain the number of the applications received,
20 the number of the applications approved, and a discussion
21 of the reasons for disapproval of any applications dis-
22 approved.”.

23 (g) SECTION HEADING.—The heading for such sec-
24 tion is amended by striking out “**DEFENSE**” and inserting
25 in lieu thereof “**CERTAIN**”.

1 **SEC. 807. ELIMINATION OF CERTIFICATION REQUIREMENT**
2 **FOR GRANTS.**

3 Section 5153 of the Drug-Free Workplace Act of
4 1988 (Public Law 100–690; 102 Stat. 4306; 41 U.S.C.
5 702) is amended—

6 (1) in subsection (a)—

7 (A) in paragraph (1), by striking out “has
8 certified to the granting agency that it will”
9 and inserting in lieu thereof “agrees to”; and

10 (B) in paragraph (2), by striking out “cer-
11 tifies to the agency” and inserting in lieu there-
12 of “agrees”; and

13 (2) in subsection (b)(1)—

14 (A) by striking out subparagraph (A);

15 (B) by redesignating subparagraphs (B)
16 and (C) as subparagraphs (A) and (B), respec-
17 tively; and

18 (C) in subparagraph (A), as so redesign-
19 ated, by striking out “such certification by
20 failing to carry out”.

21 **SEC. 808. REPEAL OF LIMITATION ON ADJUSTMENT OF**
22 **SHIPBUILDING CONTRACTS.**

23 (a) REPEAL.—(1) Section 2405 of title 10, United
24 States Code, is repealed.

1 (2) The table of sections at the beginning of chapter
2 141 of such title is amended by striking out the item relat-
3 ing to section 2405.

4 (b) APPLICABILITY.—(1) Except as provided in para-
5 graph (2), the amendments made by subsection (a) shall
6 apply to claims, requests for equitable adjustment, and de-
7 mands for payment under shipbuilding contracts that have
8 been or are submitted before, on, or after the date of the
9 enactment of this Act.

10 (2) Section 2405 of title 10, United States Code, as
11 in effect immediately before the date of the enactment of
12 this Act, shall continue to apply to a contractor's claim,
13 request for equitable adjustment, or demand for payment
14 under a shipbuilding contract that was submitted before
15 such date if—

16 (A) a contracting officer denied the claim, re-
17 quest, or demand, and the period for appealing the
18 decision to a court or board under the Contract Dis-
19 puts Act of 1978 expired before such date;

20 (B) a court or board of contract appeals consid-
21 ering the claim, request, or demand (including any
22 appeal of a decision of a contracting officer to deny
23 or dismiss the claim, request, or demand) denied the
24 claim, request, or demand (or the appeal), and the

1 action of the court or board became final and
2 unappealable before such date; or

3 (C) the contractor released or releases the
4 claim, request, or demand.

5 **SEC. 809. BLANKET WAIVER OF CERTAIN DOMESTIC**
6 **SOURCE REQUIREMENTS FOR FOREIGN**
7 **COUNTRIES WITH CERTAIN COOPERATIVE OR**
8 **RECIPROCAL RELATIONSHIPS WITH THE**
9 **UNITED STATES.**

10 (a) **AUTHORITY.**—(1) Section 2534 of title 10, Unit-
11 ed States Code, is amended by adding at the end the fol-
12 lowing:

13 “(i) **WAIVER GENERALLY APPLICABLE TO A COUN-**
14 **TRY.**—The Secretary of Defense shall waive the limitation
15 in subsection (a) with respect to a foreign country gen-
16 erally if the Secretary determines that the application of
17 the limitation with respect to that country would impede
18 cooperative programs entered into between the Depart-
19 ment of Defense and the foreign country, or would impede
20 the reciprocal procurement of defense items entered into
21 under section 2531 of this title, and the country does not
22 discriminate against defense items produced in the United
23 States to a greater degree than the United States discrimi-
24 nates against defense items produced in that country.”.

1 (2) The amendment made by paragraph (1) shall
2 apply with respect to—

3 (A) contracts entered into on or after the date
4 of the enactment of this Act; and

5 (B) options for the procurement of items that
6 are exercised after such date under contracts that
7 are entered into before such date if those option
8 prices are adjusted for any reason other than the ap-
9 plication of a waiver granted under subsection (i) of
10 section 2534 of title 10, United States Code (as
11 added by paragraph (1)).

12 (b) CONFORMING AMENDMENT.—The heading of
13 subsection (d) of such section is amended by inserting
14 “FOR PARTICULAR PROCUREMENTS” after “WAIVER AU-
15 THORITY”.

16 **Subtitle B—Contract Provisions**

17 **SEC. 811. CONTRACTOR GUARANTEES OF MAJOR SYSTEMS.**

18 (a) REVISION OF REQUIREMENT.—Section 2403 of
19 title 10, United States Code, is amended to read as fol-
20 lows:

21 **“§ 2403. Major systems: contractor guarantees**

22 “(a) GUARANTEE REQUIRED.—In any case in which
23 the head of an agency determines that it is appropriate
24 and cost effective to do so in entering into a contract for
25 the production of a major system, the head of an agency

1 shall, except as provided in subsection (b), require the
2 prime contractor to provide the United States with a writ-
3 ten guarantee that—

4 “(1) the item provided under the contract will
5 conform to the design and manufacturing require-
6 ments specifically delineated in the production con-
7 tract (or in any amendment to that contract);

8 “(2) the item provided under the contract will
9 be free from all defects in materials and workman-
10 ship at the time it is delivered to the United States;

11 “(3) the item provided under the contract will
12 conform to the essential performance requirements
13 of the item as specifically delineated in the produc-
14 tion contract (or in any amendment to that con-
15 tract); and

16 “(4) if the item provided under the contract
17 fails to meet a guarantee required under paragraph
18 (1), (2), or (3), the contractor will, at the election
19 of the Secretary of Defense or as otherwise provided
20 in the contract—

21 “(A) promptly take such corrective action
22 as may be necessary to correct the failure at no
23 additional cost to the United States; or

24 “(B) pay costs reasonably incurred by the
25 United States in taking such corrective action.

1 “(b) EXCEPTION.—The head of an agency may not
2 require a prime contractor under subsection (a) to provide
3 a guarantee for a major system, or for a component of
4 a major system, that is furnished by the United States.

5 “(c) DEFINITIONS.—In this section:

6 “(1) The term ‘prime contractor’ means a party
7 that enters into an agreement directly with the Unit-
8 ed States to furnish part or all of a major system.

9 “(2) The term ‘design and manufacturing re-
10 quirements’ means structural and engineering plans
11 and manufacturing particulars, including precise
12 measurements, tolerances, materials, and finished
13 product tests for the major system being produced.

14 “(3) The term ‘essential performance require-
15 ments’, with respect to a major system, means the
16 operating capabilities or maintenance and reliability
17 characteristics of the system that are determined by
18 the Secretary of Defense to be necessary for the sys-
19 tem to fulfill the military requirement for which the
20 system is designed.

21 “(4) The term ‘component’ means any constitu-
22 ent element of a major system.

23 “(5) The term ‘head of an agency’ has the
24 meaning given that term in section 2302 of this
25 title.”.

1 (b) CLERICAL AMENDMENT.—The item relating to
 2 such section in the table of sections at the beginning of
 3 chapter 141 of such title is amended to read as follows:

“2403. Major systems: contractor guarantees.”.

4 **SEC. 812. VESTING OF TITLE IN THE UNITED STATES**
 5 **UNDER CONTRACTS PAID UNDER PROGRESS**
 6 **PAYMENT ARRANGEMENTS OR SIMILAR AR-**
 7 **RANGEMENTS.**

8 Section 2307 of title 10, United States Code, is
 9 amended—

10 (1) by redesignating subsection (h) as sub-
 11 section (i); and

12 (2) by inserting after subsection (g) the follow-
 13 ing new subsection (h):

14 “(h) VESTING OF TITLE IN THE UNITED STATES.—
 15 If a contract paid by a method authorized under sub-
 16 section (a)(1) provides for title to property to vest in the
 17 United States, the title to the property shall vest in ac-
 18 cordance with the terms of the contract, regardless of any
 19 security interest in the property that is asserted before
 20 or after the contract is entered into.”.

1 **Subtitle C—Acquisition Assistance**
2 **Programs**

3 **SEC. 821. PROCUREMENT TECHNICAL ASSISTANCE PRO-**
4 **GRAMS.**

5 (a) **FUNDING.**—Of the amount authorized to be ap-
6 propriated under section 301(5), \$12,000,000 shall be
7 available for carrying out the provisions of chapter 142
8 of title 10, United States Code.

9 (b) **SPECIFIC PROGRAMS.**—Of the amounts made
10 available pursuant to subsection (a), \$600,000 shall be
11 available for fiscal year 1998 for the purpose of carrying
12 out programs sponsored by eligible entities referred to in
13 subparagraph (D) of section 2411(1) of title 10, United
14 States Code, that provide procurement technical assist-
15 ance in distressed areas referred to in subparagraph (B)
16 of section 2411(2) of such title. If there is an insufficient
17 number of satisfactory proposals for cooperative agree-
18 ments in such distressed areas to allow effective use of
19 the funds made available in accordance with this sub-
20 section in such areas, the funds shall be allocated among
21 the Defense Contract Administration Services regions in
22 accordance with section 2415 of such title.

1 **SEC. 822. ONE-YEAR EXTENSION OF PILOT MENTOR-PRO-**
 2 **TEGE PROGRAM.**

3 Section 831(j) of the National Defense Authorization
 4 Act for Fiscal Year 1991 (10 U.S.C. 2302 note) is amend-
 5 ed—

6 (1) in paragraph (1), by striking out “1998”
 7 and inserting in lieu thereof “1999”;

8 (2) in paragraph (2), by striking out “1999”
 9 and inserting in lieu thereof “2000”; and

10 (3) in paragraph (3), by striking out “1999”
 11 and inserting in lieu thereof “2000”.

12 **SEC. 823. TEST PROGRAM FOR NEGOTIATION OF COM-**
 13 **PREHENSIVE SUBCONTRACTING PLANS.**

14 (a) CONTENT OF SUBCONTRACTING PLANS.—Sub-
 15 section (b)(2) of section 834 of the National Defense Au-
 16 thorization Act for Fiscal Years 1990 and 1991 (Public
 17 Law 101–189; 15 U.S.C. 637 note) is amended—

18 (1) by striking out “plan—” and inserting in
 19 lieu thereof “plan of a contractor—”;

20 (2) by striking out subparagraph (A);

21 (3) by redesignating subparagraph (B) as sub-
 22 paragraph (A) and by striking out the period at the
 23 end of such subparagraph and inserting in lieu
 24 thereof “; and”; and

25 (4) by adding at the end the following:

1 “(B) shall cover each Department of Defense
2 contract that is entered into by the contractor and
3 each subcontract that is entered into by the contrac-
4 tor as the subcontractor under a Department of De-
5 fense contract.”.

6 (b) EXTENSION OF PROGRAM.—Subsection (e) of
7 such section is amended by striking out “September 30,
8 1998” in the second sentence and inserting in lieu thereof
9 “September 30, 2000.”.

10 **SEC. 824. PRICE PREFERENCE FOR SMALL AND DISADVAN-**
11 **TAGED BUSINESSES.**

12 Section 2323(e)(3) of title 10, United States Code,
13 is amended by—

14 (1) inserting “(A)” after “(3)”;

15 (2) inserting “, except as provided in (B),”
16 after “the head of an agency may” in the first sen-
17 tence; and

18 (3) adding at the end the following:

19 “(B) The Secretary of Defense may not exercise the
20 authority under subparagraph (A) to enter into a contract
21 for a price exceeding fair market cost in any fiscal year
22 following a fiscal year in which the Department of Defense
23 attained the 5 percent goal required by subsection (a).”.

**Subtitle D—Administrative
Provisions**

**SEC. 831. RETENTION OF EXPIRED FUNDS DURING THE
PENDENCY OF CONTRACT LITIGATION.**

(a) IN GENERAL.—Chapter 141 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 2410m. Retention of amounts collected from contractor during the pendency of contract dispute

“(a) RETENTION OF FUNDS.—Notwithstanding sections 1552(a) and 3302(b) of title 31, any amount, including interest, collected from a contractor as a result of a claim made by an executive agency under the Contract Disputes Act of 1978 (41 U.S.C. 601 et seq.), shall remain available in accordance with this section to pay—

“(1) any settlement of the claim by the parties;

“(2) any judgment rendered in the contractor’s favor on an appeal of the decision on that claim to the Armed Services Board of Contract Appeals under section 7 of such Act (41 U.S.C. 606); or

“(3) any judgment rendered in the contractor’s favor in an action on that claim in a court of the United States.

1 “(b) PERIOD OF AVAILABILITY.—(1) The period of
2 availability of an amount under subsection (a), in connec-
3 tion with a claim—

4 “(A) expires 180 days after the expiration of
5 the period for bringing an action on that claim in
6 the United States Court of Federal Claims under
7 section 10(a) of the Contract Disputes Act of 1978
8 (41 U.S.C. 609(a)) if, within that 180-day period—

9 “(i) no appeal on the claim is commenced
10 at the Armed Services Board of Contract Ap-
11 peals under section 7 of the Contract Disputes
12 Act of 1978; and

13 “(ii) no action on the claim is commenced
14 in a court of the United States; or

15 “(B) if not expiring under subparagraph (A),
16 expires—

17 “(i) in the case of a settlement of the
18 claim, 180 days after the date of the settle-
19 ment; or

20 “(ii) in the case of a judgment rendered on
21 the claim in an appeal to the Armed Services
22 Board of Contract Appeals under section 7 of
23 the Contract Disputes Act of 1978 or an action
24 in a court of the United States, 180 days after

1 the date on which the judgment becomes final
2 and not appealable.

3 “(2) While available under this section, an amount
4 may be obligated or expended only for the purpose de-
5 scribed in subsection (a).

6 “(3) Upon the expiration of the period of availability
7 of an amount under paragraph (1), the amount shall be
8 deposited in the Treasury as miscellaneous receipts.

9 “(c) REPORTING REQUIREMENT.—Each year, the
10 Under Secretary of Defense (Comptroller) shall submit to
11 Congress a report on the amounts, if any, that are avail-
12 able for obligation pursuant to this section. The report
13 shall include, at a minimum, the following:

14 “(1) The total amount available for obligation.

15 “(2) The total amount collected from contrac-
16 tors during the year preceding the year in which the
17 report is submitted.

18 “(3) The total amount disbursed in such pre-
19 ceding year and a description of the purpose for
20 each disbursement.

21 “(4) The total amount returned to the Treasury
22 in such preceding year.”.

23 (b) CLERICAL AMENDMENT.—The table of sections
24 at the beginning of chapter 141 of title 10, United States

1 Code, is amended by adding at the end the following new
 2 item:

“2410m. Retention of amounts collected from contractor during the pendency
 of contract dispute.”.

3 **SEC. 832. PROTECTION OF CERTAIN INFORMATION FROM**
 4 **DISCLOSURE.**

5 Section 2371 of title 10, United States Code, is
 6 amended by inserting after subsection (h) the following:

7 “(i) PROTECTION OF CERTAIN INFORMATION FROM
 8 DISCLOSURE.—(1) Disclosure of information described in
 9 paragraph (2) is not required, and may not be compelled,
 10 under section 552 of title 5 for five years after the date
 11 on which the information is received by the Department
 12 of Defense.

13 “(2)(A) Paragraph (1) applies to information de-
 14 scribed in subparagraph (B) that is in the records of the
 15 Department of Defense if the information was submitted
 16 to the department in a competitive or noncompetitive proc-
 17 ess having the potential for resulting in an award, to the
 18 party submitting the information, of a cooperative agree-
 19 ment that includes a clause described in subsection (d)
 20 or another transaction authorized under subsection (a).

21 “(B) The information referred to in subparagraph
 22 (A) is the following:

23 “(i) A proposal, proposal abstract, and support-
 24 ing documents.

1 “(ii) A business plan submitted on a confiden-
2 tial basis.

3 “(iii) Technical information submitted on a con-
4 fidential basis.”.

5 **SEC. 833. CONTENT OF LIMITED SELECTED ACQUISITION**
6 **REPORTS.**

7 Section 2432(h)(2) of title 10, United States Code,
8 is amended—

9 (1) by striking out subparagraph (D); and

10 (2) by redesignating subparagraphs (E) and
11 (F) as subparagraphs (D) and (E), respectively.

12 **SEC. 834. UNIT COST REPORTS.**

13 (a) IMMEDIATE REPORT REQUIRED ONLY FOR PRE-
14 VIOUSLY UNREPORTED INCREASED COSTS.—Subsection
15 (c) of section 2433 of title 10, United States Code, is
16 amended by striking out “during the current fiscal year
17 (other than the last quarterly unit cost report under sub-
18 section (b) for the preceding fiscal year)” in the matter
19 following paragraph (3).

20 (b) IMMEDIATE REPORT NOT REQUIRED FOR COST
21 VARIANCES OR SCHEDULE VARIANCES OF MAJOR CON-
22 TRACTS.—Subsection (c) of such section is further amend-
23 ed—

24 (1) by inserting “or” at the end of paragraph
25 (1);

1 (2) by striking out “or” at the end of para-
2 graph (2); and

3 (3) by striking out paragraph (3).

4 (c) CONGRESSIONAL NOTIFICATION OF INCREASED
5 COST NOT CONDITIONED ON DISCOVERY SINCE BEGIN-
6 NING OF FISCAL YEAR.—Subsection (d)(3) of such section
7 is amended by striking out “(for the first time since the
8 beginning of the current fiscal year)” in the first sentence.

9 **SEC. 835. CENTRAL DEPARTMENT OF DEFENSE POINT OF**
10 **CONTACT FOR CONTRACTING INFORMATION.**

11 (a) DESIGNATION OF OFFICIAL.—The Under Sec-
12 retary of Defense for Acquisition and Technology shall
13 designate an official within the Office of the Under Sec-
14 retary of Defense for Acquisition and Technology to serve
15 as a central point of contact for persons seeking informa-
16 tion described in subsection (b).

17 (b) AVAILABLE INFORMATION.—Upon request, the
18 official designated under subsection (a) shall provide infor-
19 mation on the following:

20 (1) How and where to submit unsolicited pro-
21 posals for research, development, test, and evalua-
22 tion or for furnishing property or services to the De-
23 partment of Defense.

1 (2) Department of Defense solicitations for of-
 2 fers that are open for response and the procedures
 3 for responding 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
 8 designated under subsection (a) shall use a variety of
 9 means for making the information described in subsection
 10 (b) readily available to potential contractors for the De-
 11 partment of Defense. The means shall include the estab-
 12 lishment of one or more toll-free automated telephone
 13 lines, posting of information about the services of the offi-
 14 cial on generally accessible computer communications net-
 15 works, and advertising.

16 **Subtitle E—Other Matters**

17 **SEC. 841. DEFENSE BUSINESS COMBINATIONS.**

18 (a) EXTENSION OF REQUIREMENT FOR REPORTS ON
 19 PAYMENT OF RESTRUCTURING COSTS.—Section 818(e) of
 20 the National Defense Authorization Act for Fiscal Year
 21 1995 (Public Law 103–337; 108 Stat. 1821; 10 U.S.C.
 22 2324 note) is amended by striking out “1995, 1996, and
 23 1997” and inserting in lieu thereof “1997, 1998, and
 24 1999”.

1 (b) SECRETARY OF DEFENSE REPORTS.—Not later
2 than March 1 in each of the years 1998, 1999, and 2000,
3 the Secretary of Defense shall submit to the congressional
4 defense committees a report on effects on competition re-
5 sulting from any business combinations of major defense
6 contractors that took place during the year preceding the
7 year of the report. The report shall include, for each busi-
8 ness combination reviewed by the Department pursuant
9 to Department of Defense Directive 5000.62, the follow-
10 ing:

11 (1) An assessment of any potentially adverse ef-
12 fects that the business combination could have on
13 competition for Department of Defense contracts
14 (including potential horizontal effects, vertical ef-
15 fects, and organizational conflicts of interest), the
16 national technology and industrial base, or innova-
17 tion in the defense industry.

18 (2) The actions taken to mitigate the poten-
19 tially adverse effects.

20 (c) GAO REPORTS.—(1) Not later than December 1,
21 1997, the Comptroller General shall—

22 (A) in consultation with appropriate officials in
23 the Department of Defense—

1 (i) identify major market areas adversely
2 affected by business combinations of defense
3 contractors since January 1, 1990; and

4 (ii) develop a methodology for determining
5 the beneficial impact of business combinations
6 of defense contractors on the prices paid on
7 particular defense contracts; and

8 (B) submit to the congressional defense com-
9 mittees a report describing, for each major market
10 area identified pursuant to subparagraph (A)(i), the
11 changes in numbers of businesses competing for
12 major defense contracts since January 1, 1990.

13 (2) Not later than December 1, 1998, the Comptrol-
14 ler General shall submit to the congressional defense com-
15 mittees a report containing the following:

16 (A) Updated information on—

17 (i) restructuring costs of business combina-
18 tions paid by the Department of Defense pursu-
19 ant to certifications under section 818 of the
20 National Defense Authorization Act for Fiscal
21 Year 1995, and

22 (ii) savings realized by the Department of
23 Defense as a result of the business combina-
24 tions for which the payment of restructuring
25 costs was so certified.

1 (B) An assessment of the beneficial impact of
 2 business combinations of defense contractors on the
 3 prices paid on a meaningful sample of defense con-
 4 tracts, determined in accordance with the methodol-
 5 ogy developed pursuant to paragraph (1)(A)(ii).

6 (C) Any recommendations that the Comptroller
 7 General considers appropriate.

8 (d) BUSINESS COMBINATION DEFINED.—In this sec-
 9 tion, the term “business combination” has the meaning
 10 given that term in section 818(f) of the National Defense
 11 Authorization Act for Fiscal Year 1995 (108 Stat. 2822;
 12 10 U.S.C. 2324 note).

13 **SEC. 842. LEASE OF NONEXCESS PROPERTY OF DEFENSE**
 14 **AGENCIES.**

15 (a) AUTHORITY.—Chapter 159 of title 10, United
 16 States Code, is amended by inserting after section 2667
 17 the following:

18 **“§ 2667a. Leases: non-excess property of Defense**
 19 **Agencies**

20 “(a) AUTHORITY.—Whenever the Director of a De-
 21 fense Agency considers it advantageous to the United
 22 States, he may lease to such lessee and upon such terms
 23 as he considers will promote the national defense or to
 24 be in the public interest, personal property that is—

25 “(1) under the control of the Defense Agency;

1 “(2) not for the time needed for public use; and

2 “(3) not excess property, as defined by section
3 3 of the Federal Property and Administrative Serv-
4 ices Act of 1949 (40 U.S.C. 472).

5 “(b) LIMITATION, TERMS, AND CONDITIONS.—A
6 lease under subsection (a)—

7 “(1) may not be for more than five years unless
8 the Director of the Defense Agency concerned deter-
9 mines that a lease for a longer period will promote
10 the national defense or be in the public interest;

11 “(2) may give the lessee the first right to buy
12 the property if the lease is revoked to allow the
13 United States to sell the property under any other
14 provision of law;

15 “(3) shall permit the Director to revoke the
16 lease at any time, unless he determines that the
17 omission of such a provision will promote the na-
18 tional defense or be in the public interest; and

19 “(4) may provide, notwithstanding any other
20 provision of law, for the improvement, maintenance,
21 protection, repair, restoration, or replacement by the
22 lessee, of the property leased as the payment of part
23 or all of the consideration for the lease.

24 “(c) DISPOSITION OF MONEY RENT.—Money rentals
25 received pursuant to leases entered into by the Director

1 of a Defense Agency under subsection (a) shall be depos-
 2 ited in a special account in the Treasury established for
 3 such Defense Agency. Amounts in a Defense Agency's spe-
 4 cial account shall be available, to the extent provided in
 5 appropriations Acts, solely for the maintenance, repair,
 6 restoration, or replacement of the leased property.”.

7 (b) CONFORMING AMENDMENT.—The heading of sec-
 8 tion 2667 of such title is amended to read as follows:

9 **“§ 2667. Leases: non-excess property of military de-**
 10 **partments”.**

11 (c) CLERICAL AMENDMENT.—The table of sections
 12 at the beginning of chapter 159 of such title is amended
 13 by striking out the item relating to section 2667 and in-
 14 serting in lieu thereof the following:

“2667. Leases: non-excess property of military departments.

“2667a. Leases: non-excess property of Defense Agencies.”.

15 **SEC. 843. PROMOTION RATE FOR OFFICERS IN AN ACQUISI-**
 16 **TION CORPS.**

17 (a) REVIEW OF ACQUISITION CORPS PROMOTION SE-
 18 LECTIONS.—Upon the approval of the President or his
 19 designee of the report of a selection board convened under
 20 section 611(a) of title 10, United States Code, which con-
 21 sidered members of an Acquisition Corps of a military de-
 22 partment for promotion to a grade above O–4, the Sec-
 23 retary of the military department shall submit a copy of

1 the report to the Under Secretary of Defense for Acquisi-
2 tion and Technology for review.

3 (b) REPORTING REQUIREMENT.—Not later than
4 January 31 of each year, the Under Secretary of Defense
5 for Acquisition and Technology shall submit to the Com-
6 mittee on Armed Services of the Senate and the Commit-
7 tee on National Security of the House of Representatives
8 a report containing the Under Secretary’s assessment of
9 the extent to which each military department is complying
10 with the requirement set forth in section 1731(b) of title
11 10, United States Code.

12 (c) TERMINATION OF REQUIREMENTS.—This section
13 shall cease to be effective on October 1, 2000.

14 **SEC. 844. USE OF ELECTRONIC COMMERCE IN FEDERAL**
15 **PROCUREMENT.**

16 (a) POLICY.—Section 30 of the Office of Federal Pro-
17 curement Policy Act (41 U.S.C. 426) is amended to read
18 as follows:

19 **“SEC. 30. USE OF ELECTRONIC COMMERCE IN FEDERAL**
20 **PROCUREMENT.**

21 “(a) IN GENERAL.—The head of each executive agen-
22 cy, after consulting with the Administrator, shall establish,
23 maintain, and use, to the maximum extent that is prac-
24 ticable and cost-effective, procedures and processes that

1 employ electronic commerce in the conduct and adminis-
2 tration of its procurement system.

3 “(b) APPLICABLE STANDARDS.—In conducting elec-
4 tronic commerce, the head of an agency shall apply nation-
5 ally and internationally recognized standards that broaden
6 interoperability and ease the electronic interchange of in-
7 formation.

8 “(c) AGENCY PROCEDURES.—The head of each exec-
9 utive agency shall ensure that systems, technologies, pro-
10 cedures, and processes established pursuant to this sec-
11 tion—

12 “(1) are implemented with uniformity through-
13 out the agency, to the extent practicable;

14 “(2) facilitate access to Federal Government
15 procurement opportunities, including opportunities
16 for small business concerns, socially and economi-
17 cally disadvantaged small business concerns, and
18 business concerns owned predominantly by women;
19 and

20 “(3) ensure that any notice of agency require-
21 ments or agency solicitation for contract opportuni-
22 ties is provided in a form that allows convenient and
23 universal user access through a single, government-
24 wide point of entry.

1 “(d) IMPLEMENTATION.—The Administrator shall, in
2 carrying out the requirements of this section—

3 “(1) issue policies to promote, to the maximum
4 extent practicable, uniform implementation of this
5 section by executive agencies, with due regard for
6 differences in program requirements among agencies
7 that may require departures from uniform proce-
8 dures and processes in appropriate cases, when war-
9 ranted because of the agency mission;

10 “(2) ensure that the head of each executive
11 agency complies with the requirements of subsection
12 (c) with respect to the agency systems, technologies,
13 procedures, and processes established pursuant to
14 this section; and

15 “(3) consult with the heads of appropriate Fed-
16 eral agencies with applicable technical and functional
17 expertise, including the Office of Information and
18 Regulatory Affairs, the National Institute of Stand-
19 ards and Technology, the General Services Adminis-
20 tration, and the Department of Defense.

21 “(e) ELECTRONIC COMMERCE DEFINED.—For the
22 purposes of this section, the term ‘electronic commerce’
23 means electronic techniques for accomplishing business
24 transactions, including electronic mail or messaging,
25 World Wide Web technology, electronic bulletin boards,

1 purchase cards, electronic funds transfers, and electronic
2 data interchange.”.

3 (b) REPEAL OF REQUIREMENTS FOR IMPLEMENTA-
4 TION OF FACNET CAPABILITY.—Section 30A of the Of-
5 fice of Federal Procurement Policy Act (41 U.S.C. 426a)
6 is repealed.

7 (c) REPEAL OF REQUIREMENT FOR GAO REPORT.—
8 Section 9004 of the Federal Acquisition Streamlining Act
9 of 1994 (41 U.S.C. 426a note) is repealed.

10 (d) REPEAL OF CONDITION FOR USE OF SIMPLIFIED
11 ACQUISITION PROCEDURES.—Section 31 of the Office of
12 Federal Procurement Policy Act (41 U.S.C. 427) is
13 amended—

14 (1) by striking out subsection (e); and

15 (2) by redesignating subsections (f) and (g) as
16 subsections (e) and (f), respectively.

17 (e) AMENDMENTS TO PROCUREMENT NOTICE RE-
18 QUIREMENTS.—(1) Section 8(g)(1) of the Small Business
19 Act (15 U.S.C. 637(g)(1)) is amended—

20 (A) by striking out subparagraphs (A) and (B);

21 (B) by redesignating subparagraphs (C), (D),
22 (E), (F), (G), and (H) as subparagraphs (B), (C),
23 (D), (E), (F), and (G), respectively; and

24 (C) by inserting before subparagraph (B), as so
25 redesignated, the following new subparagraph (A):

1 “(A) the proposed procurement is for an
2 amount not greater than the simplified acquisition
3 threshold and is to be conducted by—

4 “(i) using widespread electronic public no-
5 tice of the solicitation in a form that allows con-
6 venient and universal user access through a sin-
7 gle, governmentwide point of entry; and

8 “(ii) permitting the public to respond to
9 the solicitation electronically.”.

10 (2) Section 18(c)(1) of the Office of Federal Procure-
11 ment Policy Act (41 U.S.C. 416(c)(1)) is amended—

12 (A) by striking out subparagraphs (A) and (B);

13 (B) by redesignating subparagraphs (C), (D),
14 (E), (F), (G), and (H) as subparagraphs (B), (C),
15 (D), (E), (F), and (G), respectively; and

16 (C) by inserting before subparagraph (B), as so
17 redesignated, the following new subparagraph (A):

18 “(A) the proposed procurement is for an
19 amount not greater than the simplified acquisition
20 threshold and is to be conducted by—

21 “(i) using widespread electronic public no-
22 tice of the solicitation in a form that allows con-
23 venient and universal user access through a sin-
24 gle, governmentwide point of entry; and

1 “(ii) permitting the public to respond to
2 the solicitation electronically.”.

3 (3) The amendments made by paragraphs (1) and (2)
4 shall be implemented in a manner consistent with any ap-
5 plicable international agreements.

6 (f) CONFORMING AND TECHNICAL AMENDMENTS.—

7 (1) Section 5061 of the Federal Acquisition Streamlining
8 Act of 1994 (41 U.S.C. 413 note) is amended—

9 (A) in subsection (c)(4)—

10 (i) by striking out “the Federal acquisition
11 computer network (‘FACNET’)” and inserting
12 in lieu thereof “the electronic commerce”; and

13 (ii) by striking out “(as added by section
14 9001)”; and

15 (B) in subsection (e)(9)(A), by striking out “,
16 or by dissemination through FACNET,”.

17 (2) Section 5401 of the Clinger-Cohen Act of 1996
18 (divisions D and E of Public Law 104–106; 40 U.S.C.
19 1501) is amended—

20 (A) in subsection (a)—

21 (i) by striking out “through the Federal
22 Acquisition Computer Network (in this section
23 referred to as ‘FACNET’)”; and

24 (ii) by striking out the last sentence;

25 (B) in subsection (b)—

1 (i) by striking out “ADDITIONAL FACNET
 2 FUNCTIONS.—” and all that follows through
 3 “(41 U.S.C. 426(b)), the FACNET architec-
 4 ture” and inserting in lieu thereof “FUNC-
 5 TIONS.—(1) The system for providing on-line
 6 computer access”; and

7 (ii) in paragraph (2), by striking out “The
 8 FACNET architecture” and inserting in lieu
 9 there for “The system for providing on-line
 10 computer access”;

11 (C) in subsection (c)(1), by striking out “the
 12 FACNET architecture” and inserting in lieu thereof
 13 “the system for providing on-line computer access”;
 14 and

15 (D) by striking out subsection (d).

16 (3)(A) Section 2302c of title 10, United States Code,
 17 is amended to read as follows:

18 **“§ 2302c. Implementation of electronic commerce ca-**
 19 **pability**

20 “(a) IMPLEMENTATION OF ELECTRONIC COMMERCE
 21 CAPABILITY.—(1) The head of each agency named in
 22 paragraphs (1), (5) and (6) shall implement the electronic
 23 commerce capability required by section 30 of the Office
 24 of Federal Procurement Policy Act (41 U.S.C. 426).

1 “(2) The Secretary of Defense shall act through the
2 Under Secretary of Defense for Acquisition and Tech-
3 nology to implement the capability within the Department
4 of Defense.

5 “(3) In implementing the electronic commerce capa-
6 bility pursuant to paragraph (1), the head of an agency
7 referred to in paragraph (1) shall consult with the Admin-
8 istrator for Federal Procurement Policy.

9 “(b) DESIGNATION OF AGENCY OFFICIAL.—The
10 head of each agency named in paragraph (5) or (6) of
11 section 2303 of this title shall designate a program man-
12 ager to implement the electronic commerce capability for
13 that agency. The program manager shall report directly
14 to an official at a level not lower than the senior procure-
15 ment executive designated for the agency under section
16 16(3) of the Office of Federal Procurement Policy Act (41
17 U.S.C. 414(3)).”.

18 (B) Section 2304(g)(4) of such title 10 is amended
19 by striking out “31(g)” and inserting in lieu thereof
20 “31(f)”.

21 (4)(A) Section 302C of the Federal Property and Ad-
22 ministrative Services Act of 1949 (41 U.S.C. 252c) is
23 amended to read as follows:

1 **“SEC. 302C. IMPLEMENTATION OF ELECTRONIC COM-**
2 **MERCE CAPABILITY.**

3 “(a) IMPLEMENTATION OF ELECTRONIC COMMERCE
4 CAPABILITY.—(1) The head of each executive agency shall
5 implement the electronic commerce capability required by
6 section 30 of the Office of Federal Procurement Policy
7 Act (41 U.S.C. 426).

8 “(2) In implementing the electronic commerce capa-
9 bility pursuant to paragraph (1), the head of an executive
10 agency shall consult with the Administrator for Federal
11 Procurement Policy.

12 “(b) DESIGNATION OF AGENCY OFFICIAL.—The
13 head of each executive agency shall designate a program
14 manager to implement the electronic commerce capability
15 for that agency. The program manager shall report di-
16 rectly to an official at a level not lower than the senior
17 procurement executive designated for the executive agency
18 under section 16(3) of the Office of Federal Procurement
19 Policy Act (41 U.S.C. 414(3)).”.

20 (B) Section 303(g)(5) of the Federal Property and
21 Administrative Services Act (41 U.S.C. 253(g)(5)) is
22 amended by striking out “31(g)” and inserting in lieu
23 thereof “31(f)”.

24 (h) EFFECTIVE DATE.—(1) Except as provided in
25 paragraph (2), the amendments made by this section shall

1 take effect 180 days after the date of the enactment of
2 this Act.

3 (2) The repeal made by subsection (c) of this section
4 shall take effect on the date of the enactment of this Act.

5 **SEC. 845. CONFORMANCE OF POLICY ON PERFORMANCE**
6 **BASED MANAGEMENT OF CIVILIAN ACQUISITION PROGRAMS WITH POLICY ESTABLISHED**
7 **FOR DEFENSE ACQUISITION PROGRAMS.**

9 (a) PERFORMANCE GOALS.—Section 313(a) of the
10 Federal Property and Administrative Services Act of 1949
11 (41 U.S.C. 263(a)) is amended to read as follows:

12 “(a) CONGRESSIONAL POLICY.—It is the policy of
13 Congress that the head of each executive agency should
14 achieve, on average, 90 percent of the cost, performance,
15 and schedule goals established for major acquisition pro-
16 grams of the agency.”.

17 (b) CONFORMING AMENDMENT TO REPORTING RE-
18 QUIREMENT.—Section 6(k) of the Office of Federal Pro-
19 curement Policy Act (41 U.S.C. 405(k)) is amended by
20 inserting “regarding major acquisitions that is” in the
21 first sentence after “policy”.

1 **SEC. 846. MODIFICATION OF PROCESS REQUIREMENTS FOR**
2 **THE SOLUTIONS-BASED CONTACTING PILOT**
3 **PROGRAM.**

4 (a) SOURCE SELECTION.—Paragraph (9) of section
5 5312(c) of the Clinger-Cohen Act of 1996 (divisions D and
6 E of Public Law 104–106; 40 U.S.C. 1492(c)) is amend-
7 ed—

8 (1) in subparagraph (A), by striking out “, and
9 ranking of alternative sources,” and inserting in lieu
10 thereof “or sources,”;

11 (2) in subparagraph (B)—

12 (A) in the matter preceding clause (i), by
13 inserting “(or a longer period, if approved by
14 the Administrator)” after “30 to 60 days”;

15 (B) in clause (i), by inserting “or sources”
16 after “source”; and

17 (C) in clause (ii), by striking out “that
18 source” and inserting in lieu thereof “the
19 source whose offer is determined to be most ad-
20 vantageous to the Government”; and

21 (3) in subparagraph (C), by striking out “with
22 alternative sources (in the order ranked)”.

23 (b) TIME MANAGEMENT DISCIPLINE.—Paragraph
24 (12) of such section is amended by inserting before the
25 period at the end the following: “, except that the Admin-

1 istrator may approve the application of a longer standard
2 period”.

3 **SEC. 847. TWO-YEAR EXTENSION OF APPLICABILITY OF**
4 **FULFILLMENT STANDARDS FOR DEFENSE AC-**
5 **QUISITION WORKFORCE TRAINING REQUIRE-**
6 **MENTS.**

7 Section 812(c)(2) of the National Defense Authoriza-
8 tion Act for Fiscal Year 1993 (Public Law 102–484; 106
9 Stat. 2451; 10 U.S.C. 1723 note) is amended by striking
10 out “October 1, 1997” and inserting in lieu thereof “Octo-
11 ber 1, 1999”.

12 **SEC. 848. DEPARTMENT OF DEFENSE AND FEDERAL PRIS-**
13 **ON INDUSTRIES JOINT STUDY.**

14 (a) **STUDY OF EXISTING PROCUREMENT PROCE-**
15 **DURES.**—The Department of Defense and Federal Prison
16 Industries shall conduct jointly a study of existing pro-
17 curement procedures, regulations, and statutes which now
18 govern procurement transactions between the Department
19 of Defense and Federal Prison Industries.

20 (b) **FINDINGS.**—A report describing the findings of
21 the study and containing recommendations on the means
22 to improve the efficiency and reduce the cost of such
23 transactions shall be submitted to the United States Sen-
24 ate Committees on Armed Services and the Judiciary no

1 later than 180 days after the date of enactment of this
2 Act.

3 **TITLE IX—DEPARTMENT OF DE-**
4 **FENSE ORGANIZATION AND**
5 **MANAGEMENT**

6 **SEC. 901. PRINCIPAL DUTY OF ASSISTANT SECRETARY OF**
7 **DEFENSE FOR SPECIAL OPERATIONS AND**
8 **LOW INTENSITY CONFLICT.**

9 Section 138(b)(4) of title 10, United States Code, is
10 amended by striking out “of special operations activities
11 (as defined in section 167(j) of this title) and” and insert-
12 ing in lieu thereof “of the performance of the responsibil-
13 ities of the commander of the special operations command
14 under subsections (e)(4) and (f) of section 167 of this title
15 and of”.

16 **SEC. 902. PROFESSIONAL MILITARY EDUCATION SCHOOLS.**

17 (a) COMPONENT INSTITUTIONS OF THE NATIONAL
18 DEFENSE UNIVERSITY.—(1) Chapter 108 of title 10,
19 United States Code, is amended by adding at the end the
20 following:

21 **“§ 2165. National Defense University**

22 “(a) IN GENERAL.—There is a National Defense
23 University in the Department of Defense.

24 “(b) COMPONENT INSTITUTIONS.—The university in-
25 cludes the following institutions:

1 “(1) The National War College.

2 “(2) The Industrial College of the Armed
3 Forces.

4 “(3) The Armed Forces Staff College.

5 “(4) The Institute for National Strategic Stud-
6 ies.

7 “(5) The Information Resources Management
8 College.”.

9 (2) The table of sections at the beginning of such
10 chapter is amended by adding at the end the following:

“2165. National Defense University.”.

11 (b) MARINE CORPS UNIVERSITY AS PROFESSIONAL
12 MILITARY EDUCATION SCHOOL.—Subsection (d) of sec-
13 tion 2162 of such title is amended to read as follows:

14 “(d) PROFESSIONAL MILITARY EDUCATION
15 SCHOOLS.—This section applies to the following profes-
16 sional military education schools:

17 “(1) The National Defense University.

18 “(2) The Army War College.

19 “(3) The College of Naval Warfare.

20 “(4) The Air War College.

21 “(5) The United States Army Command and
22 General Staff College.

23 “(6) The College of Naval Command and Staff.

24 “(7) The Air Command and Staff College.

25 “(8) The Marine Corps University.”.

1 (c) REPEAL OF DUPLICATIVE DEFINITION.—Section
2 1595(d) of title 10, United States Code, is amended—

3 (1) in paragraph (1), by striking out “(1)”; and
4 (2) by striking out paragraph (2).

5 **SEC. 903. USE OF CINC INITIATIVE FUND FOR FORCE PRO-**
6 **TECTION.**

7 Section 166a(b) of title 10, United States Code, is
8 amended by adding at the end the following:

9 “(9) Force protection.”.

10 **SEC. 904. TRANSFER OF TIARA PROGRAMS.**

11 (a) TRANSFER OF FUNCTIONS.—The Secretary of
12 Defense shall transfer—

13 (1) the responsibilities of the Tactical Intel-
14 ligence and Related Activities (TIARA) aggregation
15 for the conduct of programs referred to in sub-
16 section (b) to officials of elements of the military de-
17 partments not in the intelligence community; and

18 (2) the funds available within the Tactical In-
19 telligence and Related Activities aggregation for
20 such programs to accounts of the military depart-
21 ments that are available for non-intelligence pro-
22 grams of the military departments.

23 (b) COVERED PROGRAMS.—Subsection (a) applies to
24 the following programs:

1 (1) Targeting or target acquisition programs,
 2 including the Joint Surveillance and Target Attack
 3 Radar System, and the Advanced Deployable Sys-
 4 tem.

5 (2) Tactical Warning and Attack Assessment
 6 programs, including the Defense Support Program,
 7 the Space-Based Infrared Program, and early warn-
 8 ing radars.

9 (3) Tactical communications systems, including
 10 the Joint Tactical Terminal.

11 (c) INTELLIGENCE COMMUNITY DEFINED.—In this
 12 section, the term “intelligence community” has the mean-
 13 ing given the term in section 3 of the National Security
 14 Act of 1947 (50 U.S.C. 401a).

15 **SEC. 905. SENIOR REPRESENTATIVE OF THE NATIONAL**
 16 **GUARD BUREAU.**

17 (a) ESTABLISHMENT.—(1) Chapter 1011 of title 10,
 18 United States Code, is amended by adding at the end the
 19 following:

20 **“§ 10509. Senior Representative of the National**
 21 **Guard Bureau**

22 “(a) APPOINTMENT.—There is a Senior Representa-
 23 tive of the National Guard Bureau who is appointed by
 24 the President, by and with the advice and consent of the
 25 Senate. Subject to subsection (b), the appointment shall

1 be made from officers of the Army National Guard of the
2 United States or the Air National Guard of the United
3 States who—

4 “(1) are recommended for such appointment by
5 their respective Governors or, in the case of the Dis-
6 trict of Columbia, the commanding general of the
7 District of Columbia National Guard; and

8 “(2) meet the same eligibility requirements that
9 are set forth for the Chief of the National Guard
10 Bureau in paragraphs (2) and (3) of section
11 10502(a) of this title.

12 “(b) ROTATION OF OFFICE.—An officer of the Army
13 National Guard may be succeeded as Senior Representa-
14 tive of the National Guard Bureau only by an officer of
15 the Air National Guard, and an officer of the Air National
16 Guard may be succeeded as Senior Representative of the
17 National Guard Bureau only by an officer of the Army
18 National Guard. An officer may not be reappointed to a
19 consecutive term as Senior Representative of the National
20 Guard Bureau.

21 “(c) TERM OF OFFICE.—An officer appointed as Sen-
22 ior Representative of the National Guard Bureau serves
23 at the pleasure of the President for a term of four years.
24 An officer may not hold that office after becoming 64
25 years of age. While holding the office, the Senior Rep-

1 representative of the National Guard Bureau may not be re-
 2 moved from the reserve active-status list, or from an active
 3 status, under any provision of law that otherwise would
 4 require such removal due to completion of a specified num-
 5 ber of years of service or a specified number of years of
 6 service in grade.

7 “(d) GRADE.—The Senior Representative of the Na-
 8 tional Guard Bureau shall be appointed to serve in the
 9 grade of general.”.

10 (2) The table of sections at the beginning of such
 11 chapter is amended by adding at the end the following:

“10509. Senior Representative of the National Guard Bureau.”.

12 (b) MEMBER OF JOINT CHIEFS OF STAFF.—Section
 13 151(a) of title 10, United States Code, is amended by add-
 14 ing at the end the following:

15 “(7) The Senior Representative of the National
 16 Guard Bureau.”.

17 (c) ADJUSTMENT OF RESPONSIBILITIES OF CHIEF
 18 OF THE NATIONAL GUARD BUREAU.—(1) Section 10502
 19 of title 10, United States Code, is amended by inserting
 20 “, and to the Senior Representative of the National Guard
 21 Bureau,” after “Chief of Staff of the Air Force,”.

22 (2) Section 10504(a) of such title is amended in the
 23 second sentence by inserting “, and in consultation with
 24 the Senior Representative of the National Guard Bureau,”
 25 after “Secretary of the Air Force”.

1 (d) EFFECTIVE DATE.—The amendments made by
 2 this section shall take effect on January 1, 1998.

3 **SEC. 906. CENTER FOR HEMISPHERIC DEFENSE STUDIES.**

4 (a) INSTITUTION OF THE NATIONAL DEFENSE UNI-
 5 VERSITY.—Subsection (a) of section 2165 of title 10,
 6 United States Code, as added by section 902, is amended
 7 by adding at the end the following:

8 “(6) The Center for Hemispheric Defense Stud-
 9 ies.”.

10 (b) CIVILIAN FACULTY MEMBERS.—Section 1595 of
 11 title 10, United States Code, is amended by adding at the
 12 end the following:

13 “(g) APPLICATION TO DIRECTOR AND DEPUTY DI-
 14 RECTOR AT CENTER FOR HEMISPHERIC DEFENSE STUD-
 15 IES.—In the case of the Center for Hemispheric Defense
 16 Studies, this section also applies with respect to the Direc-
 17 tor and the Deputy Director.”.

18 **TITLE X—GENERAL PROVISIONS**

19 **Subtitle A—Financial Matters**

20 **SEC. 1001. TRANSFER AUTHORITY.**

21 (a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

22 (1) Upon determination by the Secretary of Defense that
 23 such action is necessary in the national interest, the Sec-
 24 retary may transfer amounts of authorizations made avail-
 25 able to the Department of Defense in this division for fis-

1 cal year 1998 between any such authorizations for that
2 fiscal year (or any subdivisions thereof). Amounts of au-
3 thorizations so transferred shall be merged with and be
4 available for the same purposes as the authorization to
5 which transferred.

6 (2) The total amount of authorizations that the Sec-
7 retary of Defense may transfer under the authority of this
8 section may not exceed \$2,500,000,000.

9 (b) LIMITATIONS.—The authority provided by this
10 section to transfer authorizations—

11 (1) may only be used to provide authority for
12 items that have a higher priority than the items
13 from which authority is transferred; and

14 (2) may not be used to provide authority for an
15 item that has been denied authorization by Con-
16 gress.

17 (c) EFFECT ON AUTHORIZATION AMOUNTS.—A
18 transfer made from one account to another under the au-
19 thority of this section shall be deemed to increase the
20 amount authorized for the account to which the amount
21 is transferred by an amount equal to the amount trans-
22 ferred.

23 (d) NOTICE TO CONGRESS.—The Secretary shall
24 promptly notify Congress of each transfer made under
25 subsection (a).

1 **SEC. 1002. AUTHORITY FOR OBLIGATION OF CERTAIN UN-**
2 **AUTHORIZED FISCAL YEAR 1997 DEFENSE AP-**
3 **PROPRIATIONS.**

4 (a) **AUTHORITY.**—The amounts described in sub-
5 section (b) may be obligated and expended for programs,
6 projects, and activities of the Department of Defense in
7 accordance with fiscal year 1997 defense appropriations.

8 (b) **COVERED AMOUNTS.**—The amounts referred to
9 in subsection (a) are the amounts provided for programs,
10 projects, and activities of the Department of Defense in
11 fiscal year 1997 defense appropriations that are in excess
12 of the amounts provided for such programs, projects, and
13 activities in fiscal year 1997 defense authorizations.

14 (c) **DEFINITIONS.**—For the purposes of this section:

15 (1) **FISCAL YEAR 1997 DEFENSE APPROPRIA-**
16 **TIONS.**—The term “fiscal year 1997 defense appro-

17 priations” means amounts appropriated or otherwise
18 made available to the Department of Defense for fis-

19 cal year 1997 in the Department of Defense Appro-

20 priations Act, 1997 (section 101(b) of Public Law

21 104–208).

22 (2) **FISCAL YEAR 1997 DEFENSE AUTHORIZA-**
23 **TIONS.**—The term “fiscal year 1997 defense author-

24 izations” means amounts authorized to be appro-

25 priated for the Department of Defense for fiscal

1 year 1997 in the National Defense Authorization
2 Act for Fiscal Year 1997 (Public Law 104–201).

3 **SEC. 1003. AUTHORIZATION OF PRIOR EMERGENCY SUP-**
4 **PLEMENTAL APPROPRIATIONS FOR FISCAL**
5 **YEAR 1997.**

6 Amounts authorized to be appropriated to the De-
7 partment of Defense for fiscal year 1997 in the National
8 Defense Authorization Act for Fiscal Year 1997 (Public
9 Law 104–201) are hereby adjusted, with respect to any
10 such authorized amount, by the amount by which appro-
11 priations pursuant to such authorization were increased
12 (by a supplemental appropriation) or decreased (by a re-
13 scission), or both, in the 1997 Emergency Supplemental
14 Appropriations Act for Recovery from Natural Disasters,
15 and for Overseas Peacekeeping Efforts, Including Those
16 in Bosnia (Public Law 105–18).

17 **SEC. 1004. INCREASED TRANSFER AUTHORITY FOR FISCAL**
18 **YEAR 1996 AUTHORIZATIONS.**

19 Section 1001(a) of the National Defense Authoriza-
20 tion Act for Fiscal Year 1996 (Public Law 104–106; 110
21 Stat. 414) is amended by striking out “\$2,000,000,000”
22 and inserting in lieu thereof “\$3,100,000,000”.

1 **SEC. 1005. BIENNIAL FINANCIAL MANAGEMENT STRATEGIC**
2 **PLAN.**

3 (a) BIENNIAL PLAN.—(1) Chapter 23 of title 10,
4 United States Code, is amended by adding at the end the
5 following:

6 **“§ 483. Biennial financial management strategic plan**

7 “(a) PLAN REQUIRED.—Not later than September
8 30 of each even-numbered year, the Secretary of Defense
9 shall submit to Congress a strategic plan to improve the
10 financial management within the Department of Defense.
11 The strategic plan shall address all aspects of financial
12 management within the Department of Defense, including
13 the finance systems, accounting systems, and feeder sys-
14 tems that support financial functions.

15 “(b) DEFINITIONS.—In this section, the term ‘feeder
16 system’ means an automated or manual system that pro-
17 vides input to a financial management or accounting sys-
18 tem.”.

19 (2) The table of sections at the beginning of such
20 chapter is amended by adding at the end the following:

“483. Biennial financial management strategic plan.”.

21 (b) FIRST SUBMISSION.—The Secretary of Defense
22 shall submit the first financial management strategic plan
23 under section 483 of title 10, United States Code (as
24 added by subsection (a)), not later than September 30,
25 1998.

1 (c) CONTENT OF FIRST PLAN.—(1) At a minimum,
2 the first financial management strategic plan shall include
3 the following:

4 (A) The costs and benefits of integrating the fi-
5 nance and accounting systems of the Department of
6 Defense, and the feasibility of doing so.

7 (B) Problems with the accuracy of data in-
8 cluded in the finance systems, accounting systems,
9 or feeder systems that support financial functions of
10 the Department of Defense and the actions that can
11 be taken to address the problems.

12 (C) Weaknesses in the internal controls of the
13 systems and the actions that can be taken to ad-
14 dress the weaknesses.

15 (D) Actions that can be taken to eliminate neg-
16 ative unliquidated obligations, unmatched disburse-
17 ments, and in-transit disbursements, and to avoid
18 such disbursements in the future.

19 (E) The status of the efforts being undertaken
20 in the department to consolidate and eliminate—

21 (i) redundant or unneeded finance systems;

22 and

23 (ii) redundant or unneeded accounting sys-
24 tems.

1 (F) The consolidation or elimination of redun-
2 dant personnel systems, acquisition systems, asset
3 accounting systems, time and attendance systems,
4 and other feeder systems of the department.

5 (G) The integration of the feeder systems of the
6 department with the finance and accounting systems
7 of the department.

8 (H) Problems with the organization or perform-
9 ance of the Operating Locations and Service Centers
10 of the Defense Finance and Accounting Service, and
11 the actions that can be taken to address those prob-
12 lems.

13 (I) The costs and benefits of reorganizing the
14 Operating Locations and Service Centers of the De-
15 fense Finance and Accounting Service according to
16 function, and the feasibility of doing so.

17 (J) The costs and benefits of contracting for
18 private sector performance of specific functions per-
19 formed by the Defense Finance and Accounting
20 Service, and the feasibility of doing so.

21 (K) The costs and benefits of increasing the use
22 of electronic fund transfer as a method of payment,
23 and the feasibility of doing so.

24 (L) Actions that can be taken to ensure that
25 each comptroller position and each comparable posi-

1 tion in the Department of Defense, whether filled by
 2 a member of the Armed Forces or a civilian em-
 3 ployee, is filled by a person who, by reason of edu-
 4 cation, technical competence, and experience, has the
 5 core competencies for financial management.

6 (M) Any other changes in the financial manage-
 7 ment structure of the department or revisions of the
 8 department's financial processes and business prac-
 9 tices that the Secretary of Defense considers nec-
 10 essary to improve financial management in the de-
 11 partment.

12 (2) For the problems and actions identified in the
 13 plan, the Secretary shall include in the plan statements
 14 of objectives, performance measures, and schedules, and
 15 shall specify the individual and organizational responsibil-
 16 ities.

17 (3) In this subsection, the term “feeder system” has
 18 the meaning given the term in section 483(b) of title 10,
 19 United States Code, as added by subsection (a).

20 **SEC. 1006. REVISION OF AUTHORITY FOR FISHER HOUSE**
 21 **TRUST FUNDS.**

22 (a) CORRECTION TO ELIMINATE USE OF TERM AS-
 23 SOCIATED WITH FUNDING AUTHORITIES.—Section
 24 2221(c) of title 10, United States Code, is amended by
 25 striking out “or maintenance” each place it appears.

1 (b) CORPUS OF AIR FORCE TRUST FUND.—Section
 2 914(b) of Public Law 104–106 (110 Stat. 412) is amend-
 3 ed by striking out paragraph (2) and inserting in lieu
 4 thereof the following:

5 “(2) The Secretary of the Air Force shall deposit in
 6 the Fisher House Trust Fund, Department of the Air
 7 Force, an amount that the Secretary determines appro-
 8 priate to establish the corpus of the fund.”.

9 **SEC. 1007. AVAILABILITY OF CERTAIN FISCAL YEAR 1991**

10 **FUNDS FOR PAYMENT OF CONTRACT CLAIM.**

11 (a) AUTHORITY.—The Secretary of the Army may re-
 12 imburse the fund provided by section 1304 of title 31,
 13 United States Code, out of funds appropriated for the
 14 Army for fiscal year 1991 for other procurement (BLIN
 15 105125 (Special Programs)), for any judgment against
 16 the United States that is rendered in the case Appeal of
 17 McDonnell Douglas Company, Armed Services Board of
 18 Contract Appeals Number 48029.

19 (b) CONDITIONS FOR PAYMENT.—(1) Subject to
 20 paragraph (2), any reimbursement out of funds referred
 21 to in subsection (a) shall be made before October 1, 1998.

22 (2) No reimbursement out of funds referred to in
 23 subsection (a) may be made before the date that is 30
 24 days after the date on which the Secretary of the Army

1 submits to the congressional defense committees a notifi-
2 cation of the intent to make the reimbursement.

3 **SEC. 1008. ESTIMATES AND REQUESTS FOR PROCUREMENT**
4 **AND MILITARY CONSTRUCTION FOR THE RE-**
5 **SERVE COMPONENTS.**

6 (a) DETAILED PRESENTATION IN FUTURE-YEARS
7 DEFENSE PROGRAM.—Section 10543 of title 10, United
8 States Code, is amended—

9 (1) by inserting “(a) IN GENERAL.—” before
10 “The Secretary of Defense”; and

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

12 “(b) ASSOCIATED ANNEXES.—The associated an-
13 nexes of the future-years defense program shall specify,
14 at the same level of detail as is set forth in the annexes
15 for the active components, the amount requested for—

16 “(1) procurement of each item of equipment to
17 be procured for each reserve component; and

18 “(2) each military construction project to be
19 carried out for each reserve component, together
20 with the location of the project.

21 “(c) REPORT.—(1) If the aggregate of the amounts
22 specified in paragraphs (1) and (2) of subsection (b) for
23 a fiscal year is less than the amount equal to 90 percent
24 of the average authorized amount applicable for that fiscal
25 year under paragraph (2), the Secretary of Defense shall

1 submit to Congress a report specifying for each reserve
2 component the additional items of equipment that would
3 be procured, and the additional military construction
4 projects that would be carried out, if that aggregate
5 amount were an amount equal to such average authorized
6 amount. The report shall be at the same level of detail
7 as is required by subsection (b).

8 “(2) In this subsection, the term ‘average authorized
9 amount’, with respect to a fiscal year, means the average
10 of—

11 “(A) the aggregate of the amounts authorized
12 to be appropriated for the preceding fiscal year for
13 the procurement of items of equipment, and for mili-
14 tary construction, for the reserve components; and

15 “(B) the aggregate of the amounts authorized
16 to be appropriated for the fiscal year preceding the
17 fiscal year referred to in subparagraph (A) for the
18 procurement of items of equipment, and for military
19 construction, for the reserve components.”.

20 (b) PROHIBITION.—The level of detail provided for
21 procurement and military construction in the future-years
22 defense programs for fiscal years after fiscal year 1998
23 may not be less than the level of detail provided for pro-
24 curement and military construction in the future-years de-
25 fense program for fiscal year 1998.

1 **SEC. 1009. COOPERATIVE THREAT REDUCTION PROGRAMS**
2 **AND RELATED DEPARTMENT OF ENERGY**
3 **PROGRAMS.**

4 (a) DECREASE IN AUTHORIZATION OF APPROPRIA-
5 TIONS FOR ENVIRONMENTAL MANAGEMENT SCIENCE
6 PROGRAM.—Notwithstanding any other provision of this
7 Act, the amount authorized to be appropriated by section
8 3102(f) is hereby decreased by \$40,000,000.

9 (b) DECREASE IN AUTHORIZATION OF APPROPRIA-
10 TIONS FOR ENVIRONMENT, SAFETY AND HEALTH, DE-
11 FENSE.—Notwithstanding any other provision of this Act,
12 the amount authorized to be appropriated by section
13 3103(6) is hereby decreased by \$19,000,000.

14 (c) DECREASE IN AUTHORIZATION OF APPROPRIA-
15 TIONS FOR OTHER PROCUREMENT, NAVY.—Notwith-
16 standing any other provision of this Act, the amount au-
17 thorized to be appropriated by section 102(a)(5) is hereby
18 decreased by \$40,000,000.

19 (d) DECREASE IN AUTHORIZATION OF APPROPRIA-
20 TIONS FOR OPERATION AND MAINTENANCE, DEFENSE-
21 WIDE.—Notwithstanding any other provision of law, the
22 amount authorized to be appropriated by section 301(5)
23 is hereby decreased by \$20,000,000.

24 (e) INCREASE IN AUTHORIZATION OF APPROPRIA-
25 TIONS FOR FORMER SOVIET UNION THREAT REDUCTION
26 PROGRAMS.—Notwithstanding any other provision of this

1 Act, the amount authorized to be appropriated by section
2 301(22) is hereby increased by \$60,000,000.

3 (f) INCREASE IN AUTHORIZATION OF APPROPRIA-
4 TIONS FOR DEPARTMENT OF ENERGY FOR OTHER DE-
5 FENSE ACTIVITIES.—Notwithstanding any other provision
6 of this Act, the total amount authorized to be appropriated
7 by section 3103 is hereby increased by \$56,000,000.

8 (g) INCREASE IN AUTHORIZATION OF APPROPRIA-
9 TIONS FOR DEPARTMENT OF ENERGY FOR ARMS CON-
10 TROL.—Notwithstanding any other provision of this Act,
11 the amount authorized to be appropriated by section
12 3103(1)(B) is hereby increased by \$25,000,000 (in addi-
13 tion to any increase under subsection (e) that is allocated
14 to the authorization of appropriations under such section
15 3103(1)(B)).

16 (h) AUTHORIZATION OF APPROPRIATIONS FOR DE-
17 PARTMENT OF ENERGY FOR INTERNATIONAL NUCLEAR
18 SAFETY PROGRAMS.—Funds are hereby authorized to be
19 appropriated to the Department of Energy for fiscal year
20 1998 for other defense activities in carrying out programs
21 relating to international nuclear safety that are necessary
22 for national security in the amount of \$50,000,000.

23 (i) TRAINING FOR UNITED STATES BORDER SECU-
24 RITY.—Section 1421 of the National Defense Authoriza-

tion Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2725; 50 U.S.C. 2331) is amended—

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

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

(3) by adding at the end the following:

“(4) training programs and assistance relating to the use of such equipment, materials, and technology and for the development of programs relating to such use.”.

(j) INTERNATIONAL BORDER SECURITY THROUGH FISCAL YEAR 1999.—Section 1424(b) of the National Defense Authorization Act for Fiscal Year 1997 (110 Stat. 2726; 10 U.S.C. 2333(b)) is amended by adding at the end the following: “Amounts available under the proceeding sentence shall be available until September 30, 1999.”.

(j) AUTHORITY TO VARY AMOUNTS AVAILABLE FOR COOPERATIVE THREAT REDUCTION PROGRAMS.—(1) Section 1502(b) of the National Defense Authorization Act for Fiscal Year 1997 (110 Stat. 2732) is amended—

(A) in the subsection heading, by striking out “LIMITED”; and

1 (B) in the first sentence of paragraph (1), by
 2 striking out “, but not in excess of 115 percent of
 3 that amount”.

4 (2) Section 1202(b) of the National Defense Author-
 5 ization Act for Fiscal Year 1996 (Public Law 104–106;
 6 110 Stat. 469) 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
 11 that amount”.

12 **Subtitle B—Naval Vessels and** 13 **Shipyards**

14 **SEC. 1011. LONG-TERM CHARTER OF VESSEL FOR SURVEIL-** 15 **LANCE TOWED ARRAY SENSOR PROGRAM.**

16 The Secretary of the Navy is authorized to enter into
 17 a long-term charter, in accordance with section 2401 of
 18 title 10, United States Code, for a vessel to support the
 19 Surveillance Towed Array Sensor (SURTASS) Program
 20 through fiscal year 2004.

21 **SEC. 1012. PROCEDURES FOR SALE OF VESSELS STRICKEN** 22 **FROM THE NAVAL VESSEL REGISTER.**

23 Section 7305(c) of title 10, United States Code, is
 24 amended to read as follows:

1 “(c) PROCEDURES FOR SALE.—(1) A vessel stricken
2 from the Naval Vessel Register and not subject to disposal
3 under any other law may be sold under this section.

4 “(2) In such a case, the Secretary may—

5 “(A) sell the vessel to the highest acceptable
6 bidder, regardless of the appraised value of the ves-
7 sel, after publicly advertising the sale of the vessel
8 for a period of not less than 30 days; or

9 “(B) subject to paragraph (3), sell the vessel by
10 competitive negotiation to the acceptable offeror who
11 submits the offer that is most advantageous to the
12 United States (taking into account price and such
13 other factors as the Secretary determines appro-
14 priate).

15 “(3) Before entering into negotiations to sell a vessel
16 under paragraph (2)(B), the Secretary shall publish notice
17 of the intention to do so in the Commerce Business Daily
18 sufficiently in advance of initiating the negotiations that
19 all interested parties are given a reasonable opportunity
20 to prepare and submit proposals. The Secretary shall af-
21 ford an opportunity to participate in the negotiations to
22 all acceptable offerors submitting proposals that the Sec-
23 retary considers as having the potential to be the most
24 advantageous to the United States (taking into account

1 price and such other factors as the Secretary determines
 2 appropriate).”.

3 **SEC. 1013. TRANSFERS OF NAVAL VESSELS TO CERTAIN**
 4 **FOREIGN COUNTRIES.**

5 (a) TRANSFERS BY SALE.—The Secretary of the
 6 Navy is authorized to transfer vessels to foreign countries
 7 on a sale basis under section 21 of the Arms Export Con-
 8 trol Act (22 U.S.C. 2761) as follows:

9 (1) To the Government of Brazil, the sub-
 10 marine tender Holland (AS 32) of the Hunley class.

11 (2) To the Government of Chile, the oiler Isher-
 12 wood (T-AO 191) of the Kaiser class.

13 (3) To the Government of Egypt:

14 (A) The following frigates of the Knox
 15 class:

16 (i) The Paul (FF 1080).

17 (ii) The Miller (FF 1091).

18 (iii) The Jesse L. Brown (FFT 1089).

19 (iv) The Moinester (FFT 1097).

20 (B) The following frigates of the Oliver
 21 Hazard Perry class:

22 (i) The Fahrion (FFG 22).

23 (ii) The Lewis B. Puller (FFG 23).

24 (4) To the Government of Israel, the tank land-
 25 ing ship Peoria (LST 1183) of the Newport class.

1 (5) To the Government of Malaysia, the tank
2 landing ship Barbour County (LST 1195) of the
3 Newport class.

4 (6) To the Government of Mexico, the frigate
5 Roark (FF 1053) of the Knox class.

6 (7) To the Taipei Economic and Cultural Rep-
7 resentative Office in the United States (the Taiwan
8 instrumentality that is designated pursuant to sec-
9 tion 10(a) of the Taiwan Relations Act), the follow-
10 ing frigates of the Knox class:

11 (A) The Whipple (FF 1062).

12 (B) The Downes (FF 1070).

13 (8) To the Government of Thailand, the tank
14 landing ship Schenectady (LST 1185) of the New-
15 port class.

16 (b) COSTS OF TRANSFERS.—Any expense incurred by
17 the United States in connection with a transfer authorized
18 by subsection (a) shall be charged to the recipient.

19 (c) REPAIR AND REFURBISHMENT IN UNITED
20 STATES SHIPYARDS.—To the maximum extent prac-
21 ticable, the Secretary of the Navy shall require, as a condi-
22 tion of the transfer of a vessel under this section, that
23 the country to which the vessel is transferred have such
24 repair or refurbishment of the vessel as is needed, before
25 the vessel joins the naval forces of that country, performed

1 at a shipyard located in the United States, including a
2 United States Navy shipyard.

3 (d) EXPIRATION OF AUTHORITY.—The authority to
4 transfer a vessel under subsection (a) shall expire at the
5 end of the 2-year period beginning on the date of the en-
6 actment of this Act.

7 **Subtitle C—Counter-Drug** 8 **Activities**

9 **SEC. 1021. AUTHORITY TO PROVIDE ADDITIONAL SUPPORT** 10 **FOR COUNTER-DRUG ACTIVITIES OF MEXICO.**

11 (a) EXTENSION OF AUTHORITY.—Subsection (a) of
12 section 1031 of the National Defense Authorization Act
13 for Fiscal Year 1997 (Public Law 104–201; 110 Stat.
14 2637), is amended by striking out “fiscal year 1997” and
15 inserting in lieu thereof “fiscal years 1997 and 1998”.

16 (b) EXTENSION OF FUNDING AUTHORIZATION.—
17 Subsection (d) of such section is amended by inserting
18 “for fiscal years 1997 and 1998” after “shall be avail-
19 able”.

20 (c) CONCURRENCE OF SECRETARY OF STATE RE-
21 QUIRED.—Subsection (a) of such section, as amended by
22 subsection (a), is further amended by inserting “, with the
23 concurrence of the Secretary of State,” after “Secretary
24 of Defense may”.

1 **SEC. 1022. AUTHORITY TO PROVIDE ADDITIONAL SUPPORT**
2 **FOR COUNTER-DRUG ACTIVITIES OF PERU**
3 **AND COLOMBIA.**

4 (a) AUTHORITY TO PROVIDE ADDITIONAL SUP-
5 PORT.—Subject to subsection (f), during fiscal years 1998
6 through 2002, the Secretary of Defense may, with the con-
7 currence of the Secretary of State, provide either or both
8 of the governments named in subsection (b) with the sup-
9 port described in subsection (c) for the counter-drug ac-
10 tivities of that government. The support provided to a gov-
11 ernment under the authority of this subsection shall be
12 in addition to support provided to that government under
13 any other provision of law.

14 (b) GOVERNMENTS ELIGIBLE TO RECEIVE SUP-
15 PORT.—The governments referred to in subsection (a) are
16 as follows:

17 (1) The Government of Peru.

18 (2) The Government of Colombia.

19 (c) TYPES OF SUPPORT.—The authority under sub-
20 section (a) is limited to the provision of the following types
21 of support:

22 (1) The transfer of nonlethal protective and
23 utility personnel equipment.

24 (2) The transfer of the following nonlethal spe-
25 cialized equipment:

26 (A) Navigation equipment.

1 (B) Secure and nonsecure communications
2 equipment.

3 (C) Photo equipment.

4 (D) Radar equipment.

5 (E) Night vision systems.

6 (F) Repair equipment and parts for equip-
7 ment referred to in subparagraphs (A), (B),
8 (C), (D), and (E).

9 (3) The transfer of nonlethal components, ac-
10 cessories, attachments, parts (including ground sup-
11 port equipment), firmware, and software for aircraft
12 or patrol boats, and related repair equipment.

13 (4) The transfer of riverine patrol boats.

14 (5) The maintenance and repair of equipment
15 of a government named in subsection (b) that is
16 used for counter-narcotics activities.

17 (d) APPLICABILITY OF OTHER SUPPORT AUTHORI-
18 TIES.—Except as otherwise provided in this section, the
19 provisions of section 1004 of the National Defense Au-
20 thorization Act for Fiscal Year 1991 (Public Law 101–
21 510; 10 U.S.C. 374 note) shall apply to the provision of
22 support to a government under this section.

23 (e) FUNDING.—Of the amounts authorized to be ap-
24 propriated for drug interdiction and counter-drug activi-

1 ties, not more than \$30,000,000 shall be available in that
2 fiscal year for the provision of support under this section.

3 (f) LIMITATIONS.—(1) The Secretary may not obli-
4 gate or expend funds to provide a government with sup-
5 port under this section until 15 days after the date on
6 which the Secretary submits to the committees referred
7 to in paragraph (3) a written certification of the following:

8 (A) That the provision of support to that gov-
9 ernment under this section will not adversely affect
10 the military preparedness of the United States
11 Armed Forces.

12 (B) That the equipment and materiel provided
13 as support will be used only by officials and employ-
14 ees of that government who have undergone back-
15 ground investigations by that government and have
16 been approved by that government to perform
17 counter-drug activities on the basis of the back-
18 ground investigations.

19 (C) That such government has certified to the
20 Secretary that—

21 (i) the equipment and material provided as
22 support will be used only by the officials and
23 employees referred to in subparagraph (B);

24 (ii) none of the equipment or materiel will
25 be transferred (by sale, gift, or otherwise) to

1 any person or entity not authorized by the
2 United States to receive the equipment or mate-
3 riel; and

4 (iii) the equipment and materiel will be
5 used only for the purposes intended by the
6 United States Government.

7 (D) That the government to receive the support
8 has implemented, to the satisfaction of the Sec-
9 retary, a system that will provide an accounting and
10 inventory of the equipment and materiel provided as
11 support.

12 (E) That the departments, agencies, and instru-
13 mentalities of that government will grant United
14 States Government personnel access to any of the
15 equipment or materiel provided as support, or to any
16 of the records relating to such equipment or mate-
17 riel, under terms and conditions similar to the terms
18 and conditions imposed with respect to such access
19 under section 505(a)(3) of the Foreign Assistance
20 Act of 1961 (22 U.S.C. 2314(a)(3)).

21 (F) That the government to receive the support
22 will provide security with respect to the equipment
23 and materiel provided as support that is substan-
24 tially the same degree of security that the United

1 States Government would provide with respect to
2 such equipment and materiel.

3 (G) That the government to receive the support
4 will permit continuous observation and review by
5 United States Government personnel of the use of
6 the equipment and materiel provided as support
7 under terms and conditions similar to the terms and
8 conditions imposed with respect to such observation
9 and review under section 505(a)(3) of the Foreign
10 Assistance Act of 1961 (22 U.S.C. 2314(a)(3)).

11 (2) The Secretary may not obligate or expend funds
12 to provide a government with support under this section
13 until the Secretary of Defense, together with the Secretary
14 of State, has developed a riverine counter-drug plan (in-
15 cluding the resources to be contributed by each such agen-
16 cy, and the manner in which such resources will be uti-
17 lized, under the plan) and submitted the plan to the com-
18 mittees referred to in paragraph (3). The plan shall set
19 forth a riverine counter-drug program that can be sus-
20 tained by the supported governments within five years, a
21 schedule for establishing the program, and a detailed dis-
22 cussion of how the riverine counter-drug program supports
23 national drug control strategy of the United States.

24 (3) The committees referred to in this paragraph are
25 the following:

1 (A) The Committee on Armed Services and the
2 Committee on Foreign Relations of the Senate.

3 (B) The Committee on National Security and
4 the Committee on International Relations of the
5 House of Representatives.

6 **Subtitle D—Reports and Studies**

7 **SEC. 1031. REPEAL OF REPORTING REQUIREMENTS.**

8 (a) REPORTS REQUIRED BY TITLE 10.—

9 (1) ACHIEVEMENT OF COST, PERFORMANCE,
10 AND SCHEDULE GOALS FOR NONMAJOR ACQUISITION
11 PROGRAMS.—Section 2220(b) of title 10, United
12 States Code, is amended by striking out “and
13 nonmajor” in the first sentence.

14 (2) CONVERSION OF CERTAIN HEATING SYS-
15 TEMS.—Section 2690(b) of title 10, United States
16 Code, is amended by striking out “unless the Sec-
17 retary—” and all that follows and inserting in lieu
18 thereof the following: “unless the Secretary deter-
19 mines that the conversion (1) is required by the gov-
20 ernment of the country in which the facility is lo-
21 cated, or (2) is cost effective over the life cycle of
22 the facility.”.

23 (3) AVAILABILITY OF SUITABLE ALTERNATIVE
24 HOUSING.—Section 2823 of title 10, United States
25 Code, is amended—

1 (A) by striking out subsection (b); and

2 (B) by redesignating subsections (c) and

3 (d) as subsections (b) and (c), respectively.

4 (b) REPORTS REQUIRED BY DEFENSE AUTHORIZA-
5 TION AND APPROPRIATIONS ACTS.—

6 (1) OVERSEAS BASING COSTS.—Section 8125 of
7 the Department of Defense Appropriations Act,
8 1989 (Public Law 100–463; 102 Stat. 2270–41; 10
9 U.S.C. 113 note) is amended—

10 (A) by striking out subsection (g); and

11 (B) in subsection (h), by striking out “sub-
12 sections (f) and (g)” and inserting in lieu there-
13 of “subsection (f)”.

14 (2) STRETCHOUT OF MAJOR DEFENSE ACQUISI-
15 TION PROGRAMS.—Section 117 of the National De-
16 fense Authorization Act, Fiscal Year 1989 (Public
17 Law 100–456; 102 Stat. 1933; 10 U.S.C. 2431
18 note) is repealed.

19 (c) REPORTS REQUIRED BY OTHER LAW.—Section
20 25 of the Office of Federal Procurement Policy Act (41
21 U.S.C. 421) is amended by striking out subsection (g),
22 relating to the annual report on development of procure-
23 ment regulations.

1 **SEC. 1032. COMMON MEASUREMENT OF OPERATIONS TEM-**
2 **POS AND PERSONNEL TEMPOS.**

3 (a) MEANS FOR MEASUREMENT.—The Chairman of
4 the Joint Chiefs of Staff shall, in consultation with the
5 other members of the Joint Chiefs of Staff and to the
6 maximum extent practicable, develop a common means of
7 measuring the operations tempo (OPTEMPO) and the
8 personnel tempo (PERSTEMPO) of each of the Armed
9 Forces.

10 (b) PERSTEMPO MEASUREMENT.—The measurement
11 of personnel tempo shall include a means of identifying
12 the rate of deployment for individuals in addition to the
13 rate of deployment for units.

14 **SEC. 1033. REPORT ON OVERSEAS DEPLOYMENT.**

15 (a) REPORT.—Not later than 90 days after the date
16 of the enactment of this Act, the Secretary of Defense
17 shall submit to Congress a report on the deployment over-
18 seas of personnel of the Armed Forces. The report shall
19 describe the deployment as of June 30, 1996, and June
20 30, 1997.

21 (b) ELEMENTS.—The report under subsection (a)
22 shall set forth the following:

23 (1) The number of personnel who were deployed
24 overseas pursuant to a permanent duty assignment
25 on each date specified in that subsection in aggre-
26 gate and by country or ocean to which deployed.

1 (2) The number of personnel who were deployed
2 overseas pursuant to a temporary duty assignment
3 on each date, including—

4 (A) the number engaged in training with
5 units of a single military department;

6 (B) the number engaged in United States
7 military joint exercises; and

8 (C) the number engaged in training with
9 allied units.

10 (3) The number of personnel deployed overseas
11 on each date who were engaged in contingency oper-
12 ations (including peacekeeping or humanitarian as-
13 sistance missions) or other activities.

14 **SEC. 1034. REPORT ON MILITARY READINESS REQUIRE-**
15 **MENTS OF THE ARMED FORCES.**

16 (a) REQUIREMENT FOR REPORT.—Not later than
17 January 31, 1998, the Chairman of the Joint Chiefs of
18 Staff shall submit to the congressional defense committees
19 a report on the military readiness requirements of the ac-
20 tive and reserve components of the Armed Forces (includ-
21 ing combat units, combat support units, and combat serv-
22 ice support units) prepared by the officers referred to in
23 subsection (b). The report shall assess such requirements
24 under a tiered readiness and response system that cat-
25 egorizes a given unit according to the likelihood that it

1 will be required to respond to a military conflict and the
2 time in which it will be required to respond.

3 (b) PREPARATION BY JCS AND COMMANDERS OF
4 UNIFIED COMMANDS.—The report required by subsection
5 (a) shall be prepared jointly by the Chairman of the Joint
6 Chiefs of Staff, the Chief of Staff of the Army, the Chief
7 of Naval Operations, the Chief of Staff of the Air Force,
8 the Commandant of the Marine Corps, the commander of
9 the Special Operations Command, and the commanders of
10 the other unified commands.

11 (c) ASSESSMENT SCENARIO.—The report shall assess
12 readiness requirements in a scenario that is based on the
13 following assumptions:

14 (1) That the Armed Forces of the United
15 States must, be capable of—

16 (A) fighting and winning, in concert with
17 allies, two major theater wars nearly simulta-
18 neously; and

19 (B) deterring or defeating a strategic at-
20 tack on the United States.

21 (2) That the forces available for deployment are
22 the forces included in the force structure rec-
23 ommended in the Quadrennial Defense Review, in-
24 cluding all other planned force enhancements.

1 (d) ASSESSMENT ELEMENTS.—(1) The report shall
2 identify, by unit type, all major units of the active and
3 reserve components of the Armed Forces and assess the
4 readiness requirements of the units. Each identified unit
5 shall be categorized within one of the following classifica-
6 tions:

7 (A) Forward-deployed and crisis response
8 forces, or “Tier I” forces, that possess limited inter-
9 nal sustainment capability and do not require imme-
10 diate access to regional air bases or ports or over-
11 flight rights, including the following:

12 (i) Force units that are deployed in rota-
13 tion at sea or on land outside the United
14 States.

15 (ii) Combat-ready crises response forces
16 that are capable of mobilizing and deploying
17 within 10 days after receipt of orders.

18 (iii) Forces that are supported by
19 prepositioning equipment afloat or are capable
20 of being inserted into a theater upon the cap-
21 ture of a port or airfield by forcible entry
22 forces.

23 (B) Combat-ready follow-on forces, or “Tier II”
24 forces, that can be mobilized and deployed to a thea-

1 ter within approximately 60 days after receipt of or-
2 ders.

3 (C) Combat-ready conflict resolution forces, or
4 “Tier III” forces, that can be mobilized and de-
5 ployed to a theater within approximately 180 days
6 after receipt of orders.

7 (D) All other active and reserve component
8 force units which are not categorized within a classi-
9 fication described in subparagraph (A), (B), or (C).
10 (2) For the purposes of paragraph (1), the following
11 units are major units:

12 (A) In the case of the Army or Marine Corps,
13 a brigade and a battalion.

14 (B) In the case of the Navy, a squadron of air-
15 craft, a ship, and a squadron of ships.

16 (C) In the case of the Air Force, a squadron of
17 aircraft.

18 (e) PROJECTION OF SAVINGS FOR USE FOR MOD-
19 ERNIZATION.—The report shall include a projection for
20 fiscal years 1998 through 2003 of the amounts of the sav-
21 ings in operation and maintenance funding that—

22 (1) could be derived by each of the Armed
23 Forces by placing as many units as is practicable
24 into the lower readiness categories among the tiers;
25 and

1 (2) could be made available for force mod-
2 ernization.

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 Quad-
9 rennial Defense Review, means any future improvement
10 in the capability of the force (including current strategic
11 and future improvement in strategic lift capability) that
12 is assumed in the development of the recommendation for
13 the force structure set forth in the Quadrennial Defense
14 Review.

15 **SEC. 1035. ASSESSMENT OF CYCLICAL READINESS POS-**
16 **TURE OF THE ARMED FORCES.**

17 (a) REQUIREMENT.—(1) Not later than 120 days
18 after the date of enactment of this Act, the Secretary of
19 Defense shall submit to the Committee on Armed Services
20 of the Senate and the Committee on National Security of
21 the House of Representatives a report on the readiness
22 posture of the Armed Forces described in subsection (b).

23 (2) The Secretary shall prepare the report required
24 under paragraph (1) with the assistance of the Joint
25 Chiefs of Staff. In providing such assistance, the Chair-

1 man of the Joint Chiefs of Staff shall consult with the
2 Chief of the National Guard Bureau.

3 (b) READINESS POSTURE.—(1) The readiness pos-
4 ture to be covered by the report under subsection (a) is
5 a readiness posture for units of the Armed Forces, or for
6 designated units of the Armed Forces, that provides for
7 a rotation of such units between a state of high readiness
8 and a state of low readiness.

9 (2) As part of the evaluation of the readiness posture
10 described in paragraph (1), the report shall address in
11 particular 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 fol-
21 lows:

22 (A) That there are assembled from among the
23 units of the Armed Forces two equivalent forces
24 each structured so as to be capable of fighting and
25 winning a major theater war.

1 (B) That each force referred to in subpara-
2 graph (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
24 reconnaissance units, that are not subject to the
25 readiness rotation otherwise assumed for purposes of

1 the evaluation or are subject to the rotation on a
2 modified basis.

3 (D) That units of the Armed Forces not as-
4 signed to a force are available for operations other
5 than those essential to fight and win a major theater
6 war, including peace operations.

7 (E) That the state of readiness of each force al-
8 ternates between a state of high readiness and a
9 state of low readiness on a frequency determined by
10 the Secretary (but not more often than once every
11 6 months) and with only one force at a given state
12 of readiness at any one time.

13 (F) That, during the period of state of high
14 readiness of a force, any operations or activities (in-
15 cluding leave and education and training of person-
16 nel) that detract from the near-term wartime readi-
17 ness of the force are temporary and their effects on
18 such state of readiness minimized.

19 (G) That units are assigned overseas during the
20 period of state of high readiness of the force to
21 which the units are assigned primarily on a tem-
22 porary duty basis.

23 (H) That, during the period of high readiness
24 of a force, the operational war plans for the force in-
25 corporate the divisions (or division equivalents) of

1 the Army Reserve or Army National Guard assigned
2 to the force in a manner such that one such division
3 (or division equivalent) is, on a rotating basis for
4 such divisions (or division equivalents) during the
5 period, maintained in a high state of readiness and
6 dedicated as the first reserve combat division to be
7 transferred overseas in the event of a major theater
8 war.

9 (c) REPORT ELEMENTS.—The report under this sec-
10 tion shall include the following elements for the readiness
11 posture described in subsection (b)(2):

12 (1) An estimate of the range of cost savings
13 achievable over the long term as a result of imple-
14 menting the readiness posture, including—

15 (A) the savings achievable from reduced
16 training levels and readiness levels during peri-
17 ods in which a force referred to in subsection
18 (b)(3)(A) is in a state of low readiness; and

19 (B) the savings achievable from reductions
20 in costs of infrastructure overseas as a result of
21 reduced permanent change of station rotations.

22 (2) An assessment of the potential risks associ-
23 ated with a lower readiness status for units assigned
24 to a force in a state of low readiness under the read-
25 iness posture, including the risks associated with the

1 delayed availability of such units overseas in the
2 event of two nearly simultaneous major theater
3 wars.

4 (3) An assessment of the potential risks associ-
5 ated with requiring the forces under the readiness
6 posture to fight a major war in any theater world-
7 wide.

8 (4) An assessment of the modifications of the
9 current force structure of the Armed Forces that are
10 necessary to achieve the range of cost savings esti-
11 mated under paragraph (1), including the extent of
12 the diminishment, if any, of the military capabilities
13 of the Armed Forces as a result of the modifications.

14 (5) An assessment whether or not the risks of
15 diminished military capability associated with imple-
16 mentation of the readiness posture exceed the risks
17 of diminished military capability associated with the
18 modifications of the current force structure nec-
19 essary to achieve cost savings equivalent to the best
20 case for cost savings resulting from the implementa-
21 tion of the readiness posture.

22 (d) FORM OF REPORT.—The report under this sec-
23 tion shall be submitted in unclassified form, but may con-
24 tain a classified annex.

25 (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
4 hours and last-to-arrive units within 120 days of a
5 particular event.

6 (2) The term “state of low readiness”, in the
7 case of a military force, means the capability to mo-
8 bilize first-to-arrive units within 90 days and last-to-
9 arrive units within 180 days of a particular event.

10 **SEC. 1036. OVERSEAS INFRASTRUCTURE REQUIREMENTS.**

11 (a) FINDINGS.—Congress makes the following find-
12 ings:

13 (1) United States military forces have been
14 withdrawn from the Philippines.

15 (2) United States military forces are to be with-
16 drawn from Panama by 2000.

17 (3) There continues to be local opposition to the
18 continued presence of United States military forces
19 in Okinawa.

20 (4) The Quadrennial Defense Review lists “the
21 loss of U.S. access to critical facilities and lines of
22 communication in key regions” as one of the so-
23 called “wild card” scenarios covered in the review.

24 (5) The National Defense Panel states that
25 “U.S. forces’ long-term access to forward bases, to

1 include air bases, ports, and logistics facilities, can-
2 not be assumed”.

3 (b) SENSE OF CONGRESS.—It is the sense of Con-
4 gress 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
8 alternatives to the existing infrastructure for for-
9 ward basing of forces and alternatives to the existing
10 international agreements that provide for basing of
11 United States forces in foreign countries; and

12 (2) because the Pacific Rim continues to
13 emerge as a region of significant economic and mili-
14 tary importance to the United States, a continued
15 presence of the Armed Forces in that region is vital
16 to the capability of the United States to timely pro-
17 tect its interests in the region.

18 (c) REPORT REQUIRED.—Not later than March 31,
19 1998, the Secretary of Defense shall submit to the Com-
20 mittee on Armed Services of the Senate and the Commit-
21 tee on National Security of the House of Representatives
22 a report on the overseas infrastructure requirements of the
23 Armed Forces.

24 (d) CONTENT.—The report shall contain the follow-
25 ing:

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
9 the 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
19 dates 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
6 any new facilities that will be necessary overseas to
7 meet emerging requirements relating to the national
8 security interests of the United States.

9 (e) FORM OF REPORT.—The report may be submit-
10 ted in a classified or unclassified form.

11 **SEC. 1037. REPORT ON AIRCRAFT INVENTORY.**

12 (a) REQUIREMENT.—(1) Chapter 23 of title 10, Unit-
13 ed States Code, is amended by adding at the end the fol-
14 lowing:

15 **“§ 483. Report on aircraft inventory**

16 “(a) ANNUAL REPORT.—The Under Secretary of De-
17 fense (Comptroller) shall submit to the Committee on
18 Armed Services of the Senate and the Committee on Na-
19 tional Security of the House of Representatives each year
20 a report on the aircraft in the inventory of the Department
21 of Defense. The Under Secretary shall submit the report
22 when the President submits the budget to Congress under
23 section 1105(a) of title 31.

24 “(b) CONTENT.—The report shall set forth, in ac-
25 cordance 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
 2 for each reserve component of each armed force and, with-
 3 in the information set forth for each such component, shall
 4 specify the information separately for each type, model,
 5 and series of aircraft provided for in the future-years de-
 6 fense program submitted to Congress.”.

7 (2) The table of sections at the beginning of such
 8 chapter is amended by adding at the end the following:
 “483. Report on aircraft inventory.”.

9 (b) FIRST REPORT.—The Under Secretary of De-
 10 fense (Comptroller) shall submit the first report under sec-
 11 tion 483 of title 10, United States Code (as added by sub-
 12 section (a)), not later than January 30, 1998.

13 (c) MODIFICATION OF BUDGET DATA EXHIBITS.—
 14 The Under Secretary of Defense (Comptroller) shall en-
 15 sure that aircraft budget data exhibits of the Department
 16 of Defense that are submitted to Congress display total
 17 numbers of active aircraft where numbers of primary air-
 18 craft or primary authorized aircraft are displayed in those
 19 exhibits.

20 **SEC. 1038. DISPOSAL OF EXCESS MATERIALS.**

21 (a) REPORT.—Not later than January 31, 1998, the
 22 Secretary shall submit to Congress a report on the actions
 23 that have been taken or are planned to be taken within
 24 the Department of Defense to address problems with the
 25 sale or other disposal of excess materials.

1 (b) REQUIRED CONTENT.— At a minimum, the re-
2 port shall address the following issues:

3 (1) Whether any change is needed in the proc-
4 ess 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
8 types 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 demilitariza-
16 tion of excess materials by purchasers of the mate-
17 rials.

18 (5) Whether any additional controls are needed
19 to prevent the inappropriate transfer of excess mate-
20 rials overseas.

21 (6) Whether the Department should—

22 (A) identify categories of materials that
23 are particularly vulnerable to improper use; and

24 (B) provide for enhanced review of the sale
25 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
12 former members of the uniformed services by reason
13 of their status as former spouses of such personnel;
14 and

15 (2) the protections and benefits afforded under
16 Federal law to former spouses of employees and
17 former employees of the Federal Government by rea-
18 son of their status as former spouses of such person-
19 nel.

20 (b) MATTERS TO BE REVIEWED.—The review under
21 subsection (a) shall include the following:

22 (1) In the case of former spouses of members
23 and former members of the uniformed services, the
24 following:

1 (A) All provisions of law (principally those
2 originally enacted in the Uniformed Services
3 Former Spouses' Protection Act (title X of
4 Public Law 97-252)) that—

5 (i) establish, provide for the enforce-
6 ment of, or otherwise protect interests of
7 former spouses of members and former
8 members of the uniformed services in re-
9 tired or retainer pay of members and
10 former members; and

11 (ii) provide other benefits for former
12 spouses of members and former members.

13 (B) The experience of the uniformed serv-
14 ices in administering such provisions of law.

15 (C) The experience of former spouses and
16 members and former members of the uniformed
17 services in the administration of such provisions
18 of law.

19 (2) In the case of former spouses of employees
20 and former employees of the Federal Government,
21 the following:

22 (A) All provisions of law that—

23 (i) establish, provide for the enforce-
24 ment of, or otherwise protect interests of
25 former spouses of employees and former

1 employees of the Federal Government in
2 annuities of employees and former employ-
3 ees under Federal employees' retirement
4 systems; and

5 (ii) provide other benefits for former
6 spouses of employees and former employ-
7 ees.

8 (B) The experience of the Office of Person-
9 nel Management and other agencies of the Fed-
10 eral Government in administering such provi-
11 sions of law.

12 (C) The experience of former spouses and
13 employees and former employees of the Federal
14 Government in the administration of such pro-
15 visions of law.

16 (c) SAMPLING AUTHORIZED.—The Secretary may
17 use sampling in carrying out the review under this section.

18 (d) REPORT.—Not later than September 30, 1999,
19 the Secretary shall submit a report on the results of the
20 review and comparison to the Committee on Armed Serv-
21 ices of the Senate and the Committee on National Security
22 of the House of Representatives. The report shall include
23 any recommendation for legislation that the Secretary con-
24 sider 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 in-
7 clude a statement of the staff hours and estimated cost
8 of work performed on audits, evaluations, investigations,
9 and related work during each of the three fiscal years pre-
10 ceding the fiscal year in which the report is submitted,
11 stated separately for each division of the General Account-
12 ing Office by category as follows:

13 “(A) A category for work requested by the
14 chairman of a committee of Congress, the chairman
15 of a subcommittee of such a committee, or any other
16 member 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
20 Comptroller General in the performance of the
21 Comptroller General’s general responsibilities.”.

22 **SEC. 1041. EYE SAFETY AT SMALL ARMS FIRING RANGES.**

23 (a) **ACTIONS REQUIRED.**—The Secretary of the De-
24 fense 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
11 the 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 regard-
18 ing reporting on vision safety issues resulting from
19 weapons 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
24 a 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
2 on the activities required under this section to the Com-
3 mittees on Armed Services and on Veterans' Affairs of the
4 Senate and the Committees on National Security and on
5 Veterans' Affairs of the House of Representatives. The re-
6 port shall include—

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,
13 and 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
22 Secretary of Defense shall submit to the Committee on
23 Armed Services of the Senate and the Committee on Na-
24 tional Security of the House of Representatives a report
25 on the effectiveness of the policies and programs of the

1 Department of Defense intended to promote healthy life-
2 styles among members of the Armed Forces and their de-
3 pendants.

4 (b) COVERED POLICIES AND PROGRAMS.—The re-
5 port under subsection (a) shall address the following:

6 (1) Programs intended to educate members of
7 the Armed Forces and their dependents about the
8 potential health consequences of the use of alcohol
9 and tobacco.

10 (2) Policies of the commissaries, post ex-
11 changes, service clubs, and entertainment activities
12 relating to the sale and use of alcohol and tobacco.

13 (3) Programs intended to provide support to
14 members of the Armed Forces and dependents who
15 elect to reduce or eliminate their use of alcohol or
16 tobacco.

17 (4) Any other policies or programs intended to
18 promote healthy lifestyles among members of the
19 Armed Forces and their dependents.

20 **SEC. 1043. REPORT ON POLICIES AND PRACTICES RELAT-**
21 **ING TO THE PROTECTION OF MEMBERS OF**
22 **THE ARMED FORCES ABROAD FROM TERROR-**
23 **IST ATTACK.**

24 (a) FINDINGS.—Congress makes the following find-
25 ings:

1 (1) On June 25, 1996, a bomb detonated not
2 more than 80 feet from the Air Force housing com-
3 plex known as Khobar Towers in Dhahran, Saudi
4 Arabia, killing 19 members of the Air Force and in-
5 juring hundreds more.

6 (2) On June 13, 1996, a report by the Bureau
7 of Intelligence and Research of the Department of
8 State highlighted security concerns in the region in
9 which Dharhan is located.

10 (3) On June 17, 1996, the Department of De-
11 fense received an intelligence report detailing a high
12 level of risk to the complex.

13 (4) In January 1996, the Office of Special In-
14 vestigations of the Air Force issued a vulnerability
15 assessment for the complex, which assessment high-
16 lighted the vulnerability of perimeter security at the
17 complex given the proximity of the complex to a
18 boundary fence and the lack of the protective coat-
19 ing Mylar on its windows.

20 (b) REPORT.—Not later than 90 days after the date
21 of enactment of this Act, the Secretary of Defense shall
22 submit to the congressional defense committees a report
23 containing the following:

24 (1) An assessment of the current policies and
25 practices of the Department of Defense with respect

1 to the protection of members of the Armed Forces
2 abroad against terrorist attack, including any modi-
3 fications to such policies or practices that are pro-
4 posed or implemented as a result of the assessment.

5 (2) An assessment of the procedures of the De-
6 partment of Defense intended to determine account-
7 ability, if any, in the command structure in in-
8 stances in which a terrorist attack results in the loss
9 of life at an installation or facility of the Armed
10 Forces abroad.

11 **SEC. 1044. REPORT ON DEPARTMENT OF DEFENSE FAMILY**
12 **NOTIFICATION AND ASSISTANCE PROCE-**
13 **DURES IN CASES OF MILITARY AVIATION AC-**
14 **CIDENTS.**

15 (a) FINDINGS.—Congress makes the following find-
16 ings:

17 (1) There is a need for the Department of De-
18 fense to improve significantly the family notification
19 procedures of the department that are applicable in
20 cases of Armed Forces personnel casualties and De-
21 partment of Defense civilian personnel casualties re-
22 sulting from military aviation accidents.

23 (2) This need was demonstrated in the after-
24 math of the tragic crash of a C-130 aircraft off the

1 coast of Northern California that killed 10 Reserves
2 from Oregon on November 22, 1996.

3 (3) The experience of the members of the fami-
4 lies of those Reserves has left the family members
5 with a general perception that the existing Depart-
6 ment of Defense procedures for notifications regard-
7 ing casualties and related matters did not meet the
8 concerns and needs of the families.

9 (4) It is imperative that Department of Defense
10 representatives involved in family notifications re-
11 garding casualties have the qualifications and experi-
12 ence to provide meaningful information on accident
13 investigations and effective grief counseling.

14 (5) Military families deserve the best possible
15 care, attention, and information, especially at a time
16 of tragic personal loss.

17 (6) Although the Department of Defense pro-
18 vides much needed logistical support, including
19 transportation and care of remains, survivor counsel-
20 ing, and other benefits in cases of tragedies like the
21 crash of the C-130 aircraft on November 22, 1996,
22 the support may be insufficient to meet the imme-
23 diate emotional and personal needs of family mem-
24 bers affected by such tragedies.

1 (7) It is important that the flow of information
2 to surviving family members be accurate and timely,
3 and be provided to family members in advance of
4 media reports, and, therefore, that the Department
5 of Defense give a high priority, to the extent prac-
6 ticable, to providing the family members with all rel-
7 evant information on an accident as soon as it be-
8 comes available, consistent with the national security
9 interests of the United States, and to allowing the
10 family members full access to any public hearings or
11 public meetings about the accident.

12 (8) Improved procedures for civilian family no-
13 tification that have been adopted by the Federal
14 Aviation Administration and National Transpor-
15 tation Safety Board might serve as a useful model
16 for reforms to Department of Defense procedures.

17 (b) REPORTS BY SECRETARY OF DEFENSE.—(1) Not
18 later than December 1, 1997, the Secretary of Defense
19 shall submit to Congress a report on the advisability of
20 establishing a process for conducting a single, public inves-
21 tigation of each Department of Defense aviation accident
22 that is similar to the accident investigation process of the
23 National Transportation Safety Board. The report shall
24 include—

1 (A) a discussion of whether adoption of the ac-
2 cident investigation process of the National Trans-
3 portation Safety Board by the Department of De-
4 fense would result in benefits that include the satis-
5 faction of needs of members of families of victims of
6 the accident, increased aviation safety, and improved
7 maintenance of aircraft;

8 (B) a determination of whether the Department
9 of Defense should adopt that accident investigation
10 process; and

11 (C) any justification for the current practice of
12 the Department of Defense of conducting separate
13 accident and safety investigations.

14 (2) Not later than April 2, 1998, the Secretary of
15 Defense shall submit to Congress a report on assistance
16 provided by the Department of Defense to families of cas-
17 ualties among Armed Forces and civilian personnel of the
18 department. The report shall include—

19 (A) a discussion of the adequacy and effective-
20 ness of the family notification procedures of the De-
21 partment of Defense, including the procedures of the
22 military departments; and

23 (B) a description of the assistance provided to
24 members of the families of such personnel.

1 (c) REPORT BY DEPARTMENT OF DEFENSE INSPEC-
2 TOR GENERAL.—(1) Not later than December 1, 1997,
3 the Inspector General of the Department of Defense shall
4 review the procedures of the Federal Aviation Administra-
5 tion and the National Transportation Safety Board for
6 providing information and assistance to members of fami-
7 lies of casualties of nonmilitary aviation accidents, and
8 submit a report on the review to Congress. The report
9 shall include a discussion of the following matters:

10 (A) Designation of an experienced non-profit
11 organization to provide assistance for satisfying
12 needs of families of accident victims.

13 (B) An assessment of the system and proce-
14 dures for providing families with information on ac-
15 cidents and accident investigations.

16 (C) Protection of members of families from un-
17 wanted solicitations relating to the accident.

18 (D) A recommendation regarding whether the
19 procedures or similar procedures should be adopted
20 by the Department of Defense, and if the rec-
21 ommendation is not to adopt the procedures, a de-
22 tailed justification for the recommendation.

23 (d) UNCLASSIFIED FORM OF REPORTS.—The reports
24 under subsections (b) and (c) shall be submitted in unclas-
25 sified form.

1 **SEC. 1045. REPORT ON HELSINKI JOINT STATEMENT.**

2 (a) REQUIREMENT.—Not later than March 31, 1998,
3 the President shall submit to the congressional defense
4 committees a report on the Helsinki Joint Statement on
5 future reductions in nuclear forces. The report shall ad-
6 dress the United States approach (including verification
7 implications) to implementing the Helsinki Joint State-
8 ment, in particular, as it relates to: lower aggregate levels
9 of strategic nuclear warheads; measures relating to the
10 transparency of strategic nuclear warhead inventories and
11 the destruction of strategic nuclear warheads; deactivation
12 of strategic nuclear delivery vehicles; measures relating to
13 nuclear long-range sea-launched cruise missiles and tac-
14 tical nuclear systems; and issues related to transparency
15 in nuclear materials.

16 (b) DEFINITIONS.—In this section:

17 (1) The term “Helsinki Joint Statement”
18 means the agreements between the President of the
19 United States and the President of the Russian Fed-
20 eration as contained in the Joint Statement on Pa-
21 rameters on Future Reductions in Nuclear Forces
22 issued at Helsinki in March 1997.

23 (2) The term “START II TREATY” means
24 the Treaty Between the United States of America
25 and the Russian Federation on Further Reduction
26 and Limitation on Strategic Offensive Arms, signed

1 at Moscow on January 3, 1993, including any proto-
2 cols and memoranda of understanding associated
3 with the treaty.

4 **SEC. 1046. ASSESSMENT OF THE CUBAN THREAT TO UNIT-**
5 **ED STATES NATIONAL SECURITY.**

6 (a) FINDINGS.—Congress makes the following find-
7 ings:

8 (1) The United States has been an avowed
9 enemy of Cuba for over 35 years, and Fidel Castro
10 has made hostility towards the United States a prin-
11 cipal tenet of his domestic and foreign policy.

12 (2) The ability of the United States as a sov-
13 ereign nation to respond to any Cuban provocation
14 is directly related to the ability of the United States
15 to defend the people and territory of the United
16 States against any Cuban attack.

17 (3) In 1994, the Government of Cuba callously
18 encouraged a massive exodus of Cubans, by boat and
19 raft, toward the United States.

20 (4) Countless numbers of those Cubans lost
21 their lives on the high seas as a result of those ac-
22 tions of the Government of Cuba.

23 (5) The humanitarian response of the United
24 States to rescue, shelter, and provide emergency care
25 to those Cubans, together with the actions taken to

1 absorb some 30,000 of those Cubans into the United
2 States, required immeasurable efforts and expendi-
3 tures of hundreds of millions of dollars for the costs
4 incurred by the United States and State and local
5 governments in connection with those efforts.

6 (6) On February 24, 1996, Cuban MiG aircraft
7 attacked and destroyed, in international airspace,
8 two unarmed civilian aircraft flying from the United
9 States, and the four persons in those unarmed civil-
10 ian aircraft were killed.

11 (7) Since the attack, the Cuban government has
12 issued no apology for the attack, nor has it indicated
13 any intention to conform its conduct to international
14 law that is applicable to civilian aircraft operating in
15 international airspace.

16 (b) REVIEW AND REPORT.—Not later than March
17 30, 1998, the Secretary of Defense shall carry out a com-
18 prehensive review and assessment of Cuban military capa-
19 bilities and the threats to the national security of the Unit-
20 ed States that are posed by Fidel Castro and the Govern-
21 ment of Cuba and submit a report on the review to the
22 Committee on Armed Services of the Senate and the Com-
23 mittee on National Security of the House of Representa-
24 tives. The report shall contain—

1 (1) a discussion of the results of the review, in-
2 cluding an assessment of the contingency plans; and

3 (2) the Secretary's assessment of the threats,
4 including—

5 (A) such unconventional threats as—

6 (i) encouragement of migration crises;

7 and

8 (ii) attacks on citizens and residents
9 of the United States while they are en-
10 gaged in peaceful protest in international
11 waters or airspace;

12 (B) the potential for development and de-
13 livery of chemical or biological weapons; and

14 (C) the potential for internal strife in Cuba
15 that could involve citizens or residents of the
16 United States or the Armed Forces of the Unit-
17 ed States.

18 (c) CONSULTATION ON REVIEW AND ASSESSMENT.—

19 In performing the review and preparing the assessment,
20 the Secretary of Defense shall consult with the Chairman
21 of the Joint Chiefs of Staff, the Commander-in-Chief of
22 the United States Southern Command, and the heads of
23 other appropriate agencies of the Federal Government.

1 **SEC. 1047. FIRE PROTECTION AND HAZARDOUS MATERIALS**

2 **PROTECTION AT FORT MEADE, MARYLAND.**

3 (a) PLAN.—Not later than 120 days after the date
4 of enactment of this Act, the Secretary of the Army shall
5 submit to the congressional defense committees a plan to
6 address the requirements for fire protection services and
7 hazardous materials protection services at Fort Meade,
8 Maryland, including the National Security Agency at Fort
9 Meade, as identified in the preparedness evaluation report
10 of the Army Corps of Engineers on Fort Meade.

11 (b) ELEMENTS.—The plan shall include the follow-
12 ing:

13 (1) A schedule for the implementation of the
14 plan.

15 (2) A detailed list of funding options available
16 to provide centrally located, modern facilities and
17 equipment to meet current requirements for fire pro-
18 tection services and hazardous materials protection
19 services at Fort Meade.

20 **SEC. 1048. REPORT TO CONGRESS ASSESSING DEPEND-**

21 **ENCE ON FOREIGN SOURCES FOR CERTAIN**

22 **RESISTORS AND CAPACITORS.**

23 (a) REPORT REQUIRED.—Not later than May 1,
24 1998, the Secretary of Defense shall submit to Congress
25 a report—

1 (1) assessing the level of dependence on foreign
 2 sources for procurement of certain resistors and ca-
 3 pacitors and projecting the level of such dependence
 4 that is likely to obtain after the implementation of
 5 relevant tariff reductions required by the Informa-
 6 tion Technology Agreement; and

7 (2) recommending appropriate changes, if any,
 8 in defense procurement or other Federal policies on
 9 the basis of the national security implications of
 10 such actual or projected foreign dependence.

11 (b) DEFINITION.—For purposes of this section, the
 12 term “certain resistors and capacitors” shall mean—

- 13 (1) fixed resistors,
- 14 (2) wirewound resistors,
- 15 (3) film resistors,
- 16 (4) solid tantalum capacitors,
- 17 (5) multi-layer ceramic capacitors, and
- 18 (6) wet tantalum capacitors.

19 **Subtitle E—Other Matters**

20 **SEC. 1051. PSYCHOTHERAPIST-PATIENT PRIVILEGE IN THE** 21 **MILITARY RULES OF EVIDENCE.**

22 (a) REQUIREMENT FOR PROPOSED RULE.—The Sec-
 23 retary of Defense shall submit to the President, for consid-
 24 eration for promulgation under article 36 of the Uniform
 25 Code of Military Justice (10 U.S.C. 836), a recommended

1 amendment to the Military Rules of Evidence that recog-
2 nizes an evidentiary privilege regarding disclosure by a
3 psychotherapist of confidential communications between a
4 patient and the psychotherapist.

5 (b) APPLICABILITY OF PRIVILEGE.—The rec-
6 ommended amendment shall include a provision that ap-
7 plies the privilege to—

8 (1) patients who are not subject to the Uniform
9 Code of Military Justice; and

10 (2) any patients subject to the Uniform Code of
11 Military Justice that the Secretary determines it ap-
12 propriate for the privilege to cover.

13 (c) SCOPE OF PRIVILEGE.—The evidentiary privilege
14 recommended pursuant to subsection (a) shall be similar
15 in scope to the psychotherapist-patient privilege recog-
16 nized under Rule 501 of the Federal Rules of Evidence,
17 subject to such exceptions and limitations as the Secretary
18 determines appropriate on the bases of law, public policy,
19 and military necessity.

20 (d) DEADLINE FOR RECOMMENDATION.—The Sec-
21 retary shall submit the recommendation under subsection
22 (a) on or before the later of the following dates:

23 (1) The date that is 90 days after the date of
24 the enactment of this Act.

25 (2) January 1, 1998.

1 **SEC. 1052. NATIONAL GUARD CIVILIAN YOUTH OPPORTUNI-**
2 **TIES PILOT PROGRAM.**

3 (a) EXTENSION OF PILOT PROGRAM AUTHORITY FOR
4 CURRENT NUMBER OF PROGRAMS.—Subsection (a) of
5 section 1091 of the National Defense Authorization Act
6 for Fiscal Year 1993 (Public Law 102–484; 32 U.S.C.
7 501 note) is amended—

8 (1) by striking out “During fiscal years 1993
9 through 1995” and inserting in lieu thereof “(1)
10 During fiscal years 1993 through 1998”; and

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

13 “(2) In fiscal years after fiscal year 1995, the number
14 of programs carried out under subsection (d) as part of
15 the pilot program may not exceed the number of such pro-
16 grams as of September 30, 1995.”.

17 (b) FISCAL RESTRICTIONS.—(1) Section 1091 of
18 such Act is amended by striking out subsection (k) and
19 inserting in lieu thereof the following:

20 “(k) FISCAL RESTRICTIONS.—(1) The Federal Gov-
21 ernment’s share of the total cost of carrying out a pro-
22 gram in a State as part of the pilot program in any fiscal
23 year after fiscal year 1997 may not exceed 50 percent of
24 that total cost.

1 “(2) The total amount expended for carrying out the
2 program during a fiscal year may not exceed
3 \$20,000,000.”.

4 (2) Subsection (d)(3) of such section is amended by
5 inserting “, subject to subsection (k)(1),” after “provide
6 funds”.

7 (c) CONFORMING REPEAL.—Section 573 of the Na-
8 tional Defense Authorization Act for Fiscal Year 1996
9 (Public Law 104–106; 110 Stat. 355; 32 U.S.C. 501 note)
10 is repealed.

11 **SEC. 1053. PROTECTION OF ARMED FORCES PERSONNEL**
12 **DURING PEACE OPERATIONS.**

13 (a) PROTECTION OF PERSONNEL.—

14 (1) IN GENERAL.—The Secretary of Defense
15 shall take appropriate actions to ensure that units of
16 the Armed Forces (including Army units, Marine
17 Corps units, Air Force units, and support units for
18 such units) engaged in peace operations have ade-
19 quate troop protection equipment for such oper-
20 ations.

21 (2) SPECIFIC ACTIONS.—In taking such actions,
22 the Secretary shall—

23 (A) identify the additional troop protection
24 equipment, if any, required to equip a division

1 equivalent with adequate troop protection
2 equipment for peace operations;

3 (B) establish procedures to facilitate the
4 exchange of troop protection equipment among
5 the units of the Armed Forces; and

6 (C) designate within the Department of
7 Defense an individual responsible for—

8 (i) ensuring the proper allocation of
9 troop protection equipment among the
10 units of the Armed Forces engaged in
11 peace operations; and

12 (ii) monitoring the availability, status
13 or condition, and location of such equip-
14 ment.

15 (b) REPORT.—Not later than March 1, 1998, the
16 Secretary shall submit to Congress a report on the actions
17 taken by the Secretary under subsection (a).

18 (c) TROOP PROTECTION EQUIPMENT DEFINED.—In
19 this section, the term “troop protection equipment” means
20 the equipment required by units of the Armed Forces to
21 defend against any hostile threat that is likely during a
22 peace operation, including an attack by a hostile crowd,
23 small arms fire, mines, and a terrorist bombing attack.

1 **SEC. 1054. LIMITATION ON RETIREMENT OR DISMANTLE-**
2 **MENT OF STRATEGIC NUCLEAR DELIVERY**
3 **SYSTEMS.**

4 (a) **FUNDING LIMITATION.**—Funds available to the
5 Department of Defense may not be obligated or expended
6 during fiscal year 1998 for retiring or dismantling, or for
7 preparing to retire or dismantle, any of the following stra-
8 tegic nuclear delivery systems below the specified levels:

9 (1) 71 B-52H bomber aircraft.

10 (2) 18 Trident ballistic missile submarines.

11 (3) 500 Minuteman III intercontinental ballistic
12 missiles.

13 (4) 50 Peacekeeper intercontinental ballistic
14 missiles.

15 (b) **WAIVER AUTHORITY.**—If the START II Treaty
16 enters into force during fiscal year 1997 or fiscal year
17 1998, the Secretary of Defense may waive the application
18 of the limitation under subsection (a) to the extent that
19 the Secretary determines necessary in order to implement
20 the treaty.

21 (c) **FUNDING LIMITATION ON EARLY DEACTIVA-**
22 **TION.**—(1) If the limitation under subsection (a) ceases
23 to apply by reason of a waiver under subsection (b), funds
24 available to the Department of Defense may nevertheless
25 not be obligated or expended during fiscal year 1998 to
26 implement any agreement or understanding to undertake

1 substantial early deactivation of a strategic nuclear deliv-
2 ery system specified in subsection (a) until 30 days after
3 the date on which the President submits to Congress a
4 report concerning such actions.

5 (2) For purposes of this subsection, a substantial
6 early deactivation is an action during fiscal year 1998 to
7 deactivate a substantial number of strategic nuclear deliv-
8 ery systems specified in subsection (a) by—

9 (A) removing nuclear warheads from those sys-
10 tems; or

11 (B) taking other steps to remove those systems
12 from combat status.

13 (3) A report under this subsection shall include the
14 following:

15 (A) The text of any understanding or agree-
16 ment between the United States and the Russian
17 Federation concerning substantial early deactivation
18 of strategic nuclear delivery systems under the
19 START II Treaty.

20 (B) The plan of the Department of Defense for
21 implementing the agreement.

22 (C) An assessment of the Secretary of Defense
23 of the adequacy of the provisions contained in the
24 agreement for monitoring and verifying compliance
25 of Russia with the terms of the agreement.

1 (D) A determination by the President as to
2 whether the deactivations to occur under the agree-
3 ment will be carried out in a symmetrical, reciprocal,
4 or equivalent manner.

5 (E) An assessment by the President of the ef-
6 fect of the proposed early deactivation on the stabil-
7 ity of the strategic balance and relative strategic nu-
8 clear capabilities of the United States and the Rus-
9 sian Federation at various stages during deactiva-
10 tion and upon completion.

11 (d) CONTINGENCY PLAN FOR SUSTAINMENT OF SYS-
12 TEMS.—(1) Not later than February 15, 1998, the Sec-
13 retary of Defense shall submit to the congressional defense
14 committees a plan for the sustainment beyond October 1,
15 1999, of United States strategic nuclear delivery systems
16 and alternative Strategic Arms Reduction Treaty force
17 structures in the event that a strategic arms reduction
18 agreement subsequent to the Strategic Arms Reduction
19 Treaty does not enter into force before 2004.

20 (2) The plan shall include a discussion of the follow-
21 ing matters:

22 (A) The actions that are necessary to sustain
23 the United States strategic nuclear delivery systems,
24 distinguishing between the actions that are planned
25 for and funded in the future-years defense program

1 and the actions that are not planned for and funded
2 in the future-years defense program.

3 (B) The funding necessary to implement the
4 plan, indicating the extent to which the necessary
5 funding is provided for in the future-years defense
6 program and the extent to which the necessary fund-
7 ing is not provided for in the future-years defense
8 program.

9 (e) START TREATIES DEFINED.—In this section:

10 (1) The term “Strategic Arms Reduction Trea-
11 ty” means the Treaty Between the United States of
12 America and the United Soviet Socialist Republics
13 on the Reduction and Limitation of Strategic Offen-
14 sive Arms (START), signed at Moscow on July 31,
15 1991, including related annexes on agreed state-
16 ments and definitions, protocols, and memorandum
17 of understanding.

18 (2) The term “START II Treaty” means the
19 Treaty Between the United States of America and
20 the Russian Federation on Further Reduction and
21 Limitation of Strategic Offensive Arms, signed at
22 Moscow on January 3, 1993, including the following
23 protocols and memorandum of understanding, all
24 such documents being integral parts of and collec-

1 tively referred to as the “START II Treaty” (con-
2 tained in Treaty Document 103–1):

3 (A) The Protocol on Procedures Governing
4 Elimination of Heavy ICBMs and on Proce-
5 dures Governing Conversion of Silo Launchers
6 of Heavy ICBMs Relating to the Treaty Be-
7 tween the United States of America and the
8 Russian Federation on Further Reduction and
9 Limitation of Strategic Offensive Arms (also
10 known as the “Elimination and Conversion Pro-
11 tocol”).

12 (B) The Protocol on Exhibitions and In-
13 spections of Heavy Bombers Relating to the
14 Treaty Between the United States and the Rus-
15 sian Federation on Further Reduction and
16 Limitation of Strategic Offensive Arms (also
17 known as the “Exhibitions and Inspections Pro-
18 tocol”).

19 (C) The Memorandum of Understanding
20 on Warhead Attribution and Heavy Bomber
21 Data Relating to the Treaty Between the Unit-
22 ed States of America and the Russian Federa-
23 tion on Further Reduction and Limitation of
24 Strategic Offensive Arms (also known as the
25 “Memorandum on Attribution”).

1 **SEC. 1055. ACCEPTANCE AND USE OF LANDING FEES FOR**
2 **USE OF OVERSEAS MILITARY AIRFIELDS BY**
3 **CIVIL AIRCRAFT.**

4 (a) **AUTHORITY.**—Section 2350j of title 10, United
5 States Code, is amended—

6 (1) by redesignating subsections (f) and (g) as
7 subsections (g) and (h), and

8 (2) by inserting after subsection (e) the follow-
9 ing new subsection (f):

10 “(f) **PAYMENTS FOR CIVIL USE OF MILITARY AIR-**
11 **FIELDS.**—The authority under subsection (a) includes au-
12 thority for the Secretary of a military department to ac-
13 cept payments of landing fees for use of a military airfield
14 by civil aircraft that are prescribed pursuant to an agree-
15 ment that is entered into with the government of the coun-
16 try in which the airfield is located. Payments received
17 under this subsection in a fiscal year shall be credited to
18 the appropriation that is available for the fiscal year for
19 the operation and maintenance of the military airfield,
20 shall be merged with amounts in the appropriation to
21 which credited, and shall be available for the same period
22 and purposes as the appropriation is available.”.

23 (b) **CONFORMING AMENDMENTS.**—(1) Subsection (b)
24 of such section is amended by striking out “Any” at the
25 beginning of the second sentence and inserting in lieu
26 thereof “Except as provided in subsection (f), any”.

1 (2) Subsection (c) of such section is amended by
2 striking out “Contributions” in the matter preceding para-
3 graph (1), and inserting in lieu thereof “Except as pro-
4 vided in subsection (f), contributions”.

5 **SEC. 1056. ONE-YEAR EXTENSION OF INTERNATIONAL NON-**
6 **PROLIFERATION INITIATIVE.**

7 (a) ONE-YEAR EXTENSION.—Subsection (f) of sec-
8 tion 1505 of the Weapons of Mass Destruction Control
9 Act of 1992 (title XV of the National Defense Authoriza-
10 tion Act for Fiscal Year 1993; 22 U.S.C. 5859a) is
11 amended by striking out “1997” and inserting in lieu
12 thereof “1998”.

13 (b) LIMITATIONS ON AMOUNT OF ASSISTANCE FOR
14 ADDITIONAL FISCAL YEARS.—Subsection (d)(3) of such
15 section is amended by striking out “or \$15,000,000 for
16 fiscal year 1997” and inserting in lieu thereof
17 “\$15,000,000 for fiscal year 1997, or \$15,000,000 for fis-
18 cal year 1998”.

19 **SEC. 1057. ARMS CONTROL IMPLEMENTATION AND ASSIST-**
20 **ANCE FOR FACILITIES SUBJECT TO INSPEC-**
21 **TION UNDER THE CHEMICAL WEAPONS CON-**
22 **VENTION.**

23 (a) ASSISTANCE AUTHORIZED.—The On-Site Inspec-
24 tion Agency of the Department of Defense may provide
25 technical assistance, on a reimbursable basis (in accord-

1 ance with subsection (b)), to a facility that is subject to
2 a routine or challenge inspection under the Chemical
3 Weapons Convention upon the request of the owner or op-
4 erator of the facility.

5 (b) REIMBURSEMENT REQUIREMENT.—The United
6 States National Authority shall reimburse the On-Site In-
7 spection Agency for costs incurred by the agency in pro-
8 viding assistance under subsection (a).

9 (c) DEFINITIONS.—In this section:

10 (1) The terms “Chemical Weapons Convention”
11 and “Convention” mean the Convention on the Pro-
12 hibition of the Development, Production, Stockpiling
13 and Use of Chemical Weapons and on Their De-
14 struction, opened for signature on January 13,
15 1993.

16 (2) The term “facility that is subject to a rou-
17 tine inspection” means a declared facility, as defined
18 in paragraph 15 of part X of the Annex on Imple-
19 mentation and Verification of the Convention.

20 (3) The term “challenge inspection” means an
21 inspection conducted under Article IX of the Con-
22 vention.

23 (4) The term “United States National Author-
24 ity” means the United States National Authority es-

1 tablished or designated pursuant to Article VII,
2 paragraph 4, of the Chemical Weapons Convention.

3 **SEC. 1058. SENSE OF SENATE REGARDING THE RELATION-**
4 **SHIP BETWEEN ENVIRONMENTAL LAWS AND**
5 **UNITED STATES OBLIGATIONS UNDER THE**
6 **CHEMICAL WEAPONS CONVENTION.**

7 (a) FINDINGS.—The Senate makes the following
8 findings:

9 (1) The Chemical Weapons Convention requires
10 the destruction of the United States stockpile of le-
11 thal chemical agents and munitions within 10 years
12 after the Convention's entry into force (or 2007).

13 (2) The President possesses substantial powers
14 under existing law to ensure that the technologies
15 necessary to destroy the stockpile are developed, that
16 the facilities necessary to destroy the stockpile are
17 constructed, and that Federal, State, and local envi-
18 ronmental laws and regulations do not impair the
19 ability of the United States to comply with its obli-
20 gations under the Convention.

21 (b) SENSE OF SENATE.—It is the sense of the Senate
22 that the President—

23 (1) should use the authority granted the Presi-
24 dent under existing law to ensure that the United
25 States is able to construct and operate the facilities

1 necessary to destroy the United States stockpile of
2 lethal chemical agents and munitions within the time
3 allowed by the Chemical Weapons Convention; and

4 (2) while carrying out the United States obliga-
5 tions under the Convention, should encourage nego-
6 tiations between appropriate Federal Government of-
7 ficials and officials of the State and local govern-
8 ments concerned to attempt to meet their concerns
9 about the actions being taken to carry out those ob-
10 ligations.

11 (c) CHEMICAL WEAPONS CONVENTION DEFINED.—

12 In this section, the terms “Chemical Weapons Conven-
13 tion” and “Convention” mean the Convention on the Pro-
14 hibition of the Development, Production, Stockpiling and
15 Use of Chemical Weapons and on Their Destruction,
16 opened for signature on January 13, 1993.

17 **SEC. 1059. SENSE OF CONGRESS REGARDING FUNDING FOR**
18 **RESERVE COMPONENT MODERNIZATION NOT**
19 **REQUESTED IN THE ANNUAL BUDGET RE-**
20 **QUEST.**

21 (a) LIMITATION.—It is the sense of Congress that,
22 to the maximum extent practicable, Congress should con-
23 sider authorizing appropriations for reserve component
24 modernization activities not included in the budget request
25 of the Department of Defense for a fiscal year only if—

1 (1) there is a Joint Requirements Oversight
2 Council validated requirement for the equipment;

3 (2) the equipment is included for reserve com-
4 ponent modernization in the modernization plan of
5 the military department concerned and is incor-
6 porated into the future-years defense program;

7 (3) the equipment is consistent with the use of
8 reserve component forces;

9 (4) the equipment is necessary in the national
10 security interests of the United States; and

11 (5) the funds can be obligated in the fiscal year.

12 (b) VIEWS OF THE CHAIRMAN, JOINT CHIEFS OF
13 STAFF.—It is further the sense of Congress that, in apply-
14 ing the criteria set forth in subsection (a), Congress
15 should obtain the views of the Chairman of the Joint
16 Chiefs of Staff, including views on whether funds for
17 equipment not included in the budget request are appro-
18 priate for the employment of reserve component forces in
19 Department of Defense warfighting plans.

20 **SEC. 1060. AUTHORITY OF SECRETARY OF DEFENSE TO**
21 **SETTLE CLAIMS RELATING TO PAY, ALLOW-**
22 **ANCES, AND OTHER BENEFITS.**

23 (a) AUTHORITY TO WAIVE TIME LIMITATIONS.—
24 Paragraph (1) of section 3702(e) of title 31, United States

1 Code, is amended by striking out “Comptroller General”
2 and inserting in lieu thereof “Secretary of Defense”.

3 (b) APPROPRIATION TO BE CHARGED.—Paragraph
4 (2) of such section is amended by striking out “shall be
5 subject to the availability of appropriations for payment
6 of that particular claim” and inserting in lieu thereof
7 “shall be made from an appropriation that is available,
8 for the fiscal year in which the payment is made, for the
9 same purpose as the appropriation to which the obligation
10 claimed would have been charged if the obligation had
11 been timely paid”.

12 **SEC. 1061. COORDINATION OF ACCESS OF COMMANDERS**
13 **AND DEPLOYED UNITS TO INTELLIGENCE**
14 **COLLECTED AND ANALYZED BY THE INTEL-**
15 **LIGENCE COMMUNITY.**

16 (a) FINDINGS.—Congress makes the following find-
17 ings:

18 (1) Coordination of operational intelligence sup-
19 port for the commanders of the combatant com-
20 mands and deployed units of the Armed Forces has
21 proven to be inadequate.

22 (2) Procedures used to reconcile information
23 among various intelligence community and Depart-
24 ment of Defense data bases proved to be inadequate
25 and, being inadequate, diminished the usefulness of

1 that information and preclude commanders and
2 planners within the Armed Forces from fully benefit-
3 ing from key information that should have been
4 available to them.

5 (3) Excessive compartmentalization of respon-
6 sibilities and information within the Department of
7 Defense and the other elements of the intelligence
8 community resulted in inaccurate analysis of impor-
9 tant intelligence material.

10 (4) Excessive restrictions on the distribution of
11 information within the executive branch disadvan-
12 taged units of the Armed Forces that would have
13 benefited most from the information.

14 (5) Procedures used in the Department of De-
15 fense to ensure that critical intelligence information
16 is provided to the right combat units in a timely
17 manner failed during the Persian Gulf War and, as
18 a result, information about potential chemical weap-
19 ons storage locations did not reach the units that
20 eventually destroyed those storage areas.

21 (6) A recent, detailed review of the events lead-
22 ing to and following the destruction of chemical
23 weapons by members of the Armed Forces at
24 Khamisiyah, Iraq, during the Persian Gulf War has
25 revealed a number of inadequacies in the way the

1 Department of Defense and the other elements of
2 the intelligence community handled, distributed, re-
3 corded, and stored intelligence information about the
4 threat of exposure of United States forces to chemi-
5 cal weapons and the toxic agents in those weapons.

6 (7) The inadequacy of procedures for recording
7 the receipt of, and reaction to, intelligence reports
8 provided by the intelligence community to combat
9 units of the Armed Forces during the Persian Gulf
10 War has caused it to be impossible to analyze the
11 failures in transmission of intelligence-related infor-
12 mation on the location of chemical weapons at
13 Khamisiyah, Iraq, that resulted in the demolition of
14 chemical weapons by members of the Armed Forces
15 unaware of the hazards to which they were exposed.

16 (b) REPORTING REQUIREMENT.—Not later than
17 March 1, 1998, the Secretary of Defense shall submit to
18 Congress a report that identifies the specific actions that
19 have been taken or are being taken to ensure that there
20 is adequate coordination of operational intelligence sup-
21 port for the commanders of the combatant commands and
22 deployed units of the Armed Forces.

23 (c) DEFINITION OF INTELLIGENCE COMMUNITY.—In
24 this section, the term “intelligence community” has the

1 meaning given the term in section 3 of the National Secu-
2 rity Act of 1947 (50 U.S.C. 401a).

3 **SEC. 1062. PROTECTION OF IMAGERY, IMAGERY INTEL-**
4 **LIGENCE, AND GEOSPATIAL INFORMATION**
5 **AND DATA.**

6 (a) PROTECTION OF INFORMATION ON CAPABILI-
7 TIES.—Paragraph (1)(B) of section 455(b) of title 10,
8 United States Code, is amended by inserting “, or capa-
9 bilities,” after “methods”.

10 (b) PRODUCTS PROTECTED.—(1) Paragraph (2) of
11 such section is amended to read as follows:

12 “(2) In this subsection, the term ‘geodetic product’
13 means imagery, imagery intelligence, or geospatial infor-
14 mation, as those terms are defined in section 467 of this
15 title.”.

16 (2) Section 467(4)(C) of title 10, United States Code,
17 is amended to read as follows:

18 “(C) maps, charts, geodetic data, and re-
19 lated products.”.

20 **SEC. 1063. PROTECTION OF AIR SAFETY INFORMATION**
21 **VOLUNTARILY PROVIDED BY A CHARTER AIR**
22 **CARRIER.**

23 Section 2640 of title 10, United States Code, is
24 amended—

1 (1) by redesignating subsections (h) and (i) as
2 subsections (i) and (j), respectively; and

3 (2) by inserting after subsection (g) the follow-
4 ing new subsection (h):

5 “(h) PROTECTION OF VOLUNTARILY SUBMITTED AIR
6 SAFETY INFORMATION.—(1) Subject to paragraph (2),
7 the appropriate official may deny a request made under
8 any other provision of law for public disclosure of safety-
9 related information that has been provided voluntarily by
10 an air carrier to the Secretary of Defense for the purposes
11 of this section, notwithstanding the provision of law under
12 which the request is made.

13 “(2) The appropriate official may exercise authority
14 to deny a request for disclosure of information under para-
15 graph (1) if the official first determines that—

16 “(A) the disclosure of the information as re-
17 quested would inhibit an air carrier from voluntarily
18 disclosing, in the future, safety-related information
19 for the purposes of this section or for other air safe-
20 ty purposes involving the Department of Defense or
21 another Federal agency; and

22 “(B) the receipt of such information generally
23 enhances the fulfillment of responsibilities under this
24 section or other air safety responsibilities involving

1 the Department of Defense or another Federal agen-
 2 cy.

3 “(3) For the purposes of this section, the appropriate
 4 official for exercising authority under paragraph (1) is—

5 “(A) the Secretary of Defense, in the case of a
 6 request for disclosure of information that is directed
 7 to the Department of Defense; or

8 “(B) the head of another Federal agency, in the
 9 case of a request that is directed to that Federal
 10 agency regarding information described in paragraph
 11 (1) that the Federal agency has received from the
 12 Department of Defense.”.

13 **SEC. 1064. SUSTAINMENT AND OPERATION OF GLOBAL PO-**
 14 **SITIONING SYSTEM.**

15 (a) FINDINGS.—Congress makes the following find-
 16 ings:

17 (1) The Global Positioning System, with its
 18 multiple uses, makes significant contributions to the
 19 attainment of the national security and foreign pol-
 20 icy goals of the United States, the safety and effi-
 21 ciency of international transportation, and the eco-
 22 nomic growth, trade, and productivity of the United
 23 States.

24 (2) The infrastructure for the Global Position-
 25 ing System, including both space and ground seg-

1 ments of the infrastructure, is vital to the effective-
2 ness of United States and allied military forces and
3 to the protection of the national security interests of
4 the United States.

5 (3) In addition to having military uses, the
6 Global Positioning System has essential civil, com-
7 mercial, and scientific uses.

8 (4) Driven by the increasing demand of civil,
9 commercial, and scientific users of the Global Posi-
10 tioning System—

11 (A) there has emerged in the United
12 States a new commercial industry to provide
13 Global Positioning System equipment and relat-
14 ed services to the many and varied users of the
15 system; and

16 (B) there have been rapid technical ad-
17 vancements in Global Positioning System equip-
18 ment and services that have contributed signifi-
19 cantly to reductions in the cost of the Global
20 Positioning System and increases in the tech-
21 nical capabilities and availability of the system
22 for military uses.

23 (5) It is in the national interest of the United
24 States for the United States—

1 (A) to support continuation of the mul-
2 tiple-use character of the Global Positioning
3 System;

4 (B) to promote broader acceptance and use
5 of the Global Positioning System and the tech-
6 nological standards that facilitate expanded use
7 of the system for civil purposes;

8 (C) to coordinate with other countries to
9 ensure—

10 (i) efficient management of the elec-
11 tromagnetic spectrum utilized for the Glob-
12 al Positioning System; and

13 (ii) protection of that spectrum in
14 order to prevent disruption of, and inter-
15 ference with, signals from the system; and

16 (D) to encourage open access in all inter-
17 national markets to the Global Positioning Sys-
18 tem and supporting equipment, services, and
19 techniques.

20 (b) SUSTAINMENT AND OPERATION FOR MILITARY
21 PURPOSES.—The Secretary of Defense shall—

22 (1) provide for the sustainment of the Global
23 Positioning System capabilities, and the operation of
24 basic Global Positioning System services, that are

1 beneficial for the national security interests of Unit-
2 ed States;

3 (2) develop appropriate measures for preventing
4 hostile use of the Global Positioning System that
5 make it unnecessary to use the selective availability
6 feature of the system continuously and do not hinder
7 the use of the Global Positioning System by the
8 United States and its allies for military purposes;
9 and

10 (3) ensure that United States military forces
11 have the capability to use the Global Positioning
12 System effectively despite hostile attempts to prevent
13 the use of the system by such forces.

14 (c) SUSTAINMENT AND OPERATION FOR CIVILIAN
15 PURPOSES.—The Secretary of Defense shall—

16 (1) provide for the sustainment and operation
17 of basic Global Positioning System services for
18 peaceful civil, commercial, and scientific uses on a
19 continuous worldwide basis free of direct user fees;

20 (2) provide for the sustainment and operation
21 of basic Global Positioning System services in order
22 to meet the performance requirements of the Fed-
23 eral Radionavigation Plan jointly issued by the Sec-
24 retary of Defense and the Secretary of Transpor-
25 tation;

1 (3) coordinate with the Secretary of Transpor-
2 tation regarding the development and implementa-
3 tion by the Federal Government of augmentations to
4 the basic Global Positioning System that achieve or
5 enhance uses of the system in support of transpor-
6 tation;

7 (4) coordinate with the Secretary of Commerce,
8 the United States Trade Representative, and other
9 appropriate officials to facilitate the development of
10 new and expanded civil uses for the Global Position-
11 ing System; and

12 (5) develop measures for preventing hostile use
13 of the Global Positioning System in a particular area
14 without hindering peaceful civil use of the system
15 elsewhere.

16 (d) FEDERAL RADIONAVIGATION PLAN.—The Sec-
17 retary of Defense and the Secretary of Transportation
18 shall continue to prepare the Federal Radionavigation
19 Plan every two years as originally provided for in the
20 International Maritime Satellite Telecommunications Act
21 (title V of the Communications Satellite Act of 1962; 47
22 U.S.C. 751 et seq.).

23 (e) INTERNATIONAL COOPERATION.—Congress urges
24 the President to promote the security of the United States

1 and its allies, the public safety, and commercial interests
2 by—

3 (1) undertaking a coordinated effort within the
4 executive branch to seek to establish the Global Po-
5 sitioning System, and augmentations to the system,
6 as a worldwide resource;

7 (2) seeking to enter into international agree-
8 ments to establish signal and service standards that
9 protect the Global Positioning System from disrup-
10 tion and interference; and

11 (3) undertaking efforts to eliminate any bar-
12 riers to, and other restrictions of foreign govern-
13 ments on, peaceful uses of the Global Positioning
14 System.

15 (f) PROHIBITION OF SUPPORT OF FOREIGN SYS-
16 TEM.—None of the funds authorized to be appropriated
17 under this Act may be used to support the operation and
18 maintenance or enhancement of any satellite navigation
19 system operated by a foreign country.

20 (g) REPORT.—(1) Not later than 30 days after the
21 end of each even numbered fiscal year (beginning with fis-
22 cal year 1998), the Secretary of Defense shall submit to
23 the Committees on Armed Services and on Appropriations
24 on the Senate and the Committees on National Security
25 and on Appropriations of the House of Representatives a

1 report on the Global Positioning System. The report shall
2 include a discussion of the following matters:

3 (A) The operational status of the Global Posi-
4 tioning System.

5 (B) The capability of the system to satisfy ef-
6 fectively—

7 (i) the military requirements for the sys-
8 tem that are current as of the date of the re-
9 port; and

10 (ii) the performance requirements of the
11 Federal Radionavigation Plan.

12 (C) The most recent determination by the
13 President regarding continued use of the selective
14 availability feature of the Global Positioning System
15 and the expected date of any change or elimination
16 of use of that feature.

17 (D) The status of cooperative activities under-
18 taken by the United States with the governments of
19 other countries concerning the capability of the
20 Global Positioning System or any augmentation of
21 the system to satisfy civil, commercial, scientific, and
22 military requirements, including a discussion of the
23 status and results of activities undertaken under any
24 regional international agreement.

1 (E) Any progress made toward establishing the
2 Global Positioning System as an international stand-
3 ard for consistency of navigational service.

4 (F) Any progress made toward protecting the
5 Global Positioning System from disruption and in-
6 terference.

7 (G) The effects of use of the Global Positioning
8 System on national security, regional security, and
9 the economic competitiveness of United States in-
10 dustry, including the Global Positioning System
11 equipment and service industry and user industries.

12 (2) In preparing the parts of the report required
13 under subparagraphs (D), (E), (F), and (G) of paragraph
14 (1), the Secretary of Defense shall consult with the Sec-
15 retary of Commerce, Secretary of Transportation, and
16 Secretary of Labor.

17 (h) BASIC GLOBAL POSITIONING SYSTEM SERVICES
18 DEFINED.—In this section, the term “basic global posi-
19 tioning system services” means the following components
20 of the Global Positioning System that are operated and
21 maintained by the Department of Defense:

22 (1) The constellation of satellites.

23 (2) The navigation payloads that produce the
24 Global Positioning System signals.

1 (3) The ground stations, data links, and associ-
2 ated command and control facilities.

3 **SEC. 1065. LAW ENFORCEMENT AUTHORITY FOR SPECIAL**
4 **AGENTS OF THE DEFENSE CRIMINAL INVES-**
5 **TIGATIVE SERVICE.**

6 (a) AUTHORITY.—Chapter 81 of title 10, United
7 States Code, is amended by inserting after section 1585
8 the following new section:

9 **“§ 1585a. Special agents of the Defense Criminal In-**
10 **vestigative Service: law enforcement au-**
11 **thority**

12 “(a) AUTHORITY.—A special agent of the Defense
13 Criminal Investigative Service designated under sub-
14 section (b) has the following authority:

15 “(1) To carry firearms.

16 “(2) To execute and serve any warrant or other
17 process issued under the authority of the United
18 States.

19 “(3) To make arrests without warrant for—

20 “(A) any offense against the United States
21 committed in the agent’s presence; or

22 “(B) any felony cognizable under the laws
23 of the United States if the agent has probable
24 cause to believe that the person to be arrested
25 has committed or is committing the felony.

1 “(b) DESIGNATION OF AGENTS TO HAVE AUTHOR-
 2 ITY.—The Secretary of Defense may designate to have the
 3 authority provided under subsection (a) any special agent
 4 of the Defense Criminal Investigative Service whose duties
 5 include conducting, supervising, or coordinating investiga-
 6 tions of criminal activity in programs and operations of
 7 the Department of Defense.

8 “(c) GUIDELINES ON EXERCISE OF AUTHORITY.—
 9 The authority provided under subsection (a) shall be exer-
 10 cised in accordance with guidelines prescribed by the In-
 11 specter General of the Department of Defense and ap-
 12 proved by the Attorney General, and any other applicable
 13 guidelines prescribed by the Secretary of Defense or the
 14 Attorney General.”.

15 (b) CONFORMING AMENDMENT.—The table of sec-
 16 tions at the beginning of such chapter is amended by in-
 17 serting after the item relating to section 1585 the follow-
 18 ing:

“1585a. Special agents of the Defense Criminal Investigative Service: law en-
 forcement authority.”.

19 **SEC. 1066. REPEAL OF REQUIREMENT FOR CONTINUED OP-**
 20 **ERATION OF THE NAVAL ACADEMY DAIRY**
 21 **FARM.**

22 (a) REPEAL.—Section 810 of the Military Construc-
 23 tion Authorization Act, 1968 (Public Law 90–110; 81
 24 Stat. 309) is amended—

1 (1) by striking out subsection (a); and

2 (2) in subsection (b), by striking out “nor
3 shall” and all that follows through “Act of Con-
4 gress”.

5 (b) CONFORMING AMENDMENTS.—(1) Section
6 6971(b)(5) of title 10, United States Code, is amended
7 by inserting “(if any)” before the period at the end.

8 (2) Section 2105(b) of title 5, United States Code,
9 is amended by inserting “(if any)” after “Academy dairy”.

10 **SEC. 1067. POW/MIA INTELLIGENCE ANALYSIS.**

11 The Director of Central Intelligence, in consultation
12 with the Secretary of Defense, shall provide analytical sup-
13 port on POW/MIA matters to all departments and agen-
14 cies of the Federal Government involved in such matters.
15 The Secretary of Defense shall ensure that all intelligence
16 regarding POW/MIA matters is taken into full account in
17 the analysis of POW/MIA cases by DPMO.

18 **SEC. 1068. PROTECTION OF EMPLOYEES FROM RETALIA-**
19 **TION FOR CERTAIN DISCLOSURES OF CLASSI-**
20 **FIED INFORMATION.**

21 (a) DISCLOSURES TO OFFICIALS CLEARED FOR AC-
22 CESS.—Section 2302(b) of title 5, United States Code, is
23 amended—

24 (1) in paragraph (8)—

1 (A) by striking out “or” at the end of sub-
2 paragraph (A);

3 (B) by inserting “or” at the end of sub-
4 paragraph (B)(ii); and

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

6 “(C) a disclosure by an employee or appli-
7 cant of information required by law or Execu-
8 tive order to be kept secret in the interest of
9 national defense or the conduct of foreign af-
10 fairs which the employee or applicant reason-
11 ably believes to provide direct and specific evi-
12 dence of—

13 “(i) a violation of any law, rule, or
14 regulation,

15 “(ii) gross mismanagement, a gross
16 waste of funds, abuse of authority, or a
17 substantial and specific danger to public
18 health or safety, or

19 “(iii) a false statement to Congress on
20 an issue of material fact,

21 if the disclosure is made to a member of a com-
22 mittee of Congress having a primary respon-
23 sibility for oversight of a department, agency,
24 or element of the Federal Government to which
25 the disclosed information relates, to any other

1 Member of Congress who is authorized to re-
2 ceive information of the type disclosed, or to an
3 employee of Congress who has the appropriate
4 security clearance for access to the information
5 disclosed;” and

6 (2) by striking out the matter following para-
7 graph (11).

8 (b) DISSEMINATION OF INFORMATION ON NEW PRO-
9 TECTION.—Not later than 30 days after the date of the
10 enactment of this Act, the President shall—

11 (1) take such action as is necessary to ensure
12 that employees of the executive branch having access
13 to classified information receive notice that the dis-
14 closure of such information to Congress is not pro-
15 hibited by law, executive order, or regulation, and is
16 not otherwise contrary to public policy when the in-
17 formation is disclosed under the circumstances de-
18 scribed in subparagraph (C) of section 2302(b)(8) of
19 title 5, United States Code (as added by subsection
20 (a)); and

21 (2) submit to Congress a report on the actions
22 taken to carry out paragraph (1).

23 (c) EFFECTIVE DATE AND APPLICABILITY.—The
24 amendments made by subsection (a) shall take effect on
25 October 1, 1998, and shall apply to a taking, failing to

1 take, or threat to take or fail to take a personnel action
 2 on or after such date because of a disclosure described
 3 in subparagraph (C) of section 2302(b)(8) of title 5, Unit-
 4 ed States Code (as added by subsection (a)), that is made
 5 before, on, or after such date.

6 (d) DISCLOSURES OF CLASSIFIED INFORMATION TO
 7 CONGRESS OR THE DEPARTMENT OF JUSTICE BY CON-
 8 TRACTOR EMPLOYEES.—It is the sense of Congress that
 9 the Inspector General of the Department of Defense
 10 should continue to exercise the authority provided in sec-
 11 tion 2409 of title 10, United States Code, regarding re-
 12 prisals for disclosures of classified information as well as
 13 reprisals for disclosures of unclassified information.

14 **SEC. 1069. APPLICABILITY OF CERTAIN PAY AUTHORITIES**
 15 **TO MEMBERS OF THE COMMISSION ON**
 16 **SERVICEMEMBERS AND VETERANS TRANSI-**
 17 **TION ASSISTANCE.**

18 (a) APPLICABILITY.—Section 705(a) of the Veterans’
 19 Benefits Improvements Act of 1996 (Public Law 104–275;
 20 110 Stat. 3349; 38 U.S.C. 545 note) is amended—

21 (1) by inserting “(1)” before “Each member”;

22 and

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

24 “(2)(A) A member of the Commission who is an an-
 25 nuitant otherwise covered by section 8344 or 8468 of title

1 5, United States Code, by reason of membership on the
 2 Commission shall not be subject to the provisions of such
 3 section with respect to such membership.

4 “(B) A member of the Commission who is a member
 5 or former member of a uniformed service shall not be sub-
 6 ject to the provisions of subsections (b) and (c) of section
 7 5532 of such title with respect to membership on the Com-
 8 mission.”.

9 (b) EFFECTIVE DATE.—The amendments made by
 10 subsection (a) shall take effect as if included in the provi-
 11 sions of section 705(a) of the Veterans’ Benefits Improve-
 12 ments Act of 1996 to which such amendments relate.

13 **SEC. 1070. TRANSFER OF B-17 AIRCRAFT TO MUSEUM.**

14 (a) AUTHORITY.—The Secretary of the Air Force
 15 may convey to the Planes of Fame Museum, Chino, Cali-
 16 fornia (hereafter in this section referred to as the “mu-
 17 seum”), all right, title, and interest of the United States
 18 in and to the B-17 aircraft known as the “Picadilly Lilly”,
 19 an aircraft that has been in the possession of the museum
 20 since 1959. The Secretary of the Air Force shall determine
 21 the appropriate amount of consideration that is com-
 22 parable to the value of the aircraft.

23 (b) CONDITION OF AIRCRAFT.—Before conveying
 24 ownership of the aircraft, the Secretary shall alter the air-
 25 craft as necessary to ensure that the aircraft does not have

1 any capability for use as a platform for launching or re-
2 leasing munitions or any other combat capability that it
3 was designed to have. The Secretary is not required to
4 repair or alter the condition of the aircraft in any other
5 way before conveying the ownership.

6 (c) CONDITION FOR CONVEYANCE.—A conveyance of
7 ownership of the aircraft under this section shall be sub-
8 ject to the condition that the museum not convey any own-
9 ership interest in, or transfer possession of, the aircraft
10 to any other party without the advance approval of the
11 Secretary of the Air Force.

12 (d) REVERSION.—If the Secretary of the Air Force
13 determines at any time that the museum has conveyed an
14 ownership interest in, or transferred possession of, the air-
15 craft to any other party without the advance approval of
16 the Secretary, all right, title, and interest in and to the
17 aircraft, including any repairs or alterations of the air-
18 craft, shall revert to the United States, and the United
19 States shall have the right of immediate possession of the
20 aircraft.

21 (e) ADDITIONAL TERMS AND CONDITIONS.—The
22 Secretary of the Air Force may require such additional
23 terms and conditions in connection with the conveyance
24 under this section as the Secretary considers appropriate
25 to protect the interests of the United States.

1 (f) CLARIFICATION OF LIABILITY.—Notwithstanding
 2 any other provision of law, the United States shall not
 3 be liable for any death, injury, loss, or damages that result
 4 from any use of the aircraft conveyed under this section
 5 by any person other than the United States after the con-
 6 veyance is complete.

7 **SEC. 1071. FIVE-YEAR EXTENSION OF AVIATION INSURANCE**
 8 **PROGRAM.**

9 (a) EXTENSION.—Section 44310 of title 49, United
 10 States Code, is amended by striking out “September 30,
 11 1997” and inserting in lieu thereof “September 30,
 12 2002”.

13 (b) EFFECTIVE DATE.—This section shall take effect
 14 as of September 30, 1997.

15 **SEC. 1072. TREATMENT OF MILITARY FLIGHT OPERATIONS.**

16 No military flight operation (including a military
 17 training flight), or designation of airspace for such an op-
 18 eration, may be treated as a transportation program or
 19 project for purposes of section 303(c) of title 49, United
 20 States Code.

21 **SEC. 1073. NATURALIZATION OF FOREIGN NATIONALS WHO**
 22 **SERVED HONORABLY IN THE ARMED FORCES**
 23 **OF THE UNITED STATES.**

24 (a) IN GENERAL.—Section 329 of the Immigration
 25 and Nationality Act (8 U.S.C. 1440) is amended—

1 (1) in subsection (a)(1)—

2 (A) by inserting “, reenlistment, extension
3 of enlistment,” after “at the time of enlist-
4 ment”; and

5 (B) by inserting “or on board a public ves-
6 sel owned or operated by the United States for
7 noncommercial service,” after “United States,
8 the Canal Zone, American Samoa, or Swains Is-
9 land,”; and

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

12 “(d) WAIVER.—(1) For purposes of the naturaliza-
13 tion of natives of the Philippines under section 405 of the
14 Immigration Act of 1990 (8 U.S.C. 1440 note), notwith-
15 standing any other provision of law—

16 “(A) the processing of applications for natu-
17 ralization, filed in accordance with the provisions of
18 Section 405 of the Immigration Act of 1990 (Public
19 Law 101–649; 104 Stat. 5039), including necessary
20 interviews, may be conducted in the Philippines by
21 employees of the Service designated pursuant to sec-
22 tion 335(b) of this Act; and

23 “(B) oaths of allegiance for applications under
24 this subsection may be administered in the Phil-

1 ippines by employees of the Service designated pur-
2 suant to section 335(b) of this Act.

3 “(2) Paragraph (1) shall be effective only during the
4 period beginning February 3, 1996, and ending at the end
5 of February 2, 2006.”.

6 (b) EFFECTIVE DATES.—The amendments made by
7 subsection (a)(1) shall be effective for all enlistments, re-
8 enlistments, extensions of enlistment, or inductions of per-
9 sons occurring on or after January 1, 1990.

10 **SEC. 1074. DESIGNATION OF BOB HOPE AS HONORARY VET-**
11 **ERAN.**

12 (a) FINDINGS.—Congress makes the following find-
13 ings:

14 (1) The United States has never in its more
15 than 200 years of existence conferred honorary vet-
16 eran status on any person.

17 (2) Honorary veteran status is and should re-
18 main an extraordinary honor not lightly conferred
19 nor frequently granted.

20 (3) It is fitting and proper to confer that status
21 on Bob Hope.

22 (4) Bob Hope attempted to enlist in the Armed
23 Forces to serve his country during World War II but
24 was informed that the greatest service he could pro-

1 vide his country was as a civilian entertainer for the
2 troops.

3 (5) Since then, Bob Hope has travelled to visit
4 and entertain millions of members of the Armed
5 Forces of the United States throughout World War
6 II, the Korean Conflict, the Vietnam War, the Per-
7 sian Gulf War, and the Cold War, in Europe, Africa,
8 England, Wales, Ireland, Scotland, Sicily, the Aleu-
9 tian Islands, Pearl Harbor, Kwajalein Island, Guam,
10 Japan, Korea, Vietnam, Saudi Arabia, and many
11 other locations.

12 (6) Bob Hope frequently elected to stage his
13 shows in forward combat areas.

14 (7) Bob Hope richly deserves the more than
15 100 awards and citations that he has received from
16 government, military, and civic groups.

17 (8) Those awards include the American Con-
18 gressional Gold Medal, the Medal of Freedom, the
19 People to People Award, the Peabody Award, the
20 Jean Hersholdt Humanitarian Award, the Al Jolson
21 Award of the Veterans of Foreign Wars, the Medal
22 of Liberty, and the Distinguished Service Medals of
23 each of the Armed Forces.

24 (9) Bob Hope has given unselfishly of himself
25 for over half a century to be with American service

1 members on foreign shores, has worked tirelessly to
 2 bring a spirit of humor and cheer to millions of mili-
 3 tary members during their loneliest moments, and
 4 has, thereby, extended to them for the American
 5 people a touch of home away from home.

6 (b) HONORARY DESIGNATION.—The elected rep-
 7 resentatives of the American people, expressing the grati-
 8 tude of the American people to Bob Hope for his years
 9 of unselfish service to the members of the Armed Forces
 10 of the United States, designate Bob Hope as an honorary
 11 veteran of the Armed Forces of the United States.

12 **SEC. 1075. CRIMINAL PROHIBITION ON THE DISTRIBUTION**
 13 **OF CERTAIN INFORMATION RELATING TO EX-**
 14 **PLOSIVES, DESTRUCTIVE DEVICES, AND**
 15 **WEAPONS OF MASS DESTRUCTION.**

16 (a) UNLAWFUL CONDUCT.—Section 842 of title 18,
 17 United States Code, is amended by adding at the end the
 18 following:

19 “(1) DISTRIBUTION OF INFORMATION RELATING TO
 20 EXPLOSIVES, DESTRUCTIVE DEVICES, AND WEAPONS OF
 21 MASS DESTRUCTION.—

22 “(1) DEFINITIONS.—In this subsection—

23 “(A) the term ‘destructive device’ has the
 24 same meaning as in section 921(a)(4);

1 “(B) the term ‘explosive’ has the same
2 meaning as in section 844(j); and

3 “(C) the term ‘weapon of mass destruc-
4 tion’ has the same meaning as in section
5 2332a(c)(2).

6 “(2) PROHIBITION.—It shall be unlawful for
7 any person—

8 “(A) to teach or demonstrate the making
9 or use of an explosive, a destructive device, or
10 a weapon of mass destruction, or to distribute
11 by any means information pertaining to, in
12 whole or in part, the manufacture or use of an
13 explosive, destructive device, or weapon of mass
14 destruction, with the intention that the teach-
15 ing, demonstration, or information be used for,
16 or in furtherance of, an activity that constitutes
17 a Federal criminal offense or a State or local
18 criminal offense affecting interstate commerce;
19 or

20 “(B) to teach or demonstrate to any per-
21 son the making or use of an explosive, a de-
22 structive device, or a weapon of mass destruc-
23 tion, or to distribute to any person, by any
24 means, information pertaining to, in whole or in
25 part, the manufacture or use of an explosive,

1 destructive device, or weapon of mass destruc-
2 tion, knowing that such person intends to use
3 the teaching, demonstration, or information for,
4 or in furtherance of, an activity that constitutes
5 a Federal criminal offense or a State or local
6 criminal offense affecting interstate com-
7 merce.”.

8 (b) PENALTIES.—Section 844 of title 18, United
9 States 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
6 shall 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 find-
16 ings:

17 (1) The United States has fought in many
18 wars, and thousands of Americans who served in
19 those wars were captured by the enemy or listed as
20 missing in action.

21 (2) Many of these Americans are still missing
22 and unaccounted for, and the uncertainty surround-
23 ing their fates has caused their families to suffer
24 tragic and continuing hardships.

25 (3) As a symbol of the Nation's concern and
26 commitment to accounting as fully as possible for all

1 Americans still held prisoner, missing, or unac-
2 counted for by reason of their service in the Armed
3 Forces and to honor the Americans who in future
4 wars may be captured or listed as missing or unac-
5 counted for, Congress has officially recognized the
6 National League of Families POW/MIA flag.

7 (4) The American people observe and honor
8 with appropriate ceremony and activity the third
9 Friday of September each year as National POW/
10 MIA Recognition Day.

11 (b) DISPLAY OF POW/MIA FLAG.—The POW/MIA
12 flag shall be displayed on Armed Forces Day, Memorial
13 Day, Flag Day, Independence Day, Veterans Day, Na-
14 tional POW/MIA Recognition Day, and on the last busi-
15 ness day before each of the preceding holidays, on the
16 grounds or in the public lobbies of—

17 (1) major military installations (as designated
18 by the Secretary of Defense);

19 (2) Federal national cemeteries;

20 (3) the National Korean War Veterans Memo-
21 rial;

22 (4) the National Vietnam Veterans Memorial;

23 (5) the White House;

24 (6) the official office of the—

25 (A) Secretary of State;

- 1 (B) Secretary of Defense;
- 2 (C) Secretary of Veterans Affairs; and
- 3 (D) Director of the Selective Service Sys-
- 4 tem; and
- 5 (7) United States Postal Service post offices.

6 (c) POW/MIA FLAG DEFINED.—In this section, the
 7 term “POW/MIA flag” means the National League of
 8 Families POW/MIA flag recognized and designated by sec-
 9 tion 2 of Public Law 101–355 (104 Stat. 416).

10 (d) REGULATIONS.—Not later than 180 days after
 11 the date of enactment of this Act, the agency or depart-
 12 ment responsible for a location listed in subsection (b)
 13 shall prescribe any regulation necessary to carry out this
 14 section.

15 (e) REPEAL OF PROVISION RELATING TO DISPLAY
 16 OF POW/MIA FLAG.—Section 1084 of the National De-
 17 fense Authorization Act for Fiscal Years 1992 and 1993
 18 (36 U.S.C. 189 note, Public Law 102–190) is repealed.

19 **SEC. 1078. DONATION OF EXCESS ARMY CHAPEL PROPERTY**
 20 **TO CHURCHES DAMAGED OR DESTROYED BY**
 21 **ARSON OR OTHER ACTS OF TERRORISM.**

22 (a) AUTHORITY.—Notwithstanding any other provi-
 23 sion of law, the Secretary of the Army may donate prop-
 24 erty described in subsection (b) to an organization de-
 25 scribed in section 501(c)(3) of the Internal Revenue Code

1 of 1986 that is a religious organization in order to assist
 2 the organization in restoring or replacing property of the
 3 organization that has been damaged or destroyed as a re-
 4 sult of an act of arson or terrorism, as determined pursu-
 5 ant to procedures prescribed by the Secretary.

6 (b) PROPERTY COVERED.—The property authorized
 7 to be donated under subsection (a) is furniture and other
 8 property that is in, or formerly in, chapels closed or being
 9 closed and is determined as being excess to the require-
 10 ments of the Army. No real property may be donated
 11 under this section.

12 (c) DONEES NOT TO BE CHARGED.—No charge may
 13 be imposed by the Secretary on a donee of property under
 14 this section in connection with the donation. However, the
 15 donee shall defray any expense for shipping or other trans-
 16 portation of property donated under this section from the
 17 location of the property when donated to any other loca-
 18 tion.

19 **SEC. 1079. REPORT ON THE COMMAND SELECTION PROC-**
 20 **ESS FOR DISTRICT ENGINEERS OF THE ARMY**
 21 **CORPS OF ENGINEERS.**

22 (a) FINDINGS.—Congress finds that—

23 (1) the Army Corps of Engineers—

24 (A) has served the United States since the
 25 establishment of the Corps in 1802;

1 (B) has provided unmatched combat engi-
2 neering services to the Armed Forces and the
3 allies of the United States, both in times of war
4 and in times of peace;

5 (C) has brilliantly fulfilled its domestic
6 mission of planning, designing, building, and
7 operating civil works and other water resources
8 projects;

9 (D) must remain constantly ready to carry
10 out its wartime mission while simultaneously
11 carrying out its domestic civil works mission;
12 and

13 (E) continues to provide the United States
14 with these services in projects of previously un-
15 known complexity and magnitude, such as the
16 Everglades Restoration Project and the Louisi-
17 ana Wetlands Restoration Project;

18 (2) the duration and complexity of these
19 projects present unique management and leadership
20 challenges to the Army Corps of Engineers;

21 (3) the effective management of these projects
22 is the primary responsibility of the District Engi-
23 neer;

24 (4) District Engineers serve in that position for
25 a term of 2 years and may have their term extended

1 for a third year on the recommendation of the Chief
2 of Engineers; and

3 (5) the effectiveness of the leadership and man-
4 agement of major Army Corps of Engineers projects
5 may be enhanced if the timing of District Engineer
6 reassignments were phased to coincide with the
7 major phases of the projects.

8 (b) REPORT.—Not later than March 31, 1998, the
9 Secretary of Defense shall submit a report to Congress
10 that contains—

11 (1) an identification of each major Army Corps
12 of Engineers project that—

13 (A) is being carried out by each District
14 Engineer as of the date of the report; or

15 (B) is being planned by each District En-
16 gineer to be carried out during the 5-year pe-
17 riod beginning on the date of the report;

18 (2) the expected start and completion dates,
19 during that period, for each major phase of each
20 project identified under paragraph (1);

21 (3) the expected dates for leadership changes in
22 each Army Corps of Engineers District during that
23 period;

24 (4) a plan for optimizing the timing of leader-
25 ship changes so that there is minimal disruption to

1 major phases of major Army Corps of Engineers
2 projects; and

3 (5) a review of the impact on the Army Corps
4 of Engineers, and on the mission of each District, of
5 allowing major command tours of District Engineers
6 to be of 2 to 4 years in duration, with the selection
7 of the exact timing of the change of command to be
8 at the discretion of the Chief of Engineers who shall
9 act with the goal of optimizing the timing of each
10 change so that it has minimal disruption on the mis-
11 sion of the District Engineer.

12 **SEC. 1080. GAO STUDY ON CERTAIN COMPUTERS.**

13 (a) IN GENERAL.—The Comptroller General of the
14 United States shall conduct a study of the national secu-
15 rity risks relating to the sale of computers with composite
16 theoretical performance of between 2,000 and 7,000 mil-
17 lion theoretical operations per second to end-users in Tier
18 3 countries. The study shall also analyze any foreign avail-
19 ability of computers described in the preceding sentence
20 and the impact of such sales on United States exporters.

21 (b) PUBLICATION OF END-USER LIST.—The Sec-
22 retary of Commerce shall publish in the Federal Register
23 a list of military and nuclear end-users of the computers
24 described in subsection (a), except any end-user with re-
25 spect to whom there is an administrative finding that such

1 publication would jeopardize the user's sources and meth-
2 ods.

3 (c) END-USER ASSISTANCE TO EXPORTERS.—The
4 Secretary of Commerce shall establish a procedure by
5 which exporters may seek information on questionable
6 end-users.

7 (d) DEFINITION OF TIER 3 COUNTRY.—For purposes
8 of this section, the term “Tier 3 country” has the meaning
9 given such term in section 740.7 of title 15, Code of Fed-
10 eral Regulations.

11 **SEC. 1081. CLAIMS BY MEMBERS OF THE ARMED FORCES**
12 **FOR LOSS OF PERSONAL PROPERTY DUE TO**
13 **FLOODING IN THE RED RIVER BASIN.**

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

16 (1) The flooding that occurred in the portion of
17 the Red River Basin encompassing East Grand
18 Forks, Minnesota, and Grand Forks, North Dakota,
19 during April and May 1997 is the worst flooding to
20 occur in that region in the last 500 years.

21 (2) Over 700 military personnel stationed in the
22 vicinity of Grand Forks Air Force Base reside in
23 that portion of the Red River Basin.

24 (3) The military personnel stationed in the vi-
25 cinity of Grand Forks Air Force Base have been sta-

1 tioned there entirely for the convenience of the
2 Government.

3 (4) There is insufficient military family housing
4 at Grand Forks Air Force Base for all of those mili-
5 tary personnel, and the available off-base housing is
6 almost entirely within the areas adversely affected
7 by the flood.

8 (5) Many of the military personnel have suf-
9 fered catastrophic losses, including total losses of
10 personal property by some of the personnel.

11 (6) It is vital to the national security interests
12 of the United States that the military personnel ad-
13 versely affected by the flood recover as quickly and
14 completely as possible.

15 (b) AUTHORIZATION.—The Secretary of the military
16 department concerned may pay claims for loss and dam-
17 age to personal property suffered as a direct result of the
18 flooding in the Red River Basin during April and May
19 1997, by members of the Armed Forces residing in the
20 vicinity of Grand Forks Air Force Base, North Dakota,
21 without regard to the provisions of section 3721(e) of title
22 31, United States Code.

23 **SEC. 1082. DEFENSE BURDENSARING.**

24 (a) EFFORTS TO INCREASE ALLIED
25 BURDENSARING.—The President shall seek to have each

1 nation that has cooperative military relations with the
2 United States (including security agreements, basing ar-
3 rangements, or mutual participation in multinational mili-
4 tary organizations or operations) take one or more of the
5 following actions:

6 (1) For any nation in which United States mili-
7 tary personnel are assigned to permanent duty
8 ashore, increase its financial contributions to the
9 payment of the nonpersonnel costs incurred by the
10 United States Government for stationing United
11 States military personnel in that nation, with a goal
12 of achieving by September 30, 2000, 75 percent of
13 such costs. An increase in financial contributions by
14 any nation under this paragraph may include the
15 elimination of taxes, fees, or other charges levied on
16 United States military personnel, equipment, or fa-
17 cilities stationed in that nation.

18 (2) Increase its annual budgetary outlays for
19 national defense as a percentage of its gross domes-
20 tic product by 10 percent or at least to a level com-
21 mensurate to that of the United States by Septem-
22 ber 30, 1998.

23 (3) Increase its annual budgetary outlays for
24 foreign assistance (to promote democratization, eco-
25 nomic stabilization, transparency arrangements, de-

1 fense economic conversion, respect for the rule of
2 law, and internationally recognized human rights) by
3 10 percent or at least to a level commensurate to
4 that of the United States by September 30, 1998.

5 (4) Increase the amount of military assets (in-
6 cluding personnel, equipment, logistics, support and
7 other resources) that it contributes, or would be pre-
8 pared to contribute, to multinational military activi-
9 ties worldwide.

10 (b) AUTHORITIES TO ENCOURAGE ACTIONS BY
11 UNITED STATES ALLIES.—In seeking the actions de-
12 scribed in subsection (a) with respect to any nation, or
13 in response to a failure by any nation to undertake one
14 or more of such actions, the President may take any of
15 the following measures to the extent otherwise authorized
16 by law:

17 (1) Reduce the end strength level of members
18 of the Armed Forces assigned to permanent duty
19 ashore in that nation.

20 (2) Impose on that nation fees or other charges
21 similar to those that such nation imposes on United
22 States forces stationed in that nation.

23 (3) Reduce (through rescission, impoundment,
24 or other appropriate procedures as authorized by
25 law) the amount the United States contributes to

1 the NATO Civil Budget, Military Budget, or Secu-
2 rity Investment Program.

3 (4) Suspend, modify, or terminate any bilateral
4 security agreement the United States has with that
5 nation, consistent with the terms of such agreement.

6 (5) Reduce (through rescission, impoundment
7 or other appropriate procedures as authorized by
8 law) any United States bilateral assistance appro-
9 priated for that nation.

10 (6) Take any other action the President deter-
11 mines to be appropriate as authorized by law.

12 (c) REPORT ON PROGRESS IN INCREASING ALLIED
13 BURDENSARING.—Not later than March 1, 1998, the
14 Secretary of Defense shall submit to Congress a report
15 on—

16 (1) steps taken by other nations to complete the
17 actions described in subsection (a);

18 (2) all measures taken by the President, includ-
19 ing those authorized in subsection (b), to achieve the
20 actions described in subsection (a);

21 (3) the difference between the amount allocated
22 by other nations for each of the actions described in
23 subsection (a) during the period beginning on March
24 1, 1996, and ending on February 28, 1997, and dur-

1 ing the period beginning on March 1, 1997, and
2 ending on February 28, 1998; and

3 (4) the budgetary savings to the United States
4 that are expected to accrue as a result of the steps
5 described under paragraph (1).

6 (d) REPORT ON NATIONAL SECURITY BASES FOR
7 FORWARD DEPLOYMENT AND BURDENSARING RELA-
8 TIONSHIPS.—(1) In order to ensure the best allocation of
9 budgetary resources, the President shall undertake a re-
10 view of the status of elements of the United States Armed
11 Forces that are permanently stationed outside the United
12 States. The review shall include an assessment of the fol-
13 lowing:

14 (A) The alliance requirements that are to be
15 found in agreements between the United States and
16 other countries.

17 (B) The national security interests that support
18 permanently stationing elements of the United
19 States Armed Forces outside the United States.

20 (C) The stationing costs associated with the
21 forward deployment of elements of the United States
22 Armed Forces.

23 (D) The alternatives available to forward de-
24 ployment (such as material prepositioning, enhanced
25 airlift and sealift, or joint training operations) to

1 meet such alliance requirements or national security
2 interests, with such alternatives identified and de-
3 scribed in detail.

4 (E) The costs and force structure configura-
5 tions associated with such alternatives to forward
6 deployment.

7 (F) The financial contributions that allies of
8 the United States make to common defense efforts
9 (to promote democratization, economic stabilization,
10 transparency arrangements, defense economic con-
11 version, respect for the rule of law, and internation-
12 ally recognized human rights).

13 (G) The contributions that allies of the United
14 States make to meeting the stationing costs associ-
15 ated with the forward deployment of elements of the
16 United States Armed Forces.

17 (H) The annual expenditures of the United
18 States and its allies on national defense, and the rel-
19 ative percentages of each nation's gross domestic
20 product constituted by those expenditures.

21 (2) The President shall submit to Congress a report
22 on the review under paragraph (1). The report shall be
23 submitted not later than March 1, 1998, in classified and
24 unclassified form.

1 **SEC. 1083. SENSE OF THE SENATE REGARDING A FOLLOW-**
2 **ON FORCE FOR BOSNIA.**

3 (a) The Senate finds the following:

4 (1) United States military forces were deployed
5 to Bosnia as members of the North Atlantic Treaty
6 Organization (NATO) Implementation Forces
7 (IFOR) to implement the military aspects of the
8 Dayton Agreement.

9 (2) The military aspects of the Dayton Agree-
10 ment were being successfully implemented.

11 (3) Following the recommendation of the Sec-
12 retary General of the North Atlantic Treaty Organi-
13 zation on December 11, 1996, to extend the pres-
14 ence of NATO forces in Bosnia until June 1998 so
15 that progress could be achieved in implementing the
16 civil aspects of the Dayton Agreement, the President
17 announced his decision to extend the presence of
18 United States forces in Bosnia to participate in the
19 NATO Stabilization Force (SFOR) until June 1998.

20 (4) The cost of United States participation in
21 operations in Bosnia from 1992 through June 1998
22 is estimated to exceed \$7,000,000,000.

23 (5) The President and the Secretary of Defense
24 have stated that United States forces are to be with-
25 drawn from Bosnia by June 1998.

26 (b) It is the sense of Congress that—

1 (1) United States ground combat forces should
2 not participate in a follow-on force in Bosnia and
3 Herzegovina after June 1998;

4 (2) the European Security and Defense Iden-
5 tity, which, as facilitated by the Combined Joint
6 Task Forces concept, enables the Western European
7 Union, with the consent of the North Atlantic Alli-
8 ance, to assume political control and strategic direc-
9 tion of NATO assets made available by the Alliance,
10 is an ideal instrument for a follow-on force for
11 Bosnia and Herzegovina;

12 (3) if the European Security and Defense Iden-
13 tity is not sufficiently developed or is otherwise
14 deemed inappropriate for such a mission, a NATO-
15 led force without the participation of United States
16 ground combat forces in Bosnia, may be suitable for
17 a follow-on force for Bosnia and Herzegovina;

18 (4) the United States may decide to appro-
19 priately provide support to a Western European
20 Union-led or NATO-led follow-on force, including
21 command and control, intelligence, logistics, and, if
22 necessary, a ready reserve force in the region;

23 (5) the President should inform our European
24 NATO allies of this expression of the sense of Con-
25 gress and should strongly urge them to undertake

1 preparations for a Western European Union-led or
2 NATO-led force as a follow-on force to the NATO-
3 led Stabilization Force if needed to maintain peace
4 and stability in Bosnia and Herzegovina; and

5 (6) the President should consult with the Con-
6 gress with respect to any support to be provided to
7 a Western European Union-led or NATO-led follow-
8 on force in Bosnia after June 1998.

9 **SEC. 1084. ADVICE TO THE PRESIDENT AND CONGRESS RE-**
10 **GARDING THE SAFETY, SECURITY, AND RELI-**
11 **ABILITY OF UNITED STATES NUCLEAR WEAP-**
12 **ONS STOCKPILE.**

13 (a) FINDINGS.—Congress makes the following find-
14 ings:

15 (1) Nuclear weapons are the most destructive
16 weapons on earth. The United States and its allies
17 continue to rely on nuclear weapons to deter poten-
18 tial adversaries from using weapons of mass destruc-
19 tion. The safety and reliability of the nuclear stock-
20 pile are essential to ensure its credibility as a deter-
21 rent.

22 (2) On September 24, 1996, President Clinton
23 signed the Comprehensive Test Ban Treaty.

24 (3) Effective as of September 30, 1996, the
25 United States is prohibited by section 507 of the

1 Energy and Water Development Appropriations Act,
2 1993 (Public Law 102–377; 42 U.S.C. 2121 note)
3 from conducting underground nuclear tests “unless
4 a foreign state conducts a nuclear test after this
5 date, at which time the prohibition on United States
6 nuclear testing is lifted”.

7 (4) Section 1436(b) of the National Defense
8 Authorization Act, Fiscal Year 1989 (Public Law
9 100–456; 42 U.S.C. 2121 note) requires the Sec-
10 retary of Energy to “establish and support a pro-
11 gram to assure that the United States is in a posi-
12 tion to maintain the reliability, safety, and continued
13 deterrent effect of its stockpile of existing nuclear
14 weapons designs in the event that a low-threshold or
15 comprehensive test ban on nuclear explosive testing
16 is negotiated and ratified.”.

17 (5) Section 3138(d) of the National Defense
18 Authorization Act for Fiscal Year 1994 (Public Law
19 103–160; 42 U.S.C. 2121 note) requires the Presi-
20 dent to submit an annual report to Congress which
21 sets forth “any concerns with respect to the safety,
22 security, effectiveness, or reliability of existing Unit-
23 ed States nuclear weapons raised by the Stockpile
24 Stewardship Program of the Department of En-
25 ergy”.

1 (6) President Clinton declared in July 1993
2 that “to assure that our nuclear deterrent remains
3 unquestioned under a test ban, we will explore other
4 means of maintaining our confidence in the safety,
5 reliability, and the performance of our weapons”.
6 This decision was codified in a Presidential Direc-
7 tive.

8 (7) Section 3138 of the National Defense Au-
9 thorization Act for Fiscal Year 1994 also requires
10 that the Secretary of Energy establish a “steward-
11 ship program to ensure the preservation of the core
12 intellectual and technical competencies of the United
13 States in nuclear weapons”.

14 (8) The plan of the Department of Energy to
15 maintain the safety and reliability of the United
16 States nuclear stockpile is known as the Stockpile
17 Stewardship and Management Program. The ability
18 of the United States to maintain warheads without
19 testing will require development of new and sophisti-
20 cated diagnostic technologies, methods, and proce-
21 dures. Current diagnostic technologies and labora-
22 tory testing techniques are insufficient to certify the
23 future safety and reliability of the United States nu-
24 clear stockpile. In the past these laboratory and di-

1 agnostic tools were used in conjunction with nuclear
2 testing.

3 (9) On August 11, 1995, President Clinton di-
4 rected “the establishment of a new annual reporting
5 and certification requirement [to] ensure that our
6 nuclear weapons remain safe and reliable under a
7 comprehensive test ban”.

8 (10) On the same day, the President noted that
9 the Secretary of Defense and the Secretary of En-
10 ergy have the responsibility, after being “advised by
11 the Nuclear Weapons Council, the Directors of
12 DOE’s nuclear weapons laboratories, and the Com-
13 mander of United States Strategic Command”, to
14 provide the President with the information to make
15 the certification referred to in paragraph (9).

16 (11) The Joint Nuclear Weapons Council estab-
17 lished by section 179 of title 10, United States Code,
18 is responsible for providing advice to the Secretary
19 of Energy and Secretary of Defense regarding nu-
20 clear weapons issues, including “considering safety,
21 security, and control issues for existing weapons”.
22 The Council plays a critical role in advising Con-
23 gress in matters relating to nuclear weapons.

24 (12) It is essential that the President receive
25 well-informed, objective, and honest opinions from

1 his advisors and technical experts regarding the
2 safety, security, and reliability of the nuclear weap-
3 ons stockpile.

4 (b) POLICY.—

5 (1) IN GENERAL.—It is the policy of the United
6 States—

7 (A) to maintain a safe, secure, and reliable
8 nuclear weapons stockpile; and

9 (B) as long as other nations covet or con-
10 trol nuclear weapons or other weapons of mass
11 destruction, to retain a credible nuclear deter-
12 rent.

13 (2) NUCLEAR WEAPONS STOCKPILE.—It is in
14 the security interest of the United States to sustain
15 the United States nuclear weapons stockpile through
16 programs relating to stockpile stewardship, subcriti-
17 cal experiments, maintenance of the weapons labora-
18 tories, and protection of the infrastructure of the
19 weapons complex.

20 (3) SENSE OF CONGRESS.—It is the sense of
21 Congress that—

22 (A) the United States should retain a triad
23 of strategic nuclear forces sufficient to deter
24 any future hostile foreign leadership with access

1 to strategic nuclear forces from acting against
2 our vital interests;

3 (B) the United States should continue to
4 maintain nuclear forces of sufficient size and
5 capability to hold at risk a broad range of as-
6 sets valued by such political and military lead-
7 ers; and

8 (C) the advice of the persons required to
9 provide the President and Congress with assur-
10 ances of the safety, security and reliability of
11 the nuclear weapons force should be scientif-
12 ically based, without regard for politics, and of
13 the highest quality and integrity.

14 (c) ADVICE AND OPINIONS REGARDING NUCLEAR
15 WEAPONS STOCKPILE.—Any director of a nuclear weap-
16 ons laboratory or member of the Joint Nuclear Weapons
17 Council, or the Commander of United States Strategic
18 Command, may submit to the President or Congress ad-
19 vice or opinion in disagreement with, or in addition to,
20 the advice presented by the Secretary of Energy or Sec-
21 retary of Defense to the President, the National Security
22 Council, or Congress, as the case may be, regarding the
23 safety, security, and reliability of the nuclear weapons
24 stockpile.

1 (d) **EXPRESSION OF INDIVIDUAL VIEWS.**—A rep-
2 resentative of the President may not take any action
3 against, or otherwise constrain, a director of a nuclear
4 weapons laboratory, a member of the Joint Nuclear Weap-
5 ons Council, or the Commander of United States Strategic
6 Command for presenting individual views to the President,
7 the National Security Council, or Congress regarding the
8 safety, security, and reliability of the nuclear weapons
9 stockpile.

10 (e) **DEFINITIONS.**—

11 (1) **REPRESENTATIVE OF THE PRESIDENT.**—

12 The term “representative of the President” means
13 the following:

14 (A) Any official of the Department of De-
15 fense, the Department of Energy who is ap-
16 pointed by the President and confirmed by the
17 Senate.

18 (B) Any member of the National Security
19 Council.

20 (C) Any member of the Joint Chiefs of
21 Staff.

22 (D) Any official of the Office of Manage-
23 ment and Budget.

1 (2) NUCLEAR WEAPONS LABORATORY.—The
2 term “nuclear weapons laboratory” means any of
3 the following:

4 (A) Los Alamos National Laboratory.

5 (B) Livermore National Laboratory.

6 (C) Sandia National Laboratories.

7 **SEC. 1085. LIMITATION ON USE OF COOPERATIVE THREAT**
8 **REDUCTION FUNDS FOR DESTRUCTION OF**
9 **CHEMICAL WEAPONS.**

10 (a) LIMITATION.—No funds authorized to be appro-
11 priated under this or any other Act for fiscal year 1998
12 for Cooperative Threat Reduction programs may be obli-
13 gated or expended for chemical weapons destruction activi-
14 ties, including for the planning, design, or construction of
15 a chemical weapons destruction facility or for the dis-
16 mantlement of an existing chemical weapons production
17 facility, until the President submits to Congress a written
18 certification under subsection (b).

19 (b) PRESIDENTIAL CERTIFICATION.—A certification
20 under this subsection is either of the following certifi-
21 cations:

22 (1) A certification that—

23 (A) Russia is making reasonable progress
24 toward the implementation of the Bilateral De-
25 struction Agreement;

1 (B) the United States and Russia have
2 made substantial progress toward the resolu-
3 tion, to the satisfaction of the United States, of
4 outstanding compliance issues under the Wyo-
5 ming Memorandum of Understanding and the
6 Bilateral Destruction Agreement; and

7 (C) Russia has fully and accurately de-
8 clared all information regarding its unitary and
9 binary chemical weapons, chemical weapons fa-
10 cilities, and other facilities associated with
11 chemical weapons.

12 (2) A certification that the national security in-
13 terests of the United States could be undermined by
14 a United States policy not to carry out chemical
15 weapons destruction activities under the Cooperative
16 Threat Reduction programs for which funds are au-
17 thorized to be appropriated under this or any other
18 Act for fiscal year 1998.

19 (c) DEFINITIONS.—In this section:

20 (1) The term “Bilateral Destruction Agree-
21 ment” means the Agreement Between the United
22 States of America and the Union of Soviet Socialist
23 Republics on Destruction and Nonproduction of
24 Chemical Weapons and on Measures to Facilitate

1 the Multilateral Convention on Banning Chemical
2 Weapons, signed on June 1, 1990.

3 (2) The term “Chemical Weapons Convention”
4 means the Convention on the Prohibition of the De-
5 velopment, Production, Stockpiling and Use of
6 Chemical Weapons and on Their Destruction,
7 opened for signature on January 13, 1993.

8 (3) The term “Cooperative Threat Reduction
9 program” means a program specified in section
10 1501(b) of the National Defense Authorization Act
11 for Fiscal Year 1997 (Public Law 104–201: 110
12 Stat. 2731; 50 U.S.C. 2362 note).

13 (4) The term “Wyoming Memorandum of Un-
14 derstanding” means the Memorandum of Under-
15 standing Between the Government of the United
16 States of America and the Government of the Union
17 of Soviet Socialist Republics Regarding a Bilateral
18 Verification Experiment and Data Exchange Related
19 to Prohibition on Chemical Weapons, signed at
20 Jackson Hole, Wyoming, on September 23, 1989.

21 **SEC. 1086. RESTRICTIONS ON USE OF HUMANS AS EXPERI-**
22 **MENTAL SUBJECTS IN BIOLOGICAL AND**
23 **CHEMICAL WEAPONS RESEARCH.**

24 (a) PROHIBITED ACTIVITIES.—No officer or em-
25 ployee of the United States may, directly or by contract—

1 (1) conduct any test or experiment involving the
2 use of any chemical or biological agent on a civilian
3 population; or

4 (2) otherwise conduct any testing of biological
5 or chemical agents on human subjects.

6 (b) INAPPLICABILITY TO CERTAIN ACTIONS.—The
7 prohibition in subsection (a) does not apply to any action
8 carried out for any of the following purposes:

9 (1) Any peaceful purpose that is related to a
10 medical, therapeutic, pharmaceutical, agricultural,
11 industrial, research, or other activity.

12 (2) Any purpose that is directly related to pro-
13 tection against toxic chemicals and to protection
14 against chemical or biological weapons.

15 (3) Any military purpose of the United States
16 that is not connected with the use of a chemical
17 weapon and is not dependent on the use of the toxic
18 or poisonous properties of the chemical weapon to
19 cause death or other harm.

20 (4) Any law enforcement purpose, including any
21 domestic riot control purpose and any imposition of
22 capital punishment.

23 (c) BIOLOGICAL AGENT DEFINED.—In this section,
24 the term “biological agent” means any micro-organism
25 (including bacteria, viruses, fungi, rickettsiae, or proto-

1 zoa), pathogen, or infectious substance, and any naturally
2 occurring, bioengineered, or synthesized component of any
3 such micro-organism, pathogen, or infectious substance,
4 whatever its origin or method of production, that is capa-
5 ble of causing—

6 (1) death, disease, or other biological malfunc-
7 tion in a human, an animal, a plant, or another liv-
8 ing organism;

9 (2) deterioration of food, water, equipment,
10 supplies, or materials of any kind; or

11 (3) deleterious alteration of the environment.

12 (d) REPORT AND CERTIFICATION.—Section 1703(b)
13 of the National Defense Authorization Act for Fiscal Year
14 1994 (50 U.S.C. 1523(b)) is amended by adding at the
15 end the following:

16 “(9) A description of any program involving the
17 testing of biological or chemical agents on human
18 subjects that was carried out by the Department of
19 Defense during the period covered by the report, to-
20 gether with a detailed justification for the testing, a
21 detailed explanation of the purposes of the testing,
22 the chemical or biological agents tested, and the Sec-
23 retary’s certification that informed consent to the
24 testing was obtained from each human subject in ad-
25 vance of the testing on that subject.”.

1 (e) REPEAL OF DUPLICATIVE, SUPERSEDED, AND
2 EXECUTED LAWS.—Section 808 of the Department of De-
3 fense Appropriation Authorization Act, 1978 (50 U.S.C.
4 1520) is repealed.

5 **SEC. 1087. SENSE OF THE SENATE REGARDING EXPANSION**
6 **OF THE NORTH ATLANTIC TREATY ORGANI-**
7 **ZATION.**

8 (a) FINDINGS.—The Senate makes the following
9 findings:

10 (1) The North Atlantic Treaty Organization
11 (NATO) met on July 8 and 9, 1997, in Madrid,
12 Spain, and issued invitations to the Czech Republic,
13 Hungary, and Poland to begin accession talks to join
14 NATO.

15 (2) Congress has expressed its support for the
16 process of NATO enlargement by approving the
17 NATO Enlargement Facilitation Act of 1996 (Pub-
18 lic Law 104–208; 22 U.S.C. 1928 note) by a vote
19 of 81–16 in the Senate, and 353–65 in the House
20 of Representatives.

21 (3) The United States has assured that the
22 process of enlarging NATO will continue after the
23 first round of invitations in July.

24 (4) Romania and Slovenia are to be commended
25 for their progress toward political and economic re-

1 form and meeting the guidelines for prospective
2 membership in NATO.

3 (5) In furthering the purpose and objective of
4 NATO in promoting stability and well-being in the
5 North Atlantic area, NATO should invite Romania,
6 Slovenia, and any other democratic states of Central
7 and Eastern Europe to accession negotiations to be-
8 come NATO members as expeditiously as possible
9 upon the satisfaction of all relevant membership cri-
10 teria.

11 (b) SENSE OF THE SENATE.—It is the sense of the
12 Senate that NATO should be commended—

13 (1) for having committed to review the process
14 of enlarging NATO at the next NATO summit in
15 1999; and

16 (2) for singling out the positive developments
17 toward democracy and rule of law in Romania and
18 Slovenia.

19 **SEC. 1088. SECURITY, FIRE PROTECTION, AND OTHER**
20 **SERVICES AT PROPERTY FORMERLY ASSOCI-**
21 **ATED WITH RED RIVER ARMY DEPOT, TEXAS.**

22 (a) AUTHORITY TO ENTER INTO AGREEMENT.—(1)
23 The Secretary of the Army may enter into an agreement
24 with the local redevelopment authority for Red River Army
25 Depot, Texas, under which agreement the Secretary pro-

1 vides security services, fire protection services, or hazard-
2 ous material response services for the authority with re-
3 spect to the property at the depot that is under the juris-
4 diction of the authority as a result of the realignment of
5 the depot under the base closure laws.

6 (2) The Secretary may not enter into the agreement
7 unless the Secretary determines that the provision of serv-
8 ices under the agreement is in the best interests of the
9 United States.

10 (3) The agreement shall provide for reimbursing the
11 Secretary for the services provided by the Secretary under
12 the agreement.

13 (b) TREATMENT OF REIMBURSEMENT.—Any
14 amounts received by the Secretary under the agreement
15 under subsection (a) shall be credited to the appropria-
16 tions providing funds for the services concerned. Amounts
17 so credited shall be merged with the appropriations to
18 which credited and shall be available for the purposes, and
19 subject to the conditions and limitations, for which such
20 appropriations are available.

1 **SEC. 1089. AUTHORITY OF THE SECRETARY OF DEFENSE**
2 **CONCERNING DISPOSAL OF ASSETS UNDER**
3 **COOPERATIVE AGREEMENTS ON AIR DE-**
4 **FENSE IN CENTRAL EUROPE.**

5 (a) GENERAL AUTHORITIES.—The Secretary of De-
6 fense, pursuant to an amendment or amendments to the
7 European air defense agreements, may dispose of any de-
8 fense articles owned by the United States and acquired
9 to carry out such agreements by providing such articles
10 to the Federal Republic of Germany. In carrying out such
11 disposal, the Secretary—

12 (1) may provide without monetary charge to the
13 Federal Republic of Germany articles specified in
14 the agreements; and

15 (2) may accept from the Federal Republic of
16 Germany (in exchange for the articles provided
17 under paragraph (1)) articles, services, or any other
18 consideration, as determined appropriate by the Sec-
19 retary.

20 (b) DEFINITION OF EUROPEAN AIR DEFENSE
21 AGREEMENTS.—For the purposes of this section, the term
22 “European air defense agreements” means—

23 (1) the agreement entitled “Agreement between
24 the Secretary of Defense of the United States of
25 America and the Minister of Defense of the Federal
26 Republic of Germany on Cooperative Measures for

1 Enhancing Air Defense for Central Europe”, signed
2 on December 6, 1983; and

3 (2) the agreement entitled “Agreement between
4 the Secretary of Defense of the United States of
5 America and the Minister of Defense of the Federal
6 Republic of Germany in implementation of the 6 De-
7 cember 1983 Agreement on Cooperative Measures
8 for Enhancing Air Defense for Central Europe”,
9 signed on July 12, 1984.

10 **SEC. 1090. RESTRICTIONS ON QUANTITIES OF ALCOHOLIC**
11 **BEVERAGES AVAILABLE FOR PERSONNEL**
12 **OVERSEAS THROUGH DEPARTMENT OF DE-**
13 **FENSE SOURCES.**

14 (a) REGULATIONS REQUIRED.—The Secretary of De-
15 fense shall prescribe regulations relative to the quantity
16 of alcoholic beverages that is available outside the United
17 States through Department of Defense sources, including
18 nonappropriated fund instrumentalities under the Depart-
19 ment of Defense, for the use of a member of the Armed
20 Forces, an employee of the Department of Defense, and
21 dependents of such personnel.

22 (b) APPLICABLE STANDARD.—Each quantity pre-
23 scribed by the Secretary shall be a quantity that is consist-
24 ent with the prevention of illegal resale or other illegal dis-
25 position of alcoholic beverages overseas and such regula-

1 tions shall be accompanied with elimination of barriers to
 2 exports of United States made beverages currently placed
 3 by other countries.

4 **TITLE XI—DEPARTMENT OF**
 5 **DEFENSE CIVILIAN PERSONNEL**

6 **SEC. 1101. USE OF PROHIBITED CONSTRAINTS TO MANAGE**
 7 **DEPARTMENT OF DEFENSE PERSONNEL.**

8 Section 129 of title 10, United States Code, is
 9 amended by adding at the end the following:

10 “(f)(1) Not later than February 1 and August 1 of
 11 each year, the Secretary of each military department and
 12 the head of each Defense Agency shall submit to the Com-
 13 mittee on Armed Services of the Senate and the Commit-
 14 tee on National Security of the House of Representative
 15 a report on the management of the civilian workforce
 16 under the jurisdiction of that official.

17 “(2) Each report of an official under paragraph (1)
 18 shall contain the following:

19 “(A) The official’s certification that the civilian
 20 workforce under the jurisdiction of the official is not
 21 subject to any constraint or limitation in terms of
 22 man years, end strength, full-time equivalent posi-
 23 tions, or maximum number of employees, and that,
 24 during the six months preceding the date on which

1 the report is due, such workforce has not been sub-
 2 ject to any such constraint or limitation.

3 “(B) A description of how the civilian workforce
 4 is managed.

5 “(C) A detailed description of the analytical
 6 tools used to determine civilian workforce require-
 7 ments during the six-month period referred to in
 8 subparagraph (A).”.

9 **SEC. 1102. EMPLOYMENT OF CIVILIAN FACULTY AT THE**
 10 **MARINE CORPS UNIVERSITY.**

11 (a) **EXPANDED AUTHORITY.**—Subsections (a) and
 12 (c) of section 7478 of title 10, United States Code, are
 13 amended by striking out “the Marine Corps Command
 14 and Staff College” and inserting in lieu thereof “a school
 15 of the Marine Corps University”.

16 (b) **CLERICAL AMENDMENTS.**—(1) The heading of
 17 such section is amended to read as follows:

18 **“§ 7478. Naval War College and Marine Corps Univer-**
 19 **sity: civilian faculty members”.**

20 (2) The table of sections at the beginning of chapter
 21 643 of such title is amended by striking out the item relat-
 22 ing to section 7478 and inserting in lieu thereof the follow-
 23 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 re-
 13 quired under section 4(a) of the Federal Workforce Re-
 14 structuring 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 cred-
 17 it 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.
2 8331 note).”.

3 (b) EXTENSION OF AUTHORITY.—(1) Subsection (e)
4 of such section is amended by striking out “September
5 30, 1999” and inserting in lieu thereof “September 30,
6 2001”.

7 (2) Section 4436(d)(2) of the Defense Conversion,
8 Reinvestment, and Transition Assistance Act of 1992 (5
9 U.S.C. 8348 note) is amended by striking “January 1,
10 2000” and inserting in lieu thereof “January 1, 2002”.

11 **SEC. 1104. REPEAL OF DEADLINE FOR PLACEMENT CONSID-**
12 **ERATION OF INVOLUNTARILY SEPARATED**
13 **MILITARY RESERVE TECHNICIANS.**

14 Section 3329(b) of title 5, United States Code, is
15 amended by striking out “a position described in sub-
16 section (c) not later than 6 months after the date of the
17 application”.

18 **SEC. 1105. RATE OF PAY OF DEPARTMENT OF DEFENSE**
19 **OVERSEAS TEACHER UPON TRANSFER TO**
20 **GENERAL SCHEDULE POSITION.**

21 (a) PREVENTION OF EXCESSIVE INCREASES.—Sec-
22 tion 5334(d) of title 5, United States Code, is amended
23 by striking out “20 percent” and all that follows and in-
24 serting in lieu thereof “an amount determined under regu-
25 lations which the Secretary of Defense shall prescribe for

1 the determination of the yearly rate of pay of the position.
 2 The amount by which a rate of pay is increased under
 3 the regulations may not exceed the amount equal to 20
 4 percent of that rate of pay.”.

5 (b) EFFECTIVE DATE AND SAVINGS PROVISION.—(1)
 6 The amendment made by subsection (a) shall take effect
 7 180 days after the date of the enactment of this Act.

8 (2) In the case of a person who is employed in a
 9 teaching position referred to in section 5334(d) of title 5,
 10 United States Code, on the day before the effective date
 11 determined under paragraph (1), the rate of pay deter-
 12 mined under such section (as in effect on that day) shall
 13 not be reduced by reason of the amendment made by sub-
 14 section (a) for so long as the person continues to serve
 15 in that position or another such position without a break
 16 in service on or after that day.

17 **SEC. 1106. NATURALIZATION OF EMPLOYEES OF THE**
 18 **GEORGE C. MARSHALL EUROPEAN CENTER**
 19 **FOR SECURITY STUDIES.**

20 (a) ELIGIBILITY WITHOUT PERMANENT RESI-
 21 DENCE.—Subsection (a) of section 506 of the Intelligence
 22 Authorization Act, Fiscal Year 1990 (Public Law 101–
 23 193; 103 Stat. 1709; 8 U.S.C. 1430 note) is amended to
 24 read as follows:

1 “(a) For purposes of subsection (c) of section 319
 2 of the Immigration and Nationality Act (8 U.S.C. 1430),
 3 the George C. Marshall European Center for Security
 4 Studies, located in Garmisch, Federal Republic of Ger-
 5 many, shall be considered to be an organization described
 6 in clause (1) of such subsection. Notwithstanding clauses
 7 (2) and (4) of such subsection and any other provision
 8 of title III of the Immigration and Nationality Act, neither
 9 prior admission to the United States for permanent resi-
 10 dence nor presence in the United States at the time of
 11 naturalization is required as a condition for the natu-
 12 ralization (under the authority of such subsection) of a
 13 person employed by the Center.”.

14 (b) REFERENCE CORRECTION.—The section heading
 15 of such section is amended to read as follows:

16 “REQUIREMENTS FOR CITIZENSHIP FOR STAFF OF
 17 GEORGE C. MARSHALL EUROPEAN CENTER FOR SE-
 18 CURITY STUDIES”.

19 **SEC. 1107. GARNISHMENT AND INVOLUNTARY ALLOTMENT.**

20 Section 5520a of title 5, United States Code, is
 21 amended—

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

24 “(2) Such regulations shall provide that an agency’s
 25 administrative costs in executing a garnishment action

1 may be added to the garnishment, and that the agency
2 may retain costs recovered as offsetting collections.”;

3 (2) in subsection (k)—

4 (A) by striking out paragraph (3); and

5 (B) by redesignating paragraph (4) as
6 paragraph (3); and

7 (3) by striking out subsection (l).

8 **SEC. 1108. HIGHER EDUCATION PILOT PROGRAM FOR THE**
9 **NAVAL UNDERSEA WARFARE CENTER.**

10 (a) **ESTABLISHMENT.**—The Secretary of the Navy
11 may establish under the Naval Undersea Warfare Center
12 (hereafter in this section referred to as the “Center”) and
13 the Acquisition Center for Excellence of the Navy jointly
14 a pilot program of higher education with respect to the
15 administration of business relationships between the Fed-
16 eral Government and the private sector.

17 (b) **PURPOSE.**—The purpose of the pilot program is
18 to make available to employees of the Center and employ-
19 ees of the Naval Sea Systems Command a curriculum of
20 graduate-level higher education that—

21 (1) is designed to prepare the employees effec-
22 tively to meet the challenges of administering Fed-
23 eral Government contracting and other business re-
24 lationships between the Federal Government and
25 businesses in the private sector in the context of

1 constantly changing or newly emerging industries,
2 technologies, governmental organizations, policies,
3 and procedures (including governmental organiza-
4 tions, policies, and procedures recommended in the
5 National Performance Review); and

6 (2) leads to award of a graduate degree.

7 (c) PARTNERSHIP WITH INSTITUTION OF HIGHER
8 EDUCATION.—(1) The Secretary may enter into an agree-
9 ment with an institution of higher education to assist the
10 Center with the development of the curriculum, to offer
11 courses and provide instruction and materials to the ex-
12 tent provided for in the agreement, to provide any other
13 assistance in support of the pilot program that is provided
14 for in the agreement, and to award a graduate degree
15 under the pilot program.

16 (2) An institution of higher education is eligible to
17 enter into an agreement under paragraph (1) if the insti-
18 tution has an established program of graduate-level edu-
19 cation that is relevant to the purpose of the pilot program.

20 (d) CURRICULUM.—The curriculum offered under the
21 pilot program shall—

22 (1) be designed specifically to achieve the pur-
23 pose of the pilot program; and

24 (2) include—

1 (A) courses that are typically offered under
2 curricula leading to award of the degree of
3 Masters of Business Administration by institu-
4 tions of higher education; and

5 (B) courses for meeting educational quali-
6 fication requirements for certification as an ac-
7 quisition program manager.

8 (e) DISTANCE LEARNING OPTION.—The pilot pro-
9 gram may include policies and procedures for offering dis-
10 tance learning instruction by means of telecommuni-
11 cations, correspondence, or other methods for off-site re-
12 ceipt of instruction.

13 (f) PERIOD FOR PILOT PROGRAM.—The Secretary
14 shall carry out the pilot program during fiscal years 1998
15 through 2002.

16 (g) REPORT.—Not later than 90 days after the termi-
17 nation of the pilot program, the Secretary shall submit
18 to Congress a report on the pilot program. The report
19 shall include the Secretary's assessment of the value of
20 the program for meeting the purpose of the program and
21 the desirability of permanently establishing a similar pro-
22 gram for all of the Department of Defense.

23 (h) INSTITUTION OF HIGHER EDUCATION DE-
24 FINED.—In this section, the term “institution of higher
25 education” has the meaning given the term in section

1 1201 of the Higher Education Act of 1965 (20 U.S.C.
2 1141).

3 (i) AUTHORIZATION OF APPROPRIATIONS.—(1)
4 Funds are authorized to be appropriated for the Navy for
5 the pilot program for fiscal year 1998 in the total amount
6 of \$2,500,000. The amount authorized to be appropriated
7 for the pilot program is in addition to other amounts au-
8 thorized by other provisions of this Act to be appropriated
9 for the Navy for fiscal year 1998.

10 (2) The amount authorized to be appropriated by sec-
11 tion 421 is hereby reduced by \$2,500,000.

12 **TITLE XII—FEDERAL CHARTER**
13 **FOR THE AIR FORCE SER-**
14 **GEANTS ASSOCIATION**

15 **SEC. 1201. RECOGNITION AND GRANT OF FEDERAL CHAR-**
16 **TER.**

17 The Air Force Sergeants Association, a nonprofit cor-
18 poration organized under the laws of the District of Co-
19 lumbia, is recognized as such and granted a Federal char-
20 ter.

21 **SEC. 1202. POWERS.**

22 The Air Force Sergeants Association (in this title re-
23 ferred to as the “association”) shall have only those pow-
24 ers granted to it through its bylaws and articles of incor-

1 poration filed in the District of Columbia and subject to
2 the laws of the District of Columbia.

3 **SEC. 1203. PURPOSES.**

4 The purposes of the association are those provided
5 in its bylaws and articles of incorporation and shall include
6 the following:

7 (1) To help maintain a highly dedicated and
8 professional corps of enlisted personnel within the
9 United States Air Force, including the United
10 States Air Force Reserve, and the Air National
11 Guard.

12 (2) To support fair and equitable legislation
13 and Department of the Air Force policies and to in-
14 fluence by lawful means departmental plans, pro-
15 grams, policies, and legislative proposals that affect
16 enlisted personnel of the Regular Air Force, the Air
17 Force Reserve, and the Air National Guard, its re-
18 tirees, and other veterans of enlisted service in the
19 Air Force.

20 (3) To actively publicize the roles of enlisted
21 personnel in the United States Air Force.

22 (4) To participate in civil and military activi-
23 ties, youth programs, and fundraising campaigns
24 that benefit the United States Air Force.

1 (5) To provide for the mutual welfare of mem-
2 bers of the association and their families.

3 (6) To assist in recruiting for the United States
4 Air Force.

5 (7) To assemble together for social activities.

6 (8) To maintain an adequate Air Force for our
7 beloved country.

8 (9) To foster among the members of the asso-
9 ciation a devotion to fellow airmen.

10 (10) To serve the United States and the United
11 States Air Force loyally, and to do all else necessary
12 to uphold and defend the Constitution of the United
13 States.

14 **SEC. 1204. SERVICE OF PROCESS.**

15 With respect to service of process, the association
16 shall comply with the laws of the District of Columbia and
17 those States in which it carries on its activities in further-
18 ance of its corporate purposes.

19 **SEC. 1205. MEMBERSHIP.**

20 Except as provided in section 1208(g), eligibility for
21 membership in the association and the rights and privi-
22 leges of members shall be as provided in the bylaws and
23 articles of incorporation of the association.

1 **SEC. 1206. BOARD OF DIRECTORS.**

2 Except as provided in section 1208(g), the composi-
3 tion of the board of directors of the association and the
4 responsibilities of the board shall be as provided in the
5 bylaws and articles of incorporation of the association and
6 in conformity with the laws of the District of Columbia.

7 **SEC. 1207. OFFICERS.**

8 Except as provided in section 1208(g), the positions
9 of officers of the association and the election of members
10 to such positions shall be as provided in the bylaws and
11 articles of incorporation of the association and in conform-
12 ity with the laws of the District of Columbia.

13 **SEC. 1208. RESTRICTIONS.**

14 (a) INCOME AND COMPENSATION.—No part of the in-
15 come or assets of the association may inure to the benefit
16 of any member, officer, or director of the association or
17 be distributed to any such individual during the life of this
18 charter. Nothing in this subsection may be construed to
19 prevent the payment of reasonable compensation to the
20 officers and employees of the association or reimburse-
21 ment for actual and necessary expenses in amounts ap-
22 proved by the board of directors.

23 (b) LOANS.—The association may not make any loan
24 to any member, officer, director, or employee of the asso-
25 ciation.

1 (c) ISSUANCE OF STOCK AND PAYMENT OF DIVI-
2 DENDS.—The association may not issue any shares of
3 stock or declare or pay any dividends.

4 (d) DISCLAIMER OF CONGRESSIONAL OR FEDERAL
5 APPROVAL.—The association may not claim the approval
6 of the Congress or the authorization of the Federal Gov-
7 ernment for any of its activities by virtue of this title.

8 (e) CORPORATE STATUS.—The association shall
9 maintain its status as a corporation organized and incor-
10 porated under the laws of the District of Columbia.

11 (f) CORPORATE FUNCTION.—The association shall
12 function as an educational, patriotic, civic, historical, and
13 research organization under the laws of the District of Co-
14 lumbia.

15 (g) NONDISCRIMINATION.—In establishing the condi-
16 tions of membership in the association and in determining
17 the requirements for serving on the board of directors or
18 as an officer of the association, the association may not
19 discriminate on the basis of race, color, religion, sex, hand-
20 icap, age, or national origin.

21 **SEC. 1209. LIABILITY.**

22 The association shall be liable for the acts of its offi-
23 cers, directors, employees, and agents whenever such indi-
24 viduals act within the scope of their authority.

1 **SEC. 1210. MAINTENANCE AND INSPECTION OF BOOKS AND**
2 **RECORDS.**

3 (a) BOOKS AND RECORDS OF ACCOUNT.—The asso-
4 ciation shall keep correct and complete books and records
5 of account and minutes of any proceeding of the associa-
6 tion involving any of its members, the board of directors,
7 or any committee having authority under the board of di-
8 rectors.

9 (b) NAMES AND ADDRESSES OF MEMBERS.—The as-
10 sociation shall keep at its principal office a record of the
11 names and addresses of all members having the right to
12 vote in any proceeding of the association.

13 (c) RIGHT TO INSPECT BOOKS AND RECORDS.—All
14 books and records of the association may be inspected by
15 any member having the right to vote in any proceeding
16 of the association, or by any agent or attorney of such
17 member, for any proper purpose at any reasonable time.

18 (d) APPLICATION OF STATE LAW.—This section may
19 not be construed to contravene any applicable State law.

20 **SEC. 1211. AUDIT OF FINANCIAL TRANSACTIONS.**

21 The first section of the Act entitled “An Act to pro-
22 vide for audit of accounts of private corporations estab-
23 lished under Federal law”, approved August 30, 1964 (36
24 U.S.C. 1101), is amended—

1 (1) by redesignating the paragraph (77) added
2 by section 1811 of Public Law 104–201 (110 Stat.
3 2762) as paragraph (78); and

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

5 “(79) Air Force Sergeants Association.”.

6 **SEC. 1212. ANNUAL REPORT.**

7 The association shall annually submit to Congress a
8 report concerning the activities of the association during
9 the preceding fiscal year. The annual report shall be sub-
10 mitted on the same date as the report of the audit required
11 by reason of the amendment made in section 1211. The
12 annual report shall not be printed as a public document.

13 **SEC. 1213. RESERVATION OF RIGHT TO ALTER, AMEND, OR**
14 **REPEAL CHARTER.**

15 The right to alter, amend, or repeal this title is ex-
16 pressly reserved to Congress.

17 **SEC. 1214. TAX-EXEMPT STATUS REQUIRED AS CONDITION**
18 **OF CHARTER.**

19 If the association fails to maintain its status as an
20 organization exempt from taxation as provided in the In-
21 ternal Revenue Code of 1986 the charter granted in this
22 title shall terminate.

1 **SEC. 1215. TERMINATION.**

2 The charter granted in this title shall expire if the
3 association fails to comply with any of the provisions of
4 this title.

5 **SEC. 1216. DEFINITION OF STATE.**

6 For purposes of this title, the term “State” includes
7 the District of Columbia, the Commonwealth of Puerto
8 Rico, the Commonwealth of the Northern Mariana Is-
9 lands, and the territories and possessions of the United
10 States.

11 **DIVISION B—MILITARY CON-**
12 **STRUCTION AUTHORIZA-**
13 **TIONS**

14 **SEC. 2001. SHORT TITLE.**

15 This division may be cited as the “Military Construc-
16 tion Authorization Act for Fiscal Year 1998”.

17 **TITLE XXI—ARMY**

18 **SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND**
19 **ACQUISITION PROJECTS.**

20 (a) **INSIDE THE UNITED STATES.**—Using amounts
21 appropriated pursuant to the authorization of appropria-
22 tions in section 2104(a)(1), the Secretary of the Army
23 may acquire real property and carry out military construc-
24 tion projects for the installations and locations inside the
25 United States, and in the amounts, set forth in the follow-
26 ing table:

Army: Inside the United States

State	Installation or location	Amount
Alabama	Redstone Arsenal	\$27,000,000
Arizona	Fort Huachuca	\$20,000,000
California	Naval Weapons Station, Concord	\$23,000,000
Colorado	Fort Carson	\$7,300,000
Georgia	Fort Gordon	\$22,000,000
Hawaii	Schofield Barracks	\$44,000,000
Indiana	Crane Army Ammunition Activity	\$7,700,000
Kansas	Fort Leavenworth	\$63,000,000
	Fort Riley	\$25,800,000
Kentucky	Fort Campbell	\$53,600,000
	Fort Knox	\$7,200,000
North Carolina	Fort Bragg	\$6,500,000
South Carolina	Naval Weapons Station, Charleston	\$7,700,000
Texas	Fort Sam Houston	\$16,000,000
Virginia	Charlottesville	\$3,100,000
	Fort A.P. Hill	\$5,400,000
	Fort Myer	\$8,200,000
Washington	Fort Lewis	\$33,000,000
CONUS Classified	Classified Location	\$6,500,000
	Total:	\$387,000,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts
2 appropriated pursuant to the authorization of appropria-
3 tions in section 2104(a)(2), the Secretary of the Army
4 may acquire real property and carry out military construc-
5 tion projects for the locations outside the United States,
6 and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or location	Amount
Germany	Katterbach Kaserne, Ansbach	\$22,000,000
	Kitzingen	\$4,365,000
	Tompkins Barracks, Heidelberg	\$8,800,000
	Rhine Ordnance Barracks, Military Support Group, Kaiserslautern.	\$6,000,000
Korea	Camp Casey	\$5,100,000
	Camp Castle	\$8,400,000
	Camp Humphreys	\$32,000,000
	Camp Red Cloud	\$23,600,000
	Camp Stanley	\$7,000,000
Various Overseas	Various Locations	\$37,000,000
Worldwide	Host Nation Support	\$20,000,000
	Total:	\$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
Alaska	Fort Richardson	52 Units	\$9,600,000
	Fort Wainwright	32 Units	\$8,300,000
Florida	Miami	8 Units	\$2,300,000
Hawaii	Schofield Barracks	132 Units	\$26,600,000
Kentucky	Fort Campbell	Family housing improve- ments.	\$8,500,000
Maryland	Fort Meade	56 Units	\$7,900,000
New York	United States Military Academy, West Point.	Whole neigh- borhood revi- talization.	\$5,400,000
North Carolina	Fort Bragg	174 Units	\$20,150,000
Texas	Fort Bliss	91 Units	\$12,900,000
	Fort Hood	130 Units	\$18,800,000
		Total:	\$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
 11 carry out architectural and engineering services and con-
 12 struction design activities with respect to the construction
 13 or improvement of family housing units in an amount not
 14 to exceed \$11,665,000.

1 **SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
2 **UNITS.**

3 Subject to section 2825 of title 10, United States
4 Code, and using amounts appropriated pursuant to the
5 authorization of appropriations in section 2104(a)(5)(A),
6 the Secretary of the Army may improve existing military
7 family housing units in an amount not to exceed
8 \$44,800,000.

9 **SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.**

10 (a) IN GENERAL.—Funds are hereby authorized to
11 be appropriated for fiscal years beginning after September
12 30, 1997, for military construction, land acquisition, and
13 military family housing functions of the Department of the
14 Army in the total amount of \$1,951,478,000 as follows:

15 (1) For military construction projects inside the
16 United States authorized by section 2101(a),
17 \$360,500,000.

18 (2) For the military construction projects out-
19 side the United States authorized by section
20 2101(b), \$174,265,000.

21 (3) For unspecified minor military construction
22 projects authorized by section 2805 of title 10, Unit-
23 ed States Code, \$6,000,000.

24 (4) For architectural and engineering services
25 and construction design under section 2807 of title
26 10, United States Code, \$50,512,000.

1 (5) For military family housing functions:

2 (A) For construction and acquisition, plan-
3 ning and design, and improvement of military
4 family housing and facilities, \$176,915,000.

5 (B) For support of military family housing
6 (including the functions described in section
7 2833 of title 10, United States Code),
8 \$1,143,286,000.

9 (6) For the construction of the National Range
10 Control Center, White Sands Missile Range, New
11 Mexico, authorized by section 2101(a) of the Mili-
12 tary Construction Authorization Act for Fiscal Year
13 1997 (division B of Public Law 104–201; 110 Stat.
14 2763), \$18,000,000.

15 (7) For the construction of the whole barracks
16 complex renewal, Fort Knox, Kentucky, authorized
17 by section 2101(a) of the Military Construction Au-
18 thorization Act for Fiscal Year 1997 (110 Stat.
19 2763), \$22,000,000.

20 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION
21 PROJECTS.—Notwithstanding the cost variations author-
22 ized by section 2853 of title 10, United States Code, and
23 any other cost variation authorized by law, the total cost
24 of all projects carried out under section 2101 of this Act
25 may not exceed—

1 (1) the total amount authorized to be appro-
2 priated under paragraphs (1) and (2) of subsection
3 (a); and

4 (2) \$26,500,000 (the balance of the amount au-
5 thorized under section 2101(a) for the construction
6 of the United States Disciplinary Barracks, Fort
7 Leavenworth, Kansas).

8 **SEC. 2105. AUTHORITY TO USE CERTAIN PRIOR YEAR**
9 **FUNDS TO CONSTRUCT A HELIPORT AT FORT**
10 **IRWIN, CALIFORNIA.**

11 (a) **AUTHORITY TO USE FUNDS.**—Notwithstanding
12 any other provision of law and subject to subsection (b),
13 the Secretary of the Army may carry out a project to con-
14 struct a heliport at Fort Irwin, California, using the fol-
15 lowing amounts:

16 (1) Amounts appropriated pursuant to the au-
17 thorization of appropriations in section 2104(a)(1)
18 of the Military Construction Authorization Act for
19 Fiscal Year 1995 (division B of Public Law 103–
20 337; 108 Stat. 3029) for the military construction
21 project at Fort Irwin authorized by section 2101(a)
22 of that Act (108 Stat. 3027).

23 (2) Amounts appropriated pursuant to the au-
24 thorization of appropriations in section 2104(a)(1)
25 of the Military Construction Authorization Act for

1 Fiscal Year 1996 (division B of Public Law 104–
 2 106; 110 Stat. 524) for the military construction
 3 project at Fort Irwin authorized by section 2101(a)
 4 of that Act (110 Stat. 523).

5 (b) LIMITATION ON AVAILABILITY.—Unless funds
 6 available under subsection (a) are obligated for the project
 7 covered by that subsection by the later of the dates set
 8 forth in section 2701(a) of this Act, the authority in that
 9 subsection to use funds for the project shall expire on the
 10 later of such dates.

11 **TITLE XXII—NAVY**

12 **SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND** 13 **ACQUISITION PROJECTS.**

14 (a) INSIDE THE UNITED STATES.—Using amounts
 15 appropriated pursuant to the authorization of appropria-
 16 tions in section 2204(a)(1), the Secretary of the Navy may
 17 acquire real property and carry out military construction
 18 projects for the installations and locations inside the Unit-
 19 ed States, and in the amounts, set forth in the following
 20 table:

Navy: Inside the United States

State	Installation or location	Amount
Arizona	Navy Detachment, Camp Navajo	\$11,426,000
	Marine Corps Air Station, Yuma	\$14,700,000
California	Marine Corps Air Station, Camp Pendle- ton.	\$14,020,000
	Marine Corps Air Station, Miramar	\$8,700,000
	Marine Corps Air-Ground Combat Cen- ter, Twentynine Palms.	\$3,810,000
	Marine Corps Base, Camp Pendleton	\$39,469,000
	Naval Air Facility, El Centro	\$11,000,000
	Naval Air Station, North Island	\$19,600,000
Connecticut	Naval Submarine Base, New London	\$23,560,000

Navy: Inside the United States—Continued

State	Installation or location	Amount
Florida	Naval Air Station, Jacksonville	\$3,480,000
Hawaii	Honolulu (Fort DeRussy)	\$9,500,000
	Marine Corps Air Station, Kaneohe Bay	\$19,000,000
	Naval Computer and Telecommunications Area, Master Station, Eastern Pacific, Honolulu.	\$3,900,000
	Naval Station, Pearl Harbor	\$25,000,000
Illinois	Naval Training Center, Great Lakes	\$41,220,000
Mississippi	Navy Combat Battalion Construction Base, Gulfport.	\$22,440,000
North Carolina	Marine Corps Air Station, Cherry Point	\$8,800,000
	Marine Corps Air Station, New River	\$19,900,000
Rhode Island	Naval Undersea Warfare Center Division, Newport.	\$8,900,000
South Carolina	Marine Corps Recruit Depot, Parris Is- land.	\$3,200,000
Virginia	Fleet Combat Training Center, Dam Neck.	\$7,000,000
	Naval Air Station, Norfolk	\$14,240,000
	Naval Air Station, Oceana	\$28,000,000
	Naval Amphibious Base, Little Creek	\$8,685,000
	Naval Station, Norfolk	\$64,970,000
	Naval Surface Warfare Center, Dahlgren	\$20,480,000
	Naval Weapons Station, Yorktown	\$11,257,000
	Norfolk Naval Shipyard, Portsmouth	\$9,500,000
Washington	Naval Air Station, Whidbey Island	\$1,100,000
	Puget Sound Naval Shipyard, Bremerton	\$4,400,000
	Total:	\$481,257,000

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
6 United States, and in the amounts, set forth in the follow-
7 ing table:

Navy: Outside the United States

Country	Installation or location	Amount
Bahrain	Administrative Support Unit, Bahrain	\$30,100,000
Guam	Naval Computer and Telecommunications Area, Master Station, Western Pacific.	\$4,050,000
Italy	Naval Air Station, Sigonella	\$21,440,000
	Naval Support Activity, Naples	\$8,200,000
United Kingdom	Joint Maritime Communications Center, Saint Mawgan.	\$2,330,000
	Total:	\$65,920,000

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
California	Marine Corps Air Sta- tion, Miramar.	166 Units	\$28,881,000
	Marine Corps Air- Ground Combat Cen- ter, Twentynine Palms.	132 Units	\$23,891,000
	Marine Corps Base, Camp Pendleton.	171 Units	\$22,518,000
	Naval Air Station, Lemoore.	128 Units	\$23,226,000
	North Carolina	Marine Corps Base, Camp Lejeune.	37 Units \$2,863,000
Texas	Naval Air Station, Cor- pus Christi.	57 Units	\$6,470,000
Washington	Naval Air Station, Whidbey Island.	198 Units	\$32,290,000
Total:			\$140,139,000

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
 11 carry out architectural and engineering services and con-
 12 struction design activities with respect to the construction
 13 or improvement of military family housing units in an
 14 amount not to exceed \$15,850,000.

1 **SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
2 **UNITS.**

3 Subject to section 2825 of title 10, United States
4 Code, and using amounts appropriated pursuant to the
5 authorization of appropriations in section 2204(a)(5)(A),
6 the Secretary of the Navy may improve existing military
7 family housing units in an amount not to exceed
8 \$173,780,000.

9 **SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.**

10 (a) IN GENERAL.—Funds are hereby authorized to
11 be appropriated for fiscal years beginning after September
12 30, 1997, for military construction, land acquisition, and
13 military family housing functions of the Department of the
14 Navy in the total amount of \$1,907,387,000 as follows:

15 (1) For military construction projects inside the
16 United States authorized by section 2201(a),
17 \$448,637,000.

18 (2) For military construction projects outside
19 the United States authorized by section 2201(b),
20 \$65,920,000.

21 (3) For unspecified minor construction projects
22 authorized by section 2805 of title 10, United States
23 Code, \$9,960,000.

24 (4) For architectural and engineering services
25 and construction design under section 2807 of title
26 10, United States Code, \$47,597,000.

1 (5) For military family housing functions:

2 (A) For construction and acquisition, plan-
3 ning and design, and improvement of military
4 family housing and facilities, \$329,769,000.

5 (B) For support of military housing (in-
6 cluding functions described in section 2833 of
7 title 10, United States Code), \$976,504,000.

8 (6) For construction of a large anechoic cham-
9 ber facility at Patuxent River Naval Warfare Center,
10 Maryland, authorized by section 2201(a) of the Mili-
11 tary Construction Authorization Act for Fiscal Year
12 1993 (division B of Public Law 102–484; 106 Stat.
13 2590), \$9,000,000.

14 (7) For construction of a bachelor enlisted
15 quarters at Naval Hospital, Great Lakes, Illinois,
16 authorized by section 2201(a) of the Military Con-
17 struction Authorization Act for Fiscal Year 1997
18 (division B of Public Law 104–201; 110 Stat.
19 2766), \$5,200,000.

20 (8) For construction of a bachelor enlisted
21 quarters at Naval Station, Roosevelt Roads, Puerto
22 Rico, authorized by section 2201(b) of the Military
23 Construction Authorization Act for Fiscal Year 1997
24 (110 Stat. 2767), \$14,600,000.

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 2201 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) \$32,620,000 (the balance of the amount au-
11 thorized under section 2101(a) for the replacement
12 of the Berthing Pier at Naval Station, Norfolk, Vir-
13 ginia.

14 (c) ADJUSTMENT.—The total amount authorized to
15 be appropriated under paragraph (5) of subsection (a) is
16 the sum of the amounts authorized to be appropriated
17 under such paragraph, reduced by \$8,463,000 (the com-
18 bination of project savings resulting from favorable bids,
19 reduced overhead costs, and cancellations due to force
20 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)
6 of the Military Construction Authorization Act for Fiscal
7 Year 1997 (division B of Public Law 104–201; 110 Stat.
8 2766) is amended by striking out the item relating to
9 Navy Project, Stennis Space Center, Mississippi, and in-
10 serting in lieu thereof the following:

Mississippi	Naval Station Pascagoula	\$4,990,000
	Navy Project, Stennis Space Center	\$7,960,000

11 (b) CONFORMING AMENDMENTS.—Section 2204(a)
12 of 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)
 7 of such Act (110 Stat. 2770) is amended by striking out
 8 “\$14,100,000” and inserting in lieu thereof
 9 “\$14,600,000”.

10 **TITLE XXIII—AIR FORCE**

11 **SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND** 12 **LAND ACQUISITION PROJECTS.**

13 (a) INSIDE THE UNITED STATES.—Using amounts
 14 appropriated pursuant to the authorization of appropria-
 15 tions in section 2304(a)(1), the Secretary of the Air Force
 16 may acquire real property and carry out military construc-
 17 tion projects for the installations and locations inside the
 18 United States, and in the amounts, set forth in the follow-
 19 ing table:

Air Force: Inside the United States

State	Installation or location	Amount
Alabama	Maxwell Air Force Base	\$5,574,000
Alaska	Clear Air Force Station	\$67,069,000
	Elmendorf Air Force Base	\$6,100,000
	Eielson Air Force Base	\$13,764,000
	Indian Mountain Long Range Radar Site.	\$1,991,000
California	Edwards Air Force Base	\$2,887,000
	Vandenberg Air Force Base	\$26,876,000
Colorado	Buckley Air National Guard Base ...	\$6,718,000
	Falcon Air Force Station	\$10,551,000
	Peterson Air Force Base	\$4,081,000
	United States Air Force Academy ...	\$15,229,000
Florida	Eglin Auxiliary Field 9	\$6,470,000

Air Force: Inside the United States—Continued

State	Installation or location	Amount
Georgia	MacDill Air Force Base	\$1,543,000
	Moody Air Force Base	\$15,900,000
	Robins Air Force Base	\$18,663,000
Hawaii	Bellows Air Force Station	\$5,232,000
Idaho	Mountain Home Air Force Base	\$30,669,000
Kansas	McConnell Air Force Base	\$19,219,000
Louisiana	Barksdale Air Force Base	\$19,410,000
Mississippi	Keesler Air Force Base	\$30,855,000
Missouri	Whiteman Air Force Base	\$17,419,000
Montana	Malmstrom Air Force Base	\$4,500,000
Nebraska	Offutt Air Force Base	\$6,900,000
Nevada	Nellis Air Force Base	\$5,900,000
New Jersey	McGuire Air Force Base	\$9,954,000
New Mexico	Cannon Air Force Base	\$2,900,000
	Kirtland Air Force Base	\$20,300,000
North Carolina	Pope Air Force Base	\$8,356,000
North Dakota	Grand Forks Air Force Base	\$8,560,000
	Minot Air Force Base	\$5,200,000
Ohio	Wright-Patterson Air Force Base	\$32,750,000
Oklahoma	Altus Air Force Base	\$11,000,000
	Tinker Air Force Base	\$9,655,000
	Vance Air Force Base	\$7,700,000
South Carolina	Shaw Air Force Base	\$6,072,000
South Dakota	Ellsworth Air Force Base	\$6,600,000
Tennessee	Arnold Air Force Base	\$10,750,000
Texas	Dyess Air Force Base	\$10,000,000
	Randolph Air Force Base	\$2,488,000
Utah	Hill Air Force Base	\$6,470,000
Virginia	Langley Air Force Base	\$4,031,000
Washington	Fairchild Air Force Base	\$24,016,000
	McChord Air Force Base	\$9,655,000
CONUS Classified	Classified Location	\$6,175,000
Total:		\$546,152,000

1 (b) OUTSIDE THE UNITED STATES.—Using amounts
2 appropriated pursuant to the authorization of appropria-
3 tions in section 2304(a)(2), the Secretary of the Air Force
4 may acquire real property and carry out military construc-
5 tion projects for the installations and locations outside the
6 United States, and in the amounts, set forth in the follow-
7 ing table:

Air Force: Outside the United States

Country	Installation or location	Amount
Germany	Spangdahlem Air Base	\$18,500,000
Italy	Aviano Air Base	\$15,220,000
Korea	Kunsan Air Base	\$10,325,000
Portugal	Lajes Field, Azores	\$4,800,000
United Kingdom	Royal Air Force, Lakenheath	\$11,400,000

Air Force: Outside the United States—Continued

Country	Installation or location	Amount
Overseas Classified	Classified Location	\$29,100,000
	Total:	\$89,345,000

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
New Mexico	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
	Lackland Air Force Base.	50 units	\$7,400,000

Air Force: Family Housing—Continued

State	Installation or location	Purpose	Amount
Wyoming	F.E. Warren Air Force Base.	52 units	\$6,853,000
		Total:	\$182,467,000

1 (b) PLANNING AND DESIGN.—Using amounts appropriate pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed \$13,021,000.

8 **SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING**
9 **UNITS.**

10 Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed \$102,195,000.

16 **SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR**
17 **FORCE.**

18 (a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1997, for military construction, land acquisition, and military family housing functions of the Department of the

1 Air Force in the total amount of \$1,799,181,000 as fol-
2 lows:

3 (1) For military construction projects inside the
4 United States authorized by section 2301(a),
5 \$546,152,000.

6 (2) For military construction projects outside
7 the United States authorized by section 2301(b),
8 \$89,345,000.

9 (3) For unspecified minor construction projects
10 authorized by section 2805 of title 10, United States
11 Code, \$8,545,000.

12 (4) For architectural and engineering services
13 and construction design under section 2807 of title
14 10, United States Code, \$51,080,000.

15 (5) For military housing functions:

16 (A) For construction and acquisition, plan-
17 ning and design, planning improvement of mili-
18 tary family housing and facilities,
19 \$297,683,000.

20 (B) For support of military family housing
21 (including the functions described in section
22 2833 of title 10, United States Code),
23 \$830,234,000.

24 (b) LIMITATION ON TOTAL COST OF CONSTRUCTION
25 PROJECTS.—Notwithstanding the cost variations author-

1 ized by section 2853 of title 10, United States Code, and
 2 any other cost variation authorized by law, the total cost
 3 of all projects carried out under section 2301 of this Act
 4 may not exceed the total amount authorized to be appro-
 5 priated under paragraphs (1) and (2) of subsection (a).

6 (c) ADJUSTMENT.—The total amount authorized to
 7 be appropriated pursuant to paragraphs (1) through (5)
 8 of subsection (a) is the sum of the amounts authorized
 9 to be appropriated in such paragraphs, reduced by
 10 \$23,858,000 (the combination of project savings resulting
 11 from favorable bids, reduced overhead costs, and cancella-
 12 tions due to force structure changes).

13 **SEC. 2305. AUTHORIZATION OF MILITARY CONSTRUCTION**
 14 **PROJECT AT MCCONNELL AIR FORCE BASE,**
 15 **KANSAS, FOR WHICH FUNDS HAVE BEEN AP-**
 16 **PROPRIATED.**

17 (a) AUTHORIZATION.—The table in section 2301(a)
 18 of the Military Construction Authorization Act for Fiscal
 19 Year 1997 (division B of Public Law 104–201; 110 Stat.
 20 2771) is amended in the item relating to McConnell Air
 21 Force Base, Kansas, by striking out “\$19,130,000” in the
 22 amount column and inserting in lieu thereof
 23 “\$25,830,000”.

24 (b) CONFORMING AMENDMENT.—Section 2304 of
 25 such Act (110 Stat. 2774) is amended—

(1) in the matter preceding paragraph (1), by striking out “\$1,894,594,000” and inserting in lieu thereof “\$1,901,294,000”; and

(2) in paragraph (1), by striking out “\$603,834,000” and inserting in lieu thereof “\$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
Defense Commissary Agency Defense Finance & Accounting Service.	Fort Lee, Virginia	\$9,300,000
	Naval Station, Pearl Harbor, Hawaii	\$10,000,000
	Columbus Center, Ohio	\$9,722,000
Defense Intelligence Agency ..	Naval Air Station, Millington, Tennessee	\$6,906,000
	Naval Station, Norfolk, Virginia	\$12,800,000
	Redstone Arsenal, Alabama	\$32,700,000
Defense Logistics Agency	Bolling Air Force Base, District of Columbia	\$7,000,000
	Elmendorf Air Force Base, Alaska ..	\$21,700,000
	Naval Air Station, Jacksonville, Florida	\$9,800,000
	Westover Air Reserve Base, Massachusetts	\$4,700,000
	Defense Distribution New Cumberland—DDSP, Pennsylvania	\$15,500,000

Defense Agencies: Inside the United States—Continued

Agency	Installation or location	Amount
Defense Medical Facility Office.	Defense Distribution Depot—DDNV, Virginia	\$16,656,000
	Defense Fuel Support Point, Craney Island, Virginia	\$22,100,000
	Defense General Supply Center, Richmond, Virginia	\$5,200,000
	Defense Fuel Support Center, Truax Field, Wisconsin	\$4,500,000
	CONUS Various, CONUS Various ..	\$11,275,000
	Naval Station, San Diego, California	\$2,100,000
	Naval Submarine Base, New London, Connecticut	\$2,300,000
	Naval Air Station, Pensacola, Florida	\$2,750,000
	Robins Air Force Base, Georgia	\$19,000,000
	Fort Campbell, Kentucky	\$13,600,000
	Fort Detrick, Maryland	\$4,650,000
	McGuire Air Force Base, New Jersey	\$35,217,000
	Holloman Air Force Base, New Mexico	\$3,000,000
	Wright-Patterson Air Force Base, Ohio	\$2,750,000
National Security Agency Special Operations Command	Lackland Air Force Base, Texas	\$3,000,000
	Hill Air Force Base, Utah	\$3,100,000
	Marine Corps Combat Development Command, Quantico, Virginia	\$19,000,000
	Naval Station, Everett, Washington	\$7,500,000
	Fort Meade, Maryland	\$29,800,000
	Naval Amphibious Base, North Island, California	\$7,400,000
	Eglin Auxiliary Field 3, Florida	\$11,200,000
	Hurlburt Field, Florida	\$2,450,000
	Fort Benning, Georgia	\$9,814,000
	Hunter Army Air Field, Fort Stewart, Georgia	\$2,500,000
	Naval Station, Pearl Harbor, Hawaii	\$7,400,000
	Mississippi Army Ammunition Plant, Mississippi	\$9,900,000
	Fort Bragg, North Carolina	\$9,800,000
	Total:	\$408,090,000

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
6 United States, and in the amounts, set forth in the follow-
7 ing table:

Defense Agencies: Outside the United States

Agency	Installation or location	Amount
Ballistic Missile Defense Organization.	Kwajalein Atoll	\$4,565,000
Defense Logistics Agency	Defense Fuel Support Point, Anderson Air Force Base, Guam	\$16,000,000
	Defense Fuel Supply Center, Moron Air Base, Spain	\$14,400,000
	Total:	\$34,965,000

1 SEC. 2402. MILITARY HOUSING PLANNING AND DESIGN.

2 Using amounts appropriated pursuant to the author-
3 ization of appropriations in section 2405(a)(13)(A), the
4 Secretary of Defense may carry out architectural and en-
5 gineering services and construction design activities with
6 respect to the construction or improvement of military
7 family housing units in an amount not to exceed \$50,000.

**8 SEC. 2403. IMPROVEMENTS TO MILITARY FAMILY HOUSING
9 UNITS.**

10 Subject to section 2825 of title 10, United States
11 Code, and using amounts appropriated pursuant to the
12 authorization of appropriation in section 2405(a)(13)(A),
13 the Secretary of Defense may improve existing military
14 family housing units in an amount not to exceed
15 \$4,950,000.

16 SEC. 2404. ENERGY CONSERVATION PROJECTS.

17 Using amounts appropriated pursuant to the author-
18 ization of appropriations in section 2405(a)(11), the Sec-
19 retary of Defense may carry out energy conservation

1 projects under section 2865 of title 10, United States
2 Code.

3 **SEC. 2405. AUTHORIZATION OF APPROPRIATIONS, DE-**
4 **FENSE AGENCIES.**

5 (a) IN GENERAL.—Funds are hereby authorized to
6 be appropriated for fiscal years beginning after September
7 30, 1997, for military construction, land acquisition, and
8 military family housing functions of the Department of
9 Defense (other than the military departments), in the total
10 amount of \$2,778,531,000 as follows:

11 (1) For military construction projects inside the
12 United States authorized by section 2401(a),
13 \$408,090,000.

14 (2) For military construction projects outside
15 the United States authorized by section 2401(b),
16 \$34,965,000.

17 (3) For military construction projects at Annis-
18 ton Army Depot, Alabama, authorized by section
19 2101(a) of the Military Construction Authorization
20 Act for Fiscal Year 1993 (division B of Public Law
21 102–484; 106 Stat. 2587), \$9,900,000.

22 (4) For military construction projects at Walter
23 Reed Army Institute of Research, Maryland, hospital
24 replacement, authorized by section 2401(a) of the

1 Military Construction Authorization Act for Fiscal
2 Year 1993 (106 Stat. 2599), \$20,000,000.

3 (5) For military construction projects at
4 Umatilla Army Depot, Oregon, authorized by section
5 2401(a) of the Military Construction Authorization
6 Act for Fiscal Year 1995 (division B of Public Law
7 103–337; 108 Stat. 3040), as amended by section
8 2407 of the Military Construction Authorization Act
9 for Fiscal Year 1996 (division B of Public Law 104–
10 106; 110 Stat. 539) and section 2408(2) of this Act,
11 \$57,427,000.

12 (6) For military construction projects at the
13 Defense Finance and Accounting Service, Columbus,
14 Ohio, authorized by section 2401(a) of the Military
15 Construction Authorization Act of Fiscal Year 1996
16 (110 Stat. 535), \$14,200,000.

17 (7) For military construction projects at Ports-
18 mouth Naval Hospital, Virginia authorized by sec-
19 tion 2401(a) of the Military Construction Authoriza-
20 tion Act for Fiscal Years 1990 and 1991 (division
21 B of Public Law 101–189; 103 Stat. 1640),
22 \$34,600,000.

23 (8) For contingency construction projects of the
24 Secretary of Defense under section 2804 of title 10,
25 United States Code, \$9,844,000.

1 (9) For unspecified minor construction projects
2 under section 2805 of title 10, United States Code,
3 \$34,457,000.

4 (10) For architectural and engineering services
5 and construction design under section 2807 of title
6 10, United States Code, \$31,520,000.

7 (11) For energy conservation projects author-
8 ized by section 2404 of this Act, \$25,000,000.

9 (12) For base closure and realignment activities
10 as authorized by the Defense Base Closure and Re-
11 alignment Act of 1990 (part A of title XXIX of
12 Public Law 101–510; 10 U.S.C. 2687 note),
13 \$2,060,854,000.

14 (13) For military family housing functions:

15 (A) For improvement and planning of mili-
16 tary family housing and facilities, \$4,950,000.

17 (B) For support of military housing (in-
18 cluding functions described in section 2833 of
19 title 10, United States Code), \$32,724,000, of
20 which not more than \$27,673,000 may be obli-
21 gated or expended for the leasing of military
22 family housing units worldwide.

23 (b) LIMITATION OF TOTAL COST OF CONSTRUCTION
24 PROJECTS.—Notwithstanding the cost variation author-
25 ized by section 2853 of title 10, United States Code, and

1 any other cost variations authorized by law, the total cost
 2 of all projects carried out under section 2401 of this Act
 3 may not exceed the total amount authorized to be appro-
 4 priated under paragraphs (1) and (2) of subsection (a).

5 **SEC. 2406. CLARIFICATION OF AUTHORITY RELATING TO**
 6 **FISCAL YEAR 1997 PROJECT AT NAVAL STA-**
 7 **TION, PEARL HARBOR, HAWAII.**

8 The table in section 2401(a) of the Military Construc-
 9 tion Authorization Act for Fiscal Year 1997 (division B
 10 of Public Law 104–201; 110 Stat. 2775) is amended in
 11 the item relating to Special Operations Command, Naval
 12 Station, Ford Island, Pearl Harbor, Hawaii, in the instal-
 13 lation or location column by striking out “Naval Station,
 14 Ford Island, Pearl Harbor, Hawaii” and inserting in lieu
 15 thereof “Naval Station, Pearl City Peninsula, Pearl Har-
 16 bor, Hawaii”.

17 **SEC. 2407. AUTHORITY TO USE PRIOR YEAR FUNDS TO**
 18 **CARRY OUT CERTAIN DEFENSE AGENCY MILI-**
 19 **TARY CONSTRUCTION PROJECTS.**

20 (a) **AUTHORITY TO USE FUNDS.**—Notwithstanding
 21 any other provision of law and subject to subsection (c),
 22 the Secretary of Defense may carry out the military con-
 23 struction projects referred to in subsection (b), in the
 24 amounts specified in that subsection, using amounts ap-
 25 propriated pursuant to the authorization of appropriations

1 in section 2405(a)(1) of the Military Construction Author-
2 ization Act for Fiscal Year 1995 (division B of Public Law
3 103–337; 108 Stat. 3042) for the military construction
4 project authorized at McClellan Air Force Base, Califor-
5 nia, by section 2401 of that Act (108 Stat. 3041).

6 (b) COVERED PROJECTS.—Funds available under
7 subsection (a) may be used for military construction
8 projects as follows:

9 (1) Construction of an addition to the
10 Aeromedical Clinic at Anderson Air Base, Guam,
11 \$3,700,000.

12 (2) Construction of an occupational health clin-
13 ic facility at Tinker Air Force Base, Oklahoma,
14 \$6,500,000.

15 (c) LIMITATION ON AVAILABILITY.—Unless funds
16 available under subsection (a) are obligated for a project
17 referred to in subsection (b) by the later of the dates set
18 forth in section 2701(a), the authority in subsection (a)
19 to use such funds for the project shall expire on the later
20 of such dates.

21 **SEC. 2408. MODIFICATION OF AUTHORITY TO CARRY OUT**
22 **FISCAL YEAR 1995 PROJECTS.**

23 The table in section 2401 of the Military Construc-
24 tion Authorization Act for Fiscal Year 1995 (division B
25 of Public Law 103–337; 108 Stat. 3040), as amended by

1 section 2407 of the Military Construction Authorization
 2 Act for Fiscal Year 1996 (division B of Public Law 104–
 3 106; 110 Stat. 539), under the agency heading relating
 4 to Chemical Weapons and Munitions Destruction, is
 5 amended—

6 (1) in the item relating to Pine Bluff Arsenal,
 7 Arkansas, by striking out “\$115,000,000” in the
 8 amount column and inserting in lieu thereof
 9 “\$134,000,000”; and

10 (2) in the item relating to Umatilla Army
 11 Depot, Oregon, by striking out “\$186,000,000” in
 12 the amount column and inserting in lieu thereof
 13 “\$187,000,000”.

14 **SEC. 2409. AVAILABILITY OF FUNDS FOR FISCAL YEAR 1995**

15 **PROJECT RELATING TO RELOCATABLE OVER-**
 16 **THE-HORIZON RADAR, NAVAL STATION ROO-**
 17 **SEVELT ROADS, PUERTO RICO.**

18 (a) AVAILABILITY OF FUNDS.—Notwithstanding any
 19 other provision of law and except as provided in subsection
 20 (b), funds appropriated under the heading “DRUG INTER-
 21 DICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE” in
 22 title VI of the Department of Defense Appropriations Act,
 23 1995 (Public Law 103–335; 108 Stat. 2615) for the con-
 24 struction of a relocatable over-the-horizon radar at Naval

1 Station Roosevelt Roads, Puerto Rico, shall be available
2 for that purpose until the later of—

3 (1) October 1, 1998; or

4 (2) the date of enactment of an Act authorizing
5 funds for military construction for fiscal year 1999.

6 (b) EXCEPTION.—Subsection (a) shall not apply to
7 the use of funds covered by that subsection for the purpose
8 specified in that subsection if such funds are obligated be-
9 fore the later of the dates specified in that subsection.

10 **TITLE XXV—NORTH ATLANTIC**
11 **TREATY ORGANIZATION SE-**
12 **CURITY INVESTMENT PRO-**
13 **GRAM**

14 **SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND**
15 **ACQUISITION PROJECTS.**

16 The Secretary of Defense may make contributions for
17 the North Atlantic Treaty Organization Security Invest-
18 ment program as provided in section 2806 of title 10,
19 United States Code, in an amount not to exceed the sum
20 of the amount authorized to be appropriated for this pur-
21 pose in section 2502 and the amount collected from the
22 North Atlantic Treaty Organization as a result of con-
23 struction previously financed by the United States.

1 **SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.**

2 Funds are hereby authorized to be appropriated for
 3 fiscal years beginning after September 30, 1997, for con-
 4 tributions by the Secretary of Defense under section 2806
 5 of title 10, United States Code, for the share of the United
 6 States of the cost of projects for the North Atlantic Treaty
 7 Organization Security Investment program authorized by
 8 section 2501, in the amount of \$152,600,000.

9 **TITLE XXVI—GUARD AND**
 10 **RESERVE FORCES FACILITIES**

11 **SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUC-**
 12 **TION AND LAND ACQUISITION PROJECTS.**

13 There are authorized to be appropriated for fiscal
 14 years beginning after September 30, 1997, for the costs
 15 of acquisition, architectural and engineering services, and
 16 construction of facilities for the Guard and Reserve
 17 Forces, and for contributions therefor, under chapter
 18 1803 of title 10, United States Code (including the cost
 19 of acquisition of land for those facilities), the following
 20 amounts:

21 (1) For the Department of the Army—

22 (A) for the Army National Guard of the
 23 United States, \$165,345,000; and

24 (B) for the Army Reserve, \$87,640,000.

25 (2) For the Department of the Navy, for the
 26 Naval and Marine Corps Reserve, \$21,213,000.

1 (3) For the Department of the Air Force—

2 (A) for the Air National Guard of the
3 United States, \$193,269,000; and

4 (B) for the Air Force Reserve,
5 \$34,580,000.

6 **SEC. 2602. AUTHORIZATION OF ARMY NATIONAL GUARD**
7 **CONSTRUCTION PROJECT, AVIATION SUP-**
8 **PORT FACILITY, HILO, HAWAII, FOR WHICH**
9 **FUNDS HAVE BEEN APPROPRIATED.**

10 Section 2601(1)(A) of the Military Construction Au-
11 thorization Act for Fiscal Year 1997 (division B of Public
12 Law 104–201; 110 Stat. 2780) is amended by striking
13 out “\$59,194,000” and inserting in lieu thereof
14 “\$65,094,000”.

15 **TITLE XXVII—EXPIRATION AND**
16 **EXTENSION OF AUTHORIZA-**
17 **TIONS**

18 **SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND**
19 **AMOUNTS REQUIRED TO BE SPECIFIED BY**
20 **LAW.**

21 (a) EXPIRATION OF AUTHORIZATIONS AFTER THREE
22 YEARS.—Except as provided in subsection (b), all author-
23 izations contained in titles XXI through XXVI for military
24 construction projects, land acquisition, family housing
25 projects and facilities, and contributions to the North At-

1 lantic Treaty Organization Security Investment program
2 (and authorizations of appropriations therefor) shall ex-
3 pire on the later of—

4 (1) October 1, 2000; or

5 (2) the date for the enactment of an Act au-
6 thorizing funds for military construction for fiscal
7 year 2001.

8 (b) EXCEPTION.—Subsection (a) shall not apply to
9 authorizations for military construction projects, land ac-
10 quisition, family housing projects and facilities, and con-
11 tributions to the North Atlantic Treaty Organization Se-
12 curity Investment program (and authorizations of appro-
13 priations therefor), for which appropriated funds have
14 been obligated before the later of—

15 (1) October 1, 2000; or

16 (2) the date of the enactment of an Act author-
17 izing funds for fiscal year 2001 for military con-
18 struction projects, land acquisition, family housing
19 projects and facilities, or contributions to the North
20 Atlantic Treaty Organization Security Investment
21 program.

22 **SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
23 **FISCAL YEAR 1995 PROJECTS.**

24 (a) EXTENSIONS.—Notwithstanding section 2701 of
25 the Military Construction Authorization Act for Fiscal

1 Year 1995 (division B of Public Law 103–337; 108 Stat.
 2 3046), authorizations for the projects set forth in the ta-
 3 bles in subsection (b), as provided in section 2101, 2201,
 4 2202, 2301, 2302, 2401, or 2601 of that Act, shall remain
 5 in effect until October 1, 1998, or the date of the enact-
 6 ment of an Act authorizing funds for military construction
 7 for fiscal year 1999, whichever is later.

8 (b) TABLES.—The tables referred to in subsection (a)
 9 are as follows:

Army: Extension of 1995 Project Authorization

State	Installation or lo- cation	Project	Amount
California	Fort Irwin	National Train- ing Center Airfield Phase I.	\$10,000,000

Navy: Extension of 1995 Project Authorizations

State	Installation or lo- cation	Project	Amount
Maryland	Indian Head Naval Surface Warfare Center.	Upgrade Power Plant.	\$4,000,000
	Indian Head Naval Surface Warfare Center.	Denitrification/ Acid Mixing Facility.	\$6,400,000
Virginia	Norfolk Marine Corps Security Force Battalion Atlantic.	Bachelor En- listed Quar- ters.	\$6,480,000
Washington	Naval Station, Ever- ett.	Housing Office	\$780,000
CONUS Classified ...	Classified Location	Aircraft Fire and Rescue and Vehicle Maintenance Facilities.	\$2,200,000

Air Force: Extension of 1995 Project Authorizations

State	Installation or lo- cation	Project	Amount
California	Beale Air Force Base.	Consolidated Support Cen- ter.	\$10,400,000

Air Force: Extension of 1995 Project Authorizations—
Continued

State	Installation or location	Project	Amount
North Carolina	Los Angeles Air Force Station.	Family Housing (50 units).	\$8,962,000
	Pope Air Force Base.	Combat Control Team Facility.	\$2,450,000
	Pope Air Force Base.	Fire Training Facility.	\$1,100,000

Defense Agencies: Extension of 1995 Project Authorizations

State	Installation or location	Project	Amount
Alabama	Anniston Army Depot.	Carbon Filtration System.	\$5,000,000
Arkansas	Pine Bluff Arsenal	Ammunition Demilitarization Facility.	\$115,000,000
California	Defense Contract Management Area Office, El Segundo.	Administrative Building.	\$5,100,000
Oregon	Umatilla Army Depot.	Ammunition Demilitarization Facility.	\$186,000,000

Army National Guard: Extension of 1995 Project Authorizations

State	Installation or location	Project	Amount
California	Camp Roberts	Modify Record Fire/Maintenance Shop.	\$3,910,000
	Camp Roberts	Combat Pistol Range.	\$952,000
Pennsylvania	Fort Indiantown Gap.	Barracks	\$6,200,000

Naval Reserve: Extension of 1995 Project Authorization

State	Installation or location	Project	Amount
Georgia	Naval Air Station Marietta.	Training Center	\$2,650,000

1 SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN
2 FISCAL YEAR 1994 PROJECTS.

3 (a) EXTENSION.—Notwithstanding section 2701 of
4 the Military Construction Authorization Act for Fiscal

1 Year 1994 (division B of Public Law 103–160; 107 Stat.
 2 1880), authorizations for the projects set forth in the table
 3 in subsection (b), as provided in section 2201 of that Act
 4 and extended by section 2702(a) of the Military Construc-
 5 tion Authorization Act for Fiscal Year 1997 (division B
 6 of Public Law 104–201; 110 Stat. 2783), shall remain in
 7 effect until October 1, 1998, or the date of the enactment
 8 of an Act authorizing funds for military construction for
 9 fiscal year 1999, whichever is later.

10 (b) TABLE.—The table referred to in subsection (a)
 11 is as follows:

Navy: Extension of 1994 Project Authorizations

State	Installation or loca- tion	Project	Amount
California	Camp Pendleton Ma- rine Corps Base.	Sewage Facility	\$7,930,000
Connecticut	New London Naval Submarine Base.	Hazardous Waste Trans- fer Facility.	\$1,450,000

12 **SEC. 2704. EXTENSION OF AUTHORIZATION OF FISCAL**
 13 **YEAR 1993 PROJECT.**

14 (a) EXTENSION.—Notwithstanding section 2701 of
 15 the Military Construction Authorization Act for Fiscal
 16 Year 1993 (division B of Public Law 102–484; 106 Stat.
 17 2602), the authorization for the project set forth in the
 18 table in subsection (b), as provided in section 2101 of that
 19 Act and extended by section 2702 of the Military Con-
 20 struction Authorization Act for Fiscal Year 1996 (division
 21 B of Public Law 104–106; 110 Stat. 541) and section

1 2703 of the Military Construction Authorization Act for
 2 Fiscal Year 1997 (division B of Public Law 104–201; 110
 3 Stat. 2784), shall remain in effect until October 1, 1998,
 4 or the date of enactment of an Act authorizing funds for
 5 military construction for fiscal year 1999, whichever is
 6 later.

7 (b) TABLE.—The table referred to in subsection (a)
 8 is as follows:

Army: Extension of 1993 Project Authorization

State	Installation or location	Project	Amount
Arkansas	Pine Bluff Arsenal	Ammunition Demilitarization Support Facility.	\$15,000,000

9 **SEC. 2705. EXTENSION OF AUTHORIZATIONS OF CERTAIN**
 10 **FISCAL YEAR 1992 PROJECTS.**

11 (a) EXTENSIONS.—Notwithstanding section 2701 of
 12 the Military Construction Authorization Act for Fiscal
 13 Year 1992 (division B of Public Law 102–190; 105 Stat.
 14 1535), authorizations for the projects set forth in the table
 15 in subsection (b), as provided in section 2101 of that Act
 16 and extended by section 2702 of the Military Construction
 17 Authorization Act for Fiscal Year 1995 (division B of
 18 Public Law 103–337; 108 Stat. 3047), section 2703 of
 19 the Military Construction Authorization Act for Fiscal
 20 Year 1996 (division B of Public Law 104–106; 110 Stat.
 21 543), and section 2704 of the Military Construction Au-
 22 thorization Act for Fiscal Year 1997 (division B of Public

1 Law 104–201; 110 Stat. 2785), shall remain in effect
 2 until October 1, 1998, or the date of enactment of an Act
 3 authorizing funds for military construction for fiscal year
 4 1999, whichever is later.

5 (b) TABLE.—The table referred to in subsection (a)
 6 is as follows:

Army: Extension of 1992 Project Authorizations

State	Installation or location	Project	Amount
Oregon	Umatilla Army Depot.	Ammunition Demilitarization Support Facility.	\$3,600,000
	Umatilla Army Depot.	Ammunition Demilitarization Utilities.	\$7,500,000

7 **SEC. 2706. EFFECTIVE DATE.**

8 Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI
 9 shall take effect on the later of—

10 (1) October 1, 1997; or

11 (2) the date of the enactment of this Act.

12 **TITLE XXVIII—GENERAL**
 13 **PROVISIONS**

14 **Subtitle A—Military Construction**
 15 **Program and Military Family**
 16 **Housing Changes**

17 **SEC. 2801. INCREASE IN CEILING FOR MINOR LAND ACQUI-**
 18 **SITION PROJECTS.**

19 (a) INCREASE.—Section 2672 of title 10, United
 20 States Code, is amended by striking out “\$200,000” each

1 place it appears in subsection (a) and inserting in lieu
2 thereof “\$500,000”.

3 (b) CONFORMING AMENDMENTS.—(1) The section
4 heading for such section is amended by striking out
5 “**\$200,000**” and inserting in lieu thereof “**\$500,000**”.

6 (2) The table of sections at the beginning of chapter
7 159 of such title is amended in the item relating to section
8 2672 by striking out “\$200,000” and inserting in lieu
9 thereof “\$500,000”.

10 **SEC. 2802. SALE OF UTILITY SYSTEMS OF THE MILITARY**
11 **DEPARTMENTS.**

12 (a) IN GENERAL.—Chapter 159 of title 10, United
13 States Code, is amended by adding at the end the follow-
14 ing:

15 **“§ 2695. Sale of utility systems**

16 “(a) AUTHORITY.—The Secretary of the military de-
17 partment concerned may convey all right, title, and inter-
18 est of the United States, or any lesser estate thereof, in
19 and to all or part of a utility system located on or adjacent
20 to a military installation under the jurisdiction of the Sec-
21 retary to a municipal utility, private utility, regional or
22 district utility, or cooperative utility or other appropriate
23 entity.

24 “(b) SELECTION OF PURCHASER.—If more than one
25 utility or entity referred to in subsection (a) notifies the

1 Secretary concerned of an interest in a conveyance under
2 that subsection, the Secretary shall carry out the convey-
3 ance through the use of competitive procedures.

4 “(c) CONSIDERATION.—

5 “(1) IN GENERAL.—The Secretary concerned
6 shall accept as consideration for a conveyance under
7 subsection (a) an amount equal to the fair market
8 value (as determined by the Secretary) of the right,
9 title, or interest conveyed.

10 “(2) FORM OF CONSIDERATION.—Consideration
11 under this subsection may take the form of—

12 “(A) a lump sum payment; or

13 “(B) a reduction in charges for utility
14 services provided the military installation con-
15 cerned by the utility or entity concerned.

16 “(3) TREATMENT OF PAYMENTS.—

17 “(A) CREDITING.—A lump sum payment
18 received under paragraph (2)(A) shall be cred-
19 ited, at the election of the Secretary—

20 “(i) to an appropriation of the mili-
21 tary department concerned available for
22 the procurement of the same utility serv-
23 ices as are provided by the utility system
24 conveyed under this section;

1 “(ii) to an appropriation of the mili-
2 tary department available for carrying out
3 energy savings projects or water conserva-
4 tion projects; or

5 “(iii) to an appropriation of the mili-
6 tary department available for improve-
7 ments to other utility systems on the in-
8 stallation concerned.

9 “(B) AVAILABILITY.—Amounts so credited
10 shall be merged with funds in the appropriation
11 to which credited and shall be available for the
12 same purposes, and subject to the same condi-
13 tions and limitations, as the appropriation with
14 which merged.

15 “(d) INAPPLICABILITY OF CERTAIN CONTRACTING
16 REQUIREMENTS.—Sections 2461, 2467, and 2468 of this
17 title shall not apply to the conveyance of a utility system
18 under subsection (a).

19 “(e) NOTICE AND WAIT REQUIREMENT.—The Sec-
20 retary concerned may not make a conveyance under sub-
21 section (a) until—

22 “(1) the Secretary submits to the Committees
23 on Armed Services and Appropriations of the Senate
24 and the Committees on National Security and Ap-
25 propriations of the House of Representatives an eco-

1 nomic analysis (based upon accepted life-cycle cost-
2 ing procedures) demonstrating that—

3 “(A) the long-term economic benefit of the
4 conveyance to the United States exceeds the
5 long-term economic cost of the conveyance to
6 the United States; and

7 “(B) the conveyance will reduce the long-
8 term costs of the United States for utility serv-
9 ices provided by the utility system concerned;
10 and

11 “(2) a period of 21 days has elapsed after the
12 date on which the economic analysis is received by
13 the committees.

14 “(f) ADDITIONAL TERMS AND CONDITIONS.—The
15 Secretary concerned may require such additional terms
16 and conditions in connection with a conveyance under sub-
17 section (a) as such Secretary considers appropriate to pro-
18 tect the interests of the United States.

19 “(g) UTILITY SYSTEM DEFINED.—For purposes of
20 this section:

21 “(1) IN GENERAL.—The term ‘utility system’
22 means the following:

23 “(A) A system for the generation and sup-
24 ply of electric power.

1 “(B) A system for the treatment or supply
2 of water.

3 “(C) A system for the collection or treat-
4 ment of wastewater.

5 “(D) A system for the generation and sup-
6 ply of steam, hot water, and chilled water.

7 “(E) A system for the supply of natural
8 gas.

9 “(2) INCLUSIONS.—The term ‘utility system’
10 includes the following:

11 “(A) Equipment, fixtures, structures, and
12 other improvements utilized in connection with
13 a system referred to in paragraph (1).

14 “(B) Easements and rights-of-ways associ-
15 ated with a system referred to in that para-
16 graph.”.

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

“2695. Sale of utility systems.”.

20 **SEC. 2803. ADMINISTRATIVE EXPENSES FOR CERTAIN REAL**
21 **PROPERTY TRANSACTIONS.**

22 (a) IN GENERAL.—(1) Chapter 159 of title 10, Unit-
23 ed States Code, as amended by section 2802 of this Act,
24 is further amended by adding at the end the following:

1 **“§ 2696. Administrative expenses relating to certain**
2 **real property transactions**

3 “(a) **AUTHORITY TO COLLECT.**—Upon entering into
4 a transaction referred to in subsection (b) with a non-Fed-
5 eral person or entity, the Secretary of a military depart-
6 ment may collect from the person or entity an amount
7 equal to the administrative expenses incurred by the Sec-
8 retary in entering into the transaction.

9 “(b) **COVERED TRANSACTIONS.**—Subsection (a) ap-
10 plies to the following transactions:

11 “(1) The exchange of real property.

12 “(2) The grant of an easement over, in, or upon
13 real property of the United States.

14 “(3) The lease or license of real property of the
15 United States.

16 “(c) **USE OF AMOUNTS COLLECTED.**—Amounts col-
17 lected under subsection (a) for administrative expenses
18 shall be credited to the appropriation, fund, or account
19 from which such expenses were paid. Amounts so credited
20 shall be merged with funds in such appropriation, fund,
21 or account and shall be available for the same purposes
22 and subject to the same limitations as the funds with
23 which merged.”.

1 (2) The table of sections at the beginning of chapter
 2 159 of such title, as so amended, is further amended by
 3 adding at the end the following:

“2696. Administrative expenses relating to certain real property transactions.”.

4 (b) CONFORMING AMENDMENT.—Section 2667(d)(4)
 5 of such title is amended by striking out “to cover the ad-
 6 ministrative expenses of leasing for such purposes and”.

7 **SEC. 2804. USE OF FINANCIAL INCENTIVES FOR ENERGY**
 8 **SAVINGS AND WATER COST SAVINGS.**

9 (a) IN GENERAL.—Section 2865(b) of title 10, Unit-
 10 ed States Code, is amended—

11 (1) in paragraph (1), by striking out “and fi-
 12 nancial incentives described in subsection (d)(2)”;

13 (2) in paragraph (2)—

14 (A) by striking out “section 2866(b)” in
 15 the matter preceding subparagraph (A) and in-
 16 serting in lieu thereof “section 2866(b)(2)”;
 17 and

18 (B) by striking out “section 2866(b)” in
 19 subparagraph (A) and inserting in lieu thereof
 20 “section 2866(b)(2)”; and

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

22 “(3)(A) Financial incentives received from gas or
 23 electric utilities under subsection (d)(2), and from utilities
 24 for water demand or conservation under section
 25 2866(b)(1) of this title, shall be credited to an appropria-

tion designated by the Secretary of Defense. Amounts so credited shall be merged with the appropriation to which credited and shall be available for the same purposes and the same period as the appropriation with which merged.

“(B) The Secretary shall include in the annual report under subsection (f) the amounts of financial incentives credited under this paragraph during the year of the report and the purposes for which such amounts were utilized in that year.”.

(b) CONFORMING AMENDMENT.—Section 2866(b) of such title is amended to read as follows:

“(b) USE OF FINANCIAL INCENTIVES AND WATER COST SAVINGS.—(1) Financial incentives received under subsection (a)(2) shall be used as provided in paragraph (3) of section 2865(b) of this title.

“(2) Water cost savings realized under subsection (a)(3) shall be used as provided in paragraph (2) of that section.”.

SEC. 2805. SCREENING OF REAL PROPERTY TO BE CONVEYED BY THE DEPARTMENT OF DEFENSE.

(a) REQUIREMENT.—(1) Chapter 159 of title 10, United States Code, as amended by section 2803 of this Act, is further amended by adding at the end the following:

1 **“§ 2697. Screening of certain real property before**
2 **conveyance**

3 “(a) REQUIREMENT.—(1) Notwithstanding any other
4 provision of law and except as provided in subsection (b),
5 the Secretary concerned may not convey real property that
6 is authorized or required to be conveyed, whether for or
7 without consideration, by any provision of law unless the
8 Administrator of General Services determines that the
9 property is surplus property to the United States in ac-
10 cordance with the Federal Property and Administrative
11 Services Act of 1949.

12 “(2) The Administrator shall complete the screening
13 required for purposes of paragraph (1) not later than 30
14 days after the date of enactment of the provision authoriz-
15 ing or requiring the conveyance of the real property con-
16 cerned.

17 “(3)(A) As part of the screening of real property
18 under this subsection, the Administrator shall determine
19 the fair market value of the property, including any im-
20 provements thereon.

21 “(B) In the case of real property determined to be
22 surplus, the Administrator shall submit to Congress a
23 statement of the fair market value of the property, includ-
24 ing any improvements thereon, not later than 30 days
25 after the completion of the screening.

1 “(b) EXCEPTED AUTHORITY.—Subsection (a) shall
2 not apply to real property authorized or required to be
3 disposed of under the following provisions of law:

4 “(1) Section 2687 of this title.

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

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

11 “(4) Any provision of law authorizing the clo-
12 sure or realignment of a military installation that is
13 enacted after the date of enactment of the National
14 Defense Authorization Act for Fiscal Year 1998.

15 “(5) Title II of the Federal Property and Ad-
16 ministrative Services Act of 1949 (40 U.S.C. 481 et
17 seq.).

18 “(c) LIMITATION ON MODIFICATION OR WAIVER.—
19 A provision of law may not be construed as modifying or
20 superseding the provisions of subsection (a) unless that
21 provision of law—

22 “(A) specifically refers to this section; and

23 “(B) specifically states that such provision of
24 law modifies or supersedes the provisions of sub-
25 section (a).”.

1 (2) The table of sections at the beginning of such
 2 chapter, as so amended, is further amended by adding at
 3 the end the following:

“2697. Screening of certain real property before conveyance.”.

4 (b) APPLICABILITY.—Section 2697 of title 10, United
 5 States Code, as added by subsection (a) of this section,
 6 shall apply with respect to any real property authorized
 7 or required to be conveyed under a provision of law cov-
 8 ered by such section that is enacted after December 31,
 9 1996.

10 **Subtitle B—Land Conveyances**

11 **SEC. 2811. MODIFICATION OF AUTHORITY FOR DISPOSAL** 12 **OF CERTAIN REAL PROPERTY, FORT** 13 **BELVOIR, VIRGINIA.**

14 (a) REPEAL OF AUTHORITY TO CONVEY.—Section
 15 2821 of the Military Construction Authorization Act for
 16 Fiscal Years 1990 and 1991 (division B of Public Law
 17 101–189; 103 Stat. 1658), as amended by section 2854
 18 of the Military Construction Authorization Act for Fiscal
 19 Year 1996 (division B of Public Law 104–106; 110 Stat.
 20 568), is repealed.

21 (b) TREATMENT AS SURPLUS PROPERTY.—(1) Not-
 22 withstanding any other provision of law, the real property
 23 described in paragraph (2) shall be deemed to be surplus
 24 property for purposes of section 203 of the Federal Prop-

erty and Administrative Services Act of 1949 (40 U.S.C. 484).

(2) Paragraph (1) applies to a parcel of real property, including improvements thereon, at Fort Belvoir, Virginia, consisting of approximately 820 acres and known as the Engineer Proving Ground.

SEC. 2812. CORRECTION OF LAND CONVEYANCE AUTHORITY, ARMY RESERVE CENTER, ANDERSON, SOUTH CAROLINA.

(a) CORRECTION OF CONVEYEE.—Subsection (a) of section 2824 of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2793) is amended by striking out “County of Anderson, South Carolina (in this section referred to as the ‘County’)” and inserting in lieu thereof “Board of Education, Anderson County, South Carolina (in this section referred to as the ‘Board’)”.

(b) CONFORMING AMENDMENTS.—Subsections (b) and (c) of such section are each amended by striking out “County” and inserting in lieu thereof “Board”.

SEC. 2813. LAND CONVEYANCE, HAWTHORNE ARMY AMMUNITION DEPOT, MINERAL COUNTY, NEVADA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to Mineral County, Nevada (in this section referred to as the “Coun-

ty”), all right, title, and interest of the United States in and to a parcel of excess real property, including improvements thereon, consisting of approximately 33.1 acres located at Hawthorne Army Ammunition Depot, Mineral County, Nevada, and commonly referred to as the Schweer Drive Housing Area.

(b) CONDITIONS OF CONVEYANCE.—The conveyance authorized by subsection (a) shall be subject to the following conditions:

(1) That the County accept the conveyed property subject to such easements and rights of way in favor of the United States as the Secretary considers appropriate.

(2) That the County, if the County sells any portion of the property conveyed under subsection (a) before the end of the 10-year period beginning on the date of enactment of this Act, pay to the United States an amount equal to the lesser of—

(A) the amount of sale of the property sold; or

(B) the fair market value of the property sold as determined without taking into account any improvements to such property by the County.

1 (c) DESCRIPTION OF PROPERTY.—The exact acreage
 2 and legal description of the real property to be conveyed
 3 under subsection (a), and of any easement or right of way
 4 granted under subsection (b)(1), shall be determined by
 5 a survey satisfactory to the Secretary. The cost of the sur-
 6 vey shall be borne by the County.

7 (d) ADDITIONAL TERMS AND CONDITIONS.—The
 8 Secretary may require such additional terms and condi-
 9 tions in connection with the conveyance under subsection
 10 (a), and any easement or right of way granted under sub-
 11 section (b)(1), as the Secretary considers appropriate to
 12 protect the interests of the United States.

13 **SEC. 2814. LONG-TERM LEASE OF PROPERTY, NAPLES,**
 14 **ITALY.**

15 (a) AUTHORITY.—The Secretary of the Navy may ac-
 16 quire by long-term lease structures and real property re-
 17 lating to a regional hospital complex in Naples, Italy, that
 18 the Secretary determines to be necessary for purposes of
 19 the Naples Improvement Initiative.

20 (b) LEASE TERM.—Notwithstanding section 2675 of
 21 title 10, United States Code, the lease authorized by sub-
 22 section (a) shall be for a term of not more than 20 years.

23 (c) EXPIRATION OF AUTHORITY.—The authority of
 24 the Secretary to enter into a lease under subsection (a)
 25 shall expire on September 30, 2002.

1 (d) AUTHORITY CONTINGENT ON APPROPRIATIONS
2 ACTS.—The Secretary may exercise the authority under
3 subsection (a) only to the extent and in the amounts pro-
4 vided in advance in appropriations Acts.

5 **SEC. 2815. LAND CONVEYANCE, TOPSHAM ANNEX, NAVAL**
6 **AIR STATION, BRUNSWICK, MAINE.**

7 (a) CONVEYANCE AUTHORIZED.—The Secretary of
8 the Navy may convey, without consideration, to the Maine
9 School Administrative District No. 75, Topsham, Maine
10 (in this section referred to as the “District”), all right,
11 title, and interest of the United States in and to a parcel
12 of real property, including improvements thereon, consist-
13 ing of approximately 40 acres located at the Topsham
14 Annex, Naval Air Station, Brunswick, Maine.

15 (b) CONDITION OF CONVEYANCE.—The conveyance
16 under subsection (a) shall be subject to the condition that
17 the District use the property conveyed for educational pur-
18 poses.

19 (c) REVERSION.—If the Secretary determines at any
20 time that the real property conveyed pursuant to this sec-
21 tion is not being used for the purpose specified in sub-
22 section (b), all right, title, and interest in and to the prop-
23 erty, including any improvements thereon, shall revert to
24 the United States, and the United States shall have the
25 right of immediate entry thereon.

1 (d) INTERIM LEASE.—(1) Until such time as the real
2 property described in subsection (a) is conveyed by deed,
3 the Secretary may lease the property, together with the
4 improvements thereon, to the District.

5 (2) As consideration for the lease under this sub-
6 section, the District shall provide such security services
7 for the property covered by the lease, and carry out such
8 maintenance work with respect to the property, as the Sec-
9 retary shall specify in the lease.

10 (e) DESCRIPTION OF PROPERTY.—The exact acreage
11 and legal description of the property conveyed under sub-
12 section (a) shall be determined by a survey satisfactory
13 to the Secretary. The District shall bear the cost of the
14 survey.

15 (f) ADDITIONAL TERMS AND CONDITIONS.—The Sec-
16 retary may require such additional terms and conditions
17 in connection with the conveyance under subsection (a),
18 and the lease, if any, under subsection (d), as the Sec-
19 retary considers appropriate to protect the interests of the
20 United States.

21 **SEC. 2816. LAND CONVEYANCE, NAVAL WEAPONS INDUS-**
22 **TRIAL RESERVE PLANT NO. 464, OYSTER BAY,**
23 **NEW YORK.**

24 (a) CONVEYANCE AUTHORIZED.—(1) The Secretary
25 of the Navy may convey, without consideration, to the

1 County of Nassau, New York (in this section referred to
2 as the “County”), all right, title, and interest of the Unit-
3 ed States in and to parcels of real property consisting of
4 approximately 110 acres and comprising the Naval Weap-
5 ons Industrial Reserve Plant No. 464, Oyster Bay, New
6 York.

7 (2)(A) As part of the conveyance authorized in para-
8 graph (1), the Secretary may convey to the County such
9 improvements, equipment, fixtures, and other personal
10 property (including special tooling equipment and special
11 test equipment) located on the parcels as the Secretary
12 determines to be not required by the Navy for other pur-
13 poses.

14 (B) The Secretary may permit the County to review
15 and inspect the improvements, equipment, fixtures, and
16 other personal property located on the parcels for purposes
17 of the conveyance authorized by this paragraph.

18 (b) CONDITION OF CONVEYANCE.—The conveyance
19 of the parcels authorized in subsection (a) shall be subject
20 to the condition that the County—

21 (1) use the parcels, directly or through an
22 agreement with a public or private entity, for eco-
23 nomic redevelopment purposes or such other public
24 purposes as the County determines appropriate; or

1 (2) convey the parcels to an appropriate public
2 or private entity for use for such purposes.

3 (c) REVERSIONARY INTEREST.—If during the 5-year
4 period beginning on the date the Secretary makes the con-
5 veyance authorized under subsection (a) the Secretary de-
6 termines that the conveyed real property is not being used
7 for a purpose specified in subsection (b), all right, title,
8 and interest in and to the property, including any improve-
9 ments thereon, shall revert to the United States and the
10 United States shall have the right of immediate entry onto
11 the property. Any determination of the Secretary under
12 this subsection shall be made on the record after an oppor-
13 tunity for a hearing.

14 (d) INTERIM LEASE.—(1) Until such time as the real
15 property described in subsection (a) is conveyed by deed,
16 the Secretary may lease the property, together with im-
17 provements thereon, to the County.

18 (2) As consideration for the lease under this sub-
19 section, the County shall provide such security services
20 and fire protection services for the property covered by
21 the lease, and carry out such maintenance work with re-
22 spect to the property, as the Secretary shall specify in the
23 lease.

24 (e) DESCRIPTION OF PROPERTY.—The exact acreage
25 and legal description of the real property to be conveyed

1 under subsection (a) shall be determined by a survey satis-
2 factory to the Secretary. The cost of the survey shall be
3 borne by the County.

4 (f) ADDITIONAL TERMS AND CONDITIONS.—The Sec-
5 retary may require such additional terms and conditions
6 in connection with the conveyance under subsection (a),
7 and the lease, if any, under subsection (d), as the Sec-
8 retary considers appropriate to protect the interests of the
9 United States.

10 **SEC. 2817. LAND CONVEYANCE, CHARLESTON FAMILY**
11 **HOUSING COMPLEX, BANGOR, MAINE.**

12 (a) CONVEYANCE AUTHORIZED.—The Secretary of
13 the Air Force may convey, without consideration, to the
14 City of Bangor, Maine (in this section referred to as the
15 “City”), all right, title, and interest of the United States
16 in and to a parcel of real property consisting of approxi-
17 mately 19.8 acres, including improvements thereon, lo-
18 cated in Bangor, Maine, and known as the Charleston
19 Family Housing Complex.

20 (b) PURPOSE OF CONVEYANCE.—The purpose of the
21 conveyance under subsection (a) is to facilitate the reuse
22 of the real property, currently unoccupied, which the City
23 proposes to use to provide housing opportunities for first-
24 time home buyers.

1 (c) CONDITION OF CONVEYANCE.—The conveyance
 2 authorized by subsection (a) shall be subject to the condi-
 3 tion that the City, if the City sells any portion of the prop-
 4 erty conveyed under subsection (a) before the end of the
 5 10-year period beginning on the date of enactment of this
 6 Act, pay to the United States an amount equal to the less-
 7 er of—

8 (1) the amount of sale of the property sold; or

9 (2) the fair market value of the property sold
 10 as determined without taking into account any im-
 11 provements to such property by the City.

12 (d) DESCRIPTION OF PROPERTY.—The exact acreage
 13 and legal description of the real property conveyed under
 14 subsection (a) shall be determined by a survey satisfactory
 15 to the Secretary. The cost of the survey shall be borne
 16 by the City.

17 (e) ADDITIONAL TERMS AND CONDITIONS.—The
 18 Secretary may require such additional terms and condi-
 19 tions in connection with the conveyance under subsection
 20 (a) as the Secretary considers appropriate to protect the
 21 interests of the United States.

22 **SEC. 2818. LAND CONVEYANCE, ELLSWORTH AIR FORCE**
 23 **BASE, SOUTH DAKOTA.**

24 (a) CONVEYANCE AUTHORIZED.—The Secretary of
 25 the Air Force may convey, without consideration, to the

1 Greater Box Elder Area Economic Development Corpora-
2 tion, Box Elder, South Dakota (in this section referred
3 to as the “Corporation”), all right, title, and interest of
4 the United States in and to the parcels of real property
5 located at Ellsworth Air Force Base, South Dakota, re-
6 ferred to in subsection (b).

7 (b) COVERED PROPERTY.—(1) Subject to paragraph
8 (2), the real property referred to in subsection (a) is the
9 following:

10 (A) A parcel of real property, together with any
11 improvements thereon, consisting of approximately
12 53.32 acres and comprising the Skyway Military
13 Family Housing Area.

14 (B) A parcel of real property, together with any
15 improvements thereon, consisting of approximately
16 137.56 acres and comprising the Renal Heights
17 Military Family Housing Area.

18 (C) A parcel of real property, together with any
19 improvements thereon, consisting of approximately
20 14.92 acres and comprising the East Nike Military
21 Family Housing Area.

22 (D) A parcel of real property, together with any
23 improvements thereon, consisting of approximately
24 14.69 acres and comprising the South Nike Military
25 Family Housing Area.

1 (E) A parcel of real property, together with any
2 improvements thereon, consisting of approximately
3 14.85 acres and comprising the West Nike Military
4 Family Housing Area.

5 (2) The real property referred to in subsection (a)
6 does not include the portion of the real property referred
7 to in paragraph (1)(B) that the Secretary determines to
8 be required for the construction of an access road between
9 the main gate of Ellsworth Air Force Base and an inter-
10 change on Interstate Route 90 located in the vicinity of
11 mile marker 67 in South Dakota.

12 (c) CONDITIONS OF CONVEYANCE.—The conveyance
13 of the real property referred to in subsection (b) shall be
14 subject to the following conditions:

15 (1) That the Corporation, and any person or
16 entity to which the Corporation transfers the prop-
17 erty, comply in the use of the property with the ap-
18 plicable provisions of the Ellsworth Air Force Base
19 Air Installation Compatible Use Zone Study.

20 (2) That the Corporation convey a portion of
21 the real property referred to in paragraph (1)(A) of
22 that subsection, together with any improvements
23 thereon, consisting of approximately 20 acres to the
24 Douglas School District, South Dakota, for use for
25 education purposes.

1 (d) REVERSIONARY INTEREST.—If the Secretary de-
 2 termines that any portion of the real property conveyed
 3 under subsection (a) is not being utilized in accordance
 4 with the applicable provision of subsection (c), all right,
 5 title, and interest in and to that portion of the real prop-
 6 erty shall revert to the United States, and the United
 7 States shall have the right of immediate entry thereon.

8 (e) LEGAL DESCRIPTION.—The exact acreage and
 9 legal description of the property conveyed under sub-
 10 section (a) shall be determined by a survey satisfactory
 11 to the Secretary. The cost of the survey shall be borne
 12 by the Corporation.

13 (f) ADDITIONAL TERMS AND CONDITIONS.—The Sec-
 14 retary may require such additional terms and conditions
 15 in connection with the conveyance under subsection (a) as
 16 the Secretary considers appropriate to protect the inter-
 17 ests of the United States.

18 **SEC. 2819. MODIFICATION OF LAND CONVEYANCE AUTHOR-**
 19 **ITY, ROCKY MOUNTAIN ARSENAL, COLORADO.**

20 Section 5(c)(1) of the Rocky Mountain Arsenal Na-
 21 tional Wildlife Refuge Act of 1992 (Public Law 102–402;
 22 106 Stat. 1966; 16 U.S.C. 668dd note) is amended by
 23 striking out the second sentence and inserting in lieu
 24 thereof the following new sentence: “The Administrator
 25 shall convey the transferred property to Commerce City,

1 Colorado, upon the approval of the City, for consideration
2 equal to the fair market value of the property (as deter-
3 mined jointly by the Administrator and the City).”.

4 **SEC. 2820. LAND CONVEYANCE, ARMY RESERVE CENTER,**
5 **GREENSBORO, ALABAMA.**

6 (a) CONVEYANCE AUTHORIZED.—The Secretary of
7 the Army may convey, without consideration, to Hale
8 County, Alabama, all right, title, and interest of the Unit-
9 ed States in and to a parcel of real property consisting
10 of approximately 5.17 acres and located at the Army Re-
11 serve Center, Greensboro, Alabama, that was conveyed by
12 Hale County, Alabama, to the United States by warranty
13 deed dated September 12, 1988.

14 (b) DESCRIPTION OF PROPERTY.—The exact acreage
15 and legal description of the property conveyed under sub-
16 section (a) shall be as described in the deed referred to
17 in that subsection.

18 (c) ADDITIONAL TERMS AND CONDITIONS.—The
19 Secretary may require such additional terms and condi-
20 tions in connection with the conveyance under this section
21 as the Secretary considers appropriate to protect the inter-
22 ests of the United States.

1 **SEC. 2821. LAND CONVEYANCE, HANCOCK FIELD, SYRA-**
2 **CUSE, NEW YORK.**

3 (a) CONVEYANCE AUTHORIZED.—(1) The Secretary
4 of the Air Force may convey, without consideration, to On-
5 ondaga County, New York (in this section referred to as
6 the “County”), all right, title, and interest of the United
7 States in and to a parcel of real property, including any
8 improvements thereon, consisting of approximately 14.9
9 acres and located at Hancock Field, Syracuse, New York,
10 the site of facilities no longer required for use by the
11 152nd Air Control Group of the New York Air National
12 Guard.

13 (2) If at the time of the conveyance authorized by
14 paragraph (1) the property is under the jurisdiction of the
15 Administrator of General Services, the Administrator shall
16 make the conveyance.

17 (b) CONDITION OF CONVEYANCE.—The conveyance
18 authorized by subsection (a) shall be subject to the condi-
19 tion that the County use the property conveyed for eco-
20 nomic development purposes.

21 (c) REVERSION.—If the Secretary determines at any
22 time that the property conveyed pursuant to this section
23 is not being used for the purposes specified in subsection
24 (b), all right, title, and interest in and to the property,
25 including any improvements thereon, shall revert to the

1 United States, and the United States shall have the right
2 of immediate entry thereon.

3 (d) DESCRIPTION OF PROPERTY.—The exact acreage
4 and legal description of the property to be conveyed under
5 subsection (a) shall be determined by a survey satisfactory
6 to the Secretary. The cost of the survey shall be borne
7 by the County.

8 (e) ADDITIONAL TERMS AND CONDITIONS.—The
9 Secretary may require such additional terms and condi-
10 tions in connection with the conveyance under subsection
11 (a) as the Secretary considers appropriate to protect the
12 interests of the United States.

13 **SEC. 2822. LAND CONVEYANCE, HAVRE AIR FORCE STA-**
14 **TION, MONTANA, AND HAVRE TRAINING SITE,**
15 **MONTANA.**

16 (a) CONVEYANCE AUTHORIZED.—(1) The Secretary
17 of the Air Force may convey, without consideration, to the
18 Bear Paw Development Corporation, Havre, Montana (in
19 this section referred to as the “Corporation”), all, right,
20 title, and interest of the United States in and to the real
21 property described in paragraph (2).

22 (2) The authority in paragraph (1) applies to the fol-
23 lowing real property:

24 (A) A parcel of real property, including any im-
25 provements thereon, consisting of approximately 85

1 acres and comprising the Havre Air Force Station,
2 Montana.

3 (B) A parcel of real property, including any im-
4 provements thereon, consisting of approximately 9
5 acres and comprising the Havre Training Site, Mon-
6 tana.

7 (b) CONDITIONS OF CONVEYANCE.—The conveyance
8 authorized by subsection (a) shall be subject to the follow-
9 ing conditions:

10 (1) That the Corporation—

11 (A) convey to the Box Elder School Dis-
12 trict 13G, Montana, 10 single-family homes lo-
13 cated on the property to be conveyed under that
14 subsection as jointly agreed upon by the Cor-
15 poration and the school district; and

16 (B) grant the school district access to the
17 property for purposes of removing the homes
18 from the property.

19 (2) That the Corporation—

20 (A) convey to the Hays/Lodgepole School
21 District 50, Montana—

22 (i) 27 single-family homes located on
23 the property to be conveyed under that
24 subsection as jointly agreed upon by the
25 Corporation and the school district;

1 (ii) one barracks housing unit located
2 on the property;

3 (iii) two steel buildings (nos. 7 and 8)
4 located on the property;

5 (iv) two tin buildings (nos. 37 and 44)
6 located on the property; and

7 (v) miscellaneous personal property lo-
8 cated on the property that is associated
9 with the buildings conveyed under this sub-
10 paragraph; and

11 (B) grant the school district access to the
12 property for purposes of removing such homes
13 and buildings, the housing unit, and such per-
14 sonal property from the property.

15 (3) That the Corporation—

16 (A) convey to the District 4 Human Re-
17 sources Development Council, Montana, eight
18 single-family homes located on the property to
19 be conveyed under that subsection as jointly
20 agreed upon by the Corporation and the coun-
21 cil; and

22 (B) grant the council access to the prop-
23 erty for purposes of removing such homes from
24 the property.

1 (4) That any property conveyed under sub-
2 section (a) that is not conveyed under this sub-
3 section be used for economic development purposes
4 or housing purposes.

5 (c) REVERSION.—If the Secretary determines at any
6 time that the property conveyed pursuant to this section
7 which is covered by the condition specified in subsection
8 (b)(4) is not being used for the purposes specified in that
9 subsection, all right, title, and interest in and to such
10 property, including any improvements thereon, shall revert
11 to the United States, and the United States shall have
12 the right of immediate entry thereon.

13 (d) DESCRIPTION OF PROPERTY.—The exact acre-
14 ages and legal description of the parcels of property con-
15 veyed under subsection (a) shall be determined by surveys
16 satisfactory to the Secretary. The cost of the surveys shall
17 be borne by the Corporation.

18 (e) ADDITIONAL TERMS AND CONDITIONS.—The
19 Secretary may require such additional terms and condi-
20 tions in connection with the conveyance under subsection
21 (a) as the Secretary considers appropriate to protect the
22 interests of the United States.

1 **SEC. 2823. LAND CONVEYANCE, FORT BRAGG, NORTH CARO-**
2 **LINA.**

3 (a) CONVEYANCE AUTHORIZED.—Subject to the pro-
4 visions of this section and notwithstanding any other law,
5 the Secretary of the Army shall convey, without consider-
6 ation, by fee simple absolute deed to Harnett County,
7 North Carolina, all right, title, and interest of the United
8 States of America in and to two parcels of land containing
9 a total of 300 acres, more or less, located at Fort Bragg,
10 North Carolina, together with any improvements thereon,
11 for educational and economic development purposes.

12 (b) TERMS AND CONDITIONS.—The conveyance by
13 the United States under this section shall be subject to
14 the following conditions to protect the interests of the
15 United States, including—

16 (1) the County shall pay all costs associated
17 with the conveyance, authorized by this section, in-
18 cluding but not limited to environmental analysis
19 and documentation, survey costs and recording fees;

20 (2) notwithstanding the Comprehensive Envi-
21 ronmental Response, Compensation and Liability
22 Act of 1980, as amended (42 U.S.C. 9601 et seq.)
23 the Solid Waste Disposal Act, as amended (42
24 U.S.C. 6901 et seq.) or any other law, the County,
25 and not the United States, shall be responsible for
26 any environmental restoration or remediation re-

1 quired on the property conveyed and the United
2 States shall be forever released and held harmless
3 from any obligation to conduct such restoration or
4 remediation and any claims or causes of action stem-
5 ming from such remediation.

6 (c) LEGAL DESCRIPTION OF REAL PROPERTY AND
7 PAYMENT OF COSTS.—The exact acreage and legal de-
8 scription of the real property described in subsection (a)
9 shall be determined by a survey, the costs of which the
10 County shall bear.

11 **Subtitle C—Other Matters**

12 **SEC. 2831. DISPOSITION OF PROCEEDS OF SALE OF AIR** 13 **FORCE PLANT NO. 78, BRIGHAM CITY, UTAH.**

14 Notwithstanding the provisions of section
15 204(h)(2)(A) of the Federal Property and Administrative
16 Services Act of 1949 (40 U.S.C. 485(h)(2)(A)), the entire
17 amount deposited by the Administrator of General Serv-
18 ices in the account in the Treasury under section 204 of
19 that Act as a result of the sale of Air Force Plant No.
20 78, Brigham City, Utah, shall, to the extent provided in
21 appropriations Acts, be available to the Secretary of the
22 Air Force for maintenance and repair of facilities, or envi-
23 ronmental restoration, at other industrial plants of the Air
24 Force.

1 **SEC. 2832. REPORT ON CLOSURE AND REALIGNMENT OF**
2 **MILITARY BASES.**

3 (a) REPORT.—The Secretary of Defense shall pre-
4 pare and submit to the congressional defense committees
5 a report on the costs and savings attributable to the base
6 closure rounds before 1996 and on the need, if any, for
7 additional base closure rounds.

8 (b) ELEMENTS.—The report under subsection (a)
9 shall include the following:

10 (1) A statement, using data consistent with
11 budget data, of the actual costs and savings (in the
12 case of prior fiscal years) and the estimated costs
13 and savings (in the case of future fiscal years) at-
14 tributable to the closure and realignment of military
15 installations as a result of the base closure rounds
16 before 1996, set forth by Armed Force, type of facil-
17 ity, and fiscal year, including—

18 (A) operation and maintenance costs, in-
19 cluding costs associated with expanded oper-
20 ations and support, maintenance of property,
21 administrative support, and allowances for
22 housing at installations to which functions are
23 transferred as a result of the closure or realign-
24 ment of other installations;

25 (B) military construction costs, including
26 costs associated with rehabilitating, expanding,

1 and constructing facilities to receive personnel
2 and equipment that are transferred to installa-
3 tions as a result of the closure or realignment
4 of other installations;

5 (C) environmental cleanup costs, including
6 costs associated with assessments and restora-
7 tion;

8 (D) economic assistance costs, including—

9 (i) expenditures on Department of De-
10 fense demonstration projects relating to
11 economic assistance;

12 (ii) expenditures by the Office of Eco-
13 nomic Adjustment; and

14 (iii) to the extent available, expendi-
15 tures by the Economic Development Ad-
16 ministration, the Federal Aviation Admin-
17 istration, and the Department of Labor re-
18 lating to economic assistance;

19 (E) unemployment compensation costs,
20 early retirement benefits (including benefits
21 paid under section 5597 of title 5, United
22 States Code), and worker retraining expenses
23 under the Priority Placement Program, the Job
24 Training Partnership Act, and any other Feder-
25 ally-funded job training program;

1 (F) costs associated with military health
2 care;

3 (G) savings attributable to changes in mili-
4 tary force structure; and

5 (H) savings due to lower support costs
6 with respect to installations that are closed or
7 realigned.

8 (2) A comparison, set forth by base closure
9 round, of the actual costs and savings stated under
10 paragraph (1) to the annual estimates of costs and
11 savings previously submitted to Congress.

12 (3) A list of each military installation at which
13 there is authorized to be employed 300 or more civil-
14 ian personnel, set forth by Armed Force.

15 (4) An estimate of current excess capacity at
16 military installations, set forth—

17 (A) as a percentage of the total capacity of
18 the installations of the Armed Forces with re-
19 spect to all installations of the Armed Forces;

20 (B) as a percentage of the total capacity of
21 the installations of each Armed Force with re-
22 spect to the installations of such Armed Force;
23 and

1 (C) as a percentage of the total capacity of
2 a type of installation with respect to installa-
3 tions of such type.

4 (5) The types of facilities that would be rec-
5 ommended for closure or realignment in the event of
6 an additional base closure round, set forth by Armed
7 Force.

8 (6) The criteria to be used by the Secretary in
9 evaluating installations for closure or realignment in
10 such event.

11 (7) The methodologies to be used by the Sec-
12 retary in identifying installations for closure or re-
13 alignment in such event.

14 (8) An estimate of the costs and savings to be
15 achieved as a result of the closure or realignment of
16 installations in such event, set forth by Armed Force
17 and by year.

18 (9) An assessment whether the costs of the clo-
19 sure or realignment of installations in such event are
20 contained in the current Future Years Defense Plan,
21 and, if not, whether the Secretary will recommend
22 modifications in future defense spending in order to
23 accommodate such costs.

24 (c) DEADLINE.—The Secretary shall submit the re-
25 port under subsection (a) not later than the date on which

1 the President submits to Congress the budget for fiscal
2 year 2000 under section 1105(a) of title 31, United States
3 Code.

4 (d) REVIEW.—The Congressional Budget Office and
5 the Comptroller General shall conduct a review of the re-
6 port prepared under subsection (a).

7 (e) PROHIBITION ON USE OF FUNDS.—No funds au-
8 thorized to be appropriated or otherwise made available
9 to the Department of Defense by this Act or any other
10 Act may be used for any activities of the Defense Base
11 Closure and Realignment Commission established by sec-
12 tion 2902(a) of the Defense Base Closure and Realign-
13 ment Act of 1990 (part A of title XXIX of Public Law
14 101–510; 10 U.S.C. 2687 note) until the later of—

15 (1) the date on which the Secretary submits the
16 report required by subsection (a); or

17 (2) the date on which the Congressional Budget
18 Office and the Comptroller General complete a re-
19 view of the report under subsection (d).

20 (f) SENSE OF SENATE.—It is the sense of the Senate
21 that—

22 (1) the Secretary should develop a system hav-
23 ing the capacity to quantify the actual costs and sav-
24 ings attributable to the closure and realignment of

1 military installations pursuant to the base closure
2 process; and

3 (2) the Secretary should develop the system in
4 expedient fashion, so that the system may be used
5 to quantify costs and savings attributable to the
6 1995 base closure round.

7 **SEC. 2833. SENSE OF SENATE ON UTILIZATION OF SAVINGS**
8 **DERIVED FROM BASE CLOSURE PROCESS.**

9 (a) FINDINGS.—Congress makes the following find-
10 ings:

11 (1) Since 1988, the Department of Defense has
12 conducted 4 rounds of closures and realignments of
13 military installations in the United States, resulting
14 in the closure of 97 installations.

15 (2) The cost of carrying out the closure or re-
16 alignment of installations covered by such rounds is
17 estimated by the Secretary of Defense to be
18 \$23,000,000,000.

19 (3) The savings expected as a result of the clo-
20 sure or realignment of such installations are esti-
21 mated by the Secretary to be \$10,300,000,000
22 through fiscal year 1996 and \$36,600,000,000
23 through 2001.

24 (4) In addition to such savings, the Secretary
25 has estimated recurring savings as a result of the

1 closure or realignment of such installations of ap-
2 proximately \$5,600,000,000 annually.

3 (5) The fiscal year 1997 budget request for the
4 Department assumes a savings of between
5 \$2,000,000,000 and \$3,000,000,000 as a result of
6 the closure or realignment of such installations,
7 which savings were to be dedicated to modernization
8 of the Armed Forces. The savings assumed in the
9 budget request were not realized.

10 (6) The fiscal year 1998 budget request for the
11 Department assumes a savings of \$5,000,000,000 as
12 a result of the closure or realignment of such instal-
13 lations, which savings are to be dedicated to mod-
14 ernization of the Armed Forces.

15 (b) SENSE OF SENATE ON USE OF SAVINGS RESULT-
16 ING FROM BASE CLOSURE PROCESS.—It is the sense of
17 the Senate that the savings identified in the report under
18 section 2832 should be made available to the Department
19 of Defense solely for purposes of modernization of new
20 weapon systems (including research, development, test,
21 and evaluation relating to such modernization) and should
22 be used by the Department solely for such purposes.

1 **DIVISION C—DEPARTMENT OF**
2 **ENERGY NATIONAL SECURITY**
3 **AUTHORIZATIONS AND**
4 **OTHER AUTHORIZATIONS**
5 **TITLE XXXI—DEPARTMENT OF**
6 **ENERGY NATIONAL SECURITY**
7 **PROGRAMS**
8 **Subtitle A—National Security**
9 **Programs Authorizations**

10 **SEC. 3101. WEAPONS ACTIVITIES.**

11 (a) STOCKPILE STEWARDSHIP.—Funds are hereby
12 authorized to be appropriated to the Department of En-
13 ergy for fiscal year 1998 for stockpile stewardship in car-
14 rying out weapons activities necessary for national secu-
15 rity programs in the amount of \$1,726,900,000, to be allo-
16 cated as follows:

17 (1) For core stockpile stewardship,
18 \$1,243,100,000, to be allocated as follows:

19 (A) For operation and maintenance,
20 \$1,144,290,000.

21 (B) For the accelerated strategic comput-
22 ing initiative, \$190,800,000.

23 (C) For plant projects (including mainte-
24 nance, restoration, planning, construction, ac-
25 quisition, modification of facilities, and the con-

1 continuation of projects authorized in prior years,
2 and land acquisition related thereto),
3 \$98,810,000, to be allocated as follows:

4 Project 97–D–102, Dual-Axis Radio-
5 graphic Hydrodynamic facility, Los Alamos
6 National Laboratory, Los Alamos, New
7 Mexico, \$46,300,000.

8 Project 96–D–102, stockpile steward-
9 ship facilities revitalization, Phase VI, var-
10 ious locations, \$19,810,000.

11 Project 96–D–103, ATLAS, Los Ala-
12 mos National Laboratory, Los Alamos,
13 New Mexico, \$13,400,000.

14 Project 96–D–105, Contained Firing
15 Facility addition, Lawrence Livermore Na-
16 tional Laboratory, Livermore, California,
17 \$19,300,000.

18 (2) For inertial confinement fusion,
19 \$414,800,000, to be allocated as follows:

20 (A) For operation and maintenance,
21 \$217,000,000.

22 (B) For the following plant project (includ-
23 ing maintenance, restoration, planning, con-
24 struction, acquisition, modification of facilities,
25 and land acquisition related thereto):

1 Project 96–D–111, National Ignition
2 Facility, Lawrence Livermore National
3 Laboratory, Livermore, California,
4 \$197,800,000.

5 (3) For technology transfer and education,
6 \$69,000,000.

7 (b) STOCKPILE MANAGEMENT.—Funds are hereby
8 authorized to be appropriated to the Department of En-
9 ergy for fiscal year 1998 for stockpile management in car-
10 rying out weapons activities necessary for national secu-
11 rity programs in the amount of \$2,033,050,000, to be allo-
12 cated as follows:

13 (1) For operation and maintenance,
14 \$1,861,465,000.

15 (2) For plant projects (including maintenance,
16 restoration, planning, construction, acquisition,
17 modification of facilities, and the continuation of
18 projects authorized in prior years, and land acquisi-
19 tion related thereto), \$171,585,000, to be allocated
20 as follows:

21 Project 98–D–123, stockpile management
22 restructuring initiative, tritium facility mod-
23 ernization and consolidation, Savannah River
24 Site, Aiken, South Carolina, \$11,000,000.

1 Project 98–D–124, stockpile management
2 restructuring initiative, Y–12 consolidation,
3 Oak Ridge, Tennessee, \$6,450,000.

4 Project 98–D–125, Tritium Extraction Fa-
5 cility, Savannah River Site, Aiken, South Caro-
6 lina, \$9,650,000.

7 Project 98–D–126, accelerator production
8 of tritium, various locations, \$67,865,000.

9 Project 97–D–122, nuclear materials stor-
10 age facility renovation, Los Alamos National
11 Laboratory, Los Alamos, New Mexico,
12 \$9,200,000.

13 Project 97–D–124, steam plant wastewater
14 treatment facility upgrade, Y–12 Plant, Oak
15 Ridge, Tennessee, \$1,900,000.

16 Project 96–D–122, sewage treatment qual-
17 ity upgrade, Pantex Plant, Amarillo, Texas,
18 \$6,900,000.

19 Project 96–D–123, retrofit heating, ven-
20 tilation, and air conditioning and chillers for
21 ozone protection, Y–12 Plant, Oak Ridge, Ten-
22 nessee, \$2,700,000.

23 Project 95–D–102, Chemical and Metal-
24 lurgy Research Building upgrades project, Los

1 Alamos National Laboratory, Los Alamos, New
2 Mexico, \$15,700,000.

3 Project 95–D–122, sanitary sewer up-
4 grade, Y–12 Plant, Oak Ridge, Tennessee,
5 \$12,600,000.

6 Project 94–D–124, hydrogen fluoride sup-
7 ply system, Y–12 Plant, Oak Ridge, Tennessee,
8 \$1,400,000.

9 Project 94–D–125, upgrade life safety,
10 Kansas City Plant, Kansas City, Missouri,
11 \$2,000,000.

12 Project 93–D–122, life safety upgrades,
13 Y–12 Plant, Oak Ridge, Tennessee,
14 \$2,100,000.

15 Project 92–D–126, replace emergency noti-
16 fication systems, various locations, \$3,200,000.

17 Project 88–D–122, facilities capability as-
18 surance program, various locations,
19 \$18,920,000.

20 (c) PROGRAM DIRECTION.—Funds are hereby au-
21 thorized to be appropriated to the Department of Energy
22 for fiscal year 1998 for program direction in carrying out
23 weapons activities necessary for national security pro-
24 grams in the amount of \$268,500,000.

1 **SEC. 3102. ENVIRONMENTAL RESTORATION AND WASTE**
2 **MANAGEMENT.**

3 (a) ENVIRONMENTAL RESTORATION.—Funds are
4 hereby authorized to be appropriated to the Department
5 of Energy for fiscal year 1998 for environmental restora-
6 tion in carrying out environmental restoration and waste
7 management activities necessary for national security pro-
8 grams in the amount of \$1,741,373,000.

9 (b) WASTE MANAGEMENT.—Funds are hereby au-
10 thorized to be appropriated to the Department of Energy
11 for fiscal year 1998 for waste management in carrying out
12 environmental restoration and waste management activi-
13 ties necessary for national security programs in the
14 amount of \$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,
19 modification of facilities, and the continuation of
20 projects authorized in prior years, and land acquisi-
21 tion related thereto), \$80,768,000, to be allocated as
22 follows:

23 Project 98–D–401, H-tank farm storm
24 water systems upgrade, Savannah River Site,
25 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,
8 Carlsbad, New Mexico, \$176,000.

9 Project 95–D–405, industrial landfill V
10 and construction/demolition landfill VII, Y–12
11 Plant, 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
17 Laboratory, 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 re-
21 moval from filled waste tanks, Savannah River
22 Site, 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 here-
9 by authorized to be appropriated to the Department of
10 Energy for fiscal year 1998 for technology development
11 in carrying out environmental restoration and waste man-
12 agement activities necessary for national security pro-
13 grams in the amount of \$237,881,000.

14 (d) NUCLEAR MATERIAL AND FACILITY STABILIZA-
15 TION.—Funds are hereby authorized to be appropriated
16 to the Department of Energy for fiscal year 1998 for nu-
17 clear material and facility stabilization in carrying out en-
18 vironmental restoration and waste management activities
19 necessary for national security programs in the amount
20 of \$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,
25 modification of facilities, and the continuation of

1 projects authorized in prior years, and land acquisi-
2 tion related thereto), \$84,907,000, to be allocated as
3 follows:

4 Project 98–D–453, plutonium stabilization
5 and handling system for plutonium finishing
6 plant, Richland, Washington, \$8,136,000.

7 Project 98–D–700, road rehabilitation,
8 Idaho National Engineering and Environmental
9 Laboratory, Idaho, \$500,000.

10 Project 97–D–450, actinide packaging and
11 storage facility, Savannah River Site, Aiken,
12 South Carolina, \$18,000,000.

13 Project 97–D–451, B-Plant safety class
14 ventilation upgrades, Richland, Washington,
15 \$2,000,000.

16 Project 97–D–470, environmental monitor-
17 ing laboratory, Savannah River Site, Aiken,
18 South Carolina, \$5,600,000.

19 Project 97–D–473, health physics site sup-
20 port facility, Savannah River Site, Aiken, South
21 Carolina, \$4,200,000.

22 Project 96–D–406, spent nuclear fuels
23 canister storage and stabilization facility, Rich-
24 land, 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
5 systems upgrade, Idaho Chemical Processing
6 Plant, Idaho National Engineering and Envi-
7 ronmental Laboratory, Idaho, \$14,985,000.

8 Project 96–D–471, chlorofluorocarbon
9 heating, ventilation, and air conditioning and
10 chiller retrofit, Savannah River Site, Aiken,
11 South Carolina, \$8,500,000.

12 Project 95–D–155, upgrade site road in-
13 frastructure, 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
20 authorized to be appropriated to the Department of En-
21 ergy for fiscal year 1998 for policy and management in
22 carrying out environmental restoration and waste manage-
23 ment activities necessary for national security programs
24 in the amount of \$18,104,000.

1 (f) ENVIRONMENTAL MANAGEMENT SCIENCE PRO-
 2 GRAM.—Funds are hereby authorized to be appropriated
 3 to the Department of Energy for fiscal year 1998 for envi-
 4 ronmental 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 au-
 9 thorized to be appropriated to the Department of Energy
 10 for fiscal year 1998 for program direction in carrying out
 11 environmental restoration and waste management activi-
 12 ties necessary for national security programs in the
 13 amount of \$373,251,000.

14 **SEC. 3103. OTHER DEFENSE ACTIVITIES.**

15 Funds are hereby authorized to be appropriated to
 16 the Department of Energy for fiscal year 1998 for other
 17 defense activities in carrying out programs necessary for
 18 national security in the amount of \$1,582,981,000, to be
 19 allocated 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,
6 and national security, \$84,900,000.

7 (6) For environment, safety and health, de-
8 fense, \$54,000,000.

9 (7) For worker and community transition as-
10 sistance:

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/fa-
2 cility upgrade, various locations,
3 \$5,700,000.

4 Project 97–D–201, advanced test re-
5 actor secondary coolant system refurbish-
6 ment, Idaho National Engineering and En-
7 vironmental Laboratory, Idaho,
8 \$4,100,000.

9 Project 95–D–200, laboratory systems
10 and hot cell upgrades, various locations,
11 \$1,100,000.

12 Project 90–N–102, expended core fa-
13 cility dry cell project, Naval Reactors Fa-
14 cility, Idaho, \$3,100,000.

15 (10) For the Chernobyl shutdown initiative,
16 \$2,000,000.

17 (11) For nuclear technology research and devel-
18 opment, \$25,000,000.

19 (12) For nuclear security, \$4,000,000.

20 (13) For the Office of Hearings and Appeals,
21 \$2,685,000.

22 **SEC. 3104. DEFENSE ENVIRONMENTAL MANAGEMENT PRI-**
23 **VATIZATION.**

24 Funds are hereby authorized to be appropriated to
25 the Department of Energy for fiscal year 1998 to carry

1 out environmental management privatization projects in
2 connection with national security programs in the amount
3 of \$274,700,000, to be allocated as follows:

4 Project 98–PVT–1, contact handled transuranic
5 waste transportation, Carlsbad, New Mexico,
6 \$21,000,000.

7 Project 98–PVT–4, spent nuclear fuel dry stor-
8 age, Idaho Falls, Idaho, \$27,000,000.

9 Project 98–PVT–7, waste pits remedial action,
10 Fernald, Ohio, \$25,000,000.

11 Project 98–PVT–11, spent nuclear fuel transfer
12 and storage, Savannah River, South Carolina,
13 \$25,000,000.

14 Project 98–PVT–__, waste disposal, Oak Ridge,
15 Tennessee, \$5,000,000.

16 Project 98–PVT–__, Ohio silo 3 waste treat-
17 ment, Fernald, Ohio, \$6,700,000.

18 Project 97–PVT–1, tank waste remediation sys-
19 tem phase 1, Hanford, Washington, \$157,000,000.

20 **SEC. 3105. DEFENSE NUCLEAR WASTE DISPOSAL.**

21 Funds are hereby authorized to be appropriated to
22 the Department of Energy for fiscal year 1998 for pay-
23 ment to the Nuclear Waste Fund established in section
24 302(c) of the Nuclear Waste Policy Act of 1982 (42
25 U.S.C. 10222(c)) in 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
5 submits to the congressional defense committees the re-
6 port referred to in subsection (b) and a period of 30 days
7 has elapsed after the date on which such committees re-
8 ceive the report, the Secretary may not use amounts ap-
9 propriated 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 re-
16 quested of, Congress.

17 (b) REPORT.—(1) The report referred to in sub-
18 section (a) is a report containing a full and complete state-
19 ment of the action proposed to be taken and the facts and
20 circumstances relied upon in support of such proposed ac-
21 tion.

22 (2) In the computation of the 30-day period under
23 subsection (a), there shall be excluded any day on which
24 either House of Congress is not in session because of an
25 adjournment 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
3 the total amount authorized to be appropriated by this
4 title.

5 (2) Funds appropriated pursuant to this title may not
6 be used for an item for which Congress has specifically
7 denied funds.

8 **SEC. 3122. LIMITS ON GENERAL PLANT PROJECTS.**

9 (a) IN GENERAL.—The Secretary of Energy may
10 carry out any construction project under the general plant
11 projects authorized by this title if the total estimated cost
12 of the construction project does not exceed \$5,000,000.

13 (b) REPORT TO CONGRESS.—If, at any time during
14 the construction of any general plant project authorized
15 by this title, the estimated cost of the project is revised
16 because of unforeseen cost variations and the revised cost
17 of the project exceeds \$5,000,000, the Secretary shall im-
18 mediately furnish a complete report to the congressional
19 defense committees explaining the reasons for the cost
20 variation.

21 **SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS.**

22 (a) IN GENERAL.—(1) Except as provided in para-
23 graph (2), construction on a construction project may not
24 be started or additional obligations incurred in connection
25 with the project above the total estimated cost, whenever

1 the current estimated cost of the construction project,
2 which is authorized by sections 3101, 3102, or 3103, or
3 which is in support of national security programs of the
4 Department of Energy and was authorized by any pre-
5 vious Act, exceeds by more than 25 percent the higher
6 of—

7 (A) the amount authorized for the project; or

8 (B) the amount of the total estimated cost for
9 the project as shown in the most recent budget jus-
10 tification data submitted to Congress.

11 (2) An action described in paragraph (1) may be
12 taken if—

13 (A) the Secretary of Energy has submitted to
14 the congressional defense committees a report on the
15 actions and the circumstances making such action
16 necessary; and

17 (B) a period of 30 days has elapsed after the
18 date on which the report is received by the commit-
19 tees.

20 (3) In the computation of the 30-day period under
21 paragraph (2), there shall be excluded any day on which
22 either House of Congress is not in session because of an
23 adjournment of more than 3 days to a day certain.

1 (b) EXCEPTION.—Subsection (a) shall not apply to
2 any construction project which has a current estimated
3 cost of less than \$5,000,000.

4 **SEC. 3124. FUND TRANSFER AUTHORITY.**

5 (a) TRANSFER TO OTHER FEDERAL AGENCIES.—
6 The Secretary of Energy may transfer funds authorized
7 to be appropriated to the Department of Energy pursuant
8 to this title to other Federal agencies for the performance
9 of work for which the funds were authorized. Funds so
10 transferred may be merged with and be available for the
11 same purposes and for the same time period as the author-
12 izations of the Federal agency to which the amounts are
13 transferred.

14 (b) TRANSFER WITHIN DEPARTMENT OF ENERGY;
15 LIMITATIONS.—(1) Subject to paragraph (2), the Sec-
16 retary of Energy may transfer funds authorized to be ap-
17 propriated to the Department of Energy pursuant to this
18 title between any such authorizations. Amounts of author-
19 izations so transferred may be merged with and be avail-
20 able for the same purposes and for the same time period
21 as the authorization to which the amounts are transferred.

22 (2) Not more than five percent of any such authoriza-
23 tion may be transferred between authorizations under
24 paragraph (1). No such authorization may be increased

1 or decreased by more than five percent by a transfer under
2 such paragraph.

3 (3) The authority provided by this subsection to
4 transfer authorizations may only be used to provide funds
5 for items relating to activities necessary for national secu-
6 rity programs that have a higher priority than the items
7 from which the funds are transferred.

8 (c) NOTICE TO CONGRESS.—The Secretary of Energy
9 shall promptly notify the Committee on Armed Services
10 of the Senate and the Committee on National Security of
11 the House of Representatives of any transfer of funds to
12 or from authorizations under this title.

13 **SEC. 3125. AUTHORITY FOR CONCEPTUAL AND CONSTRUC-**
14 **TION DESIGN.**

15 (a) REQUIREMENT OF CONCEPTUAL DESIGN.—(1)
16 Subject to paragraph (2) and except as provided in para-
17 graph (3), before submitting to Congress a request for
18 funds for a construction project that is in support of a
19 national security program of the Department of Energy,
20 the Secretary of Energy shall complete a conceptual de-
21 sign report for that project.

22 (2) If the estimated cost of completing a conceptual
23 design for a construction project exceeds \$3,000,000, the
24 Secretary shall submit to Congress a request for funds for

1 the conceptual design before submitting a request for
2 funds for the construction project.

3 (3) The requirement in paragraph (1) does not apply
4 to a request for funds—

5 (A) for a construction project the total esti-
6 mated cost of which is less than \$5,000,000; or

7 (B) for emergency planning, design, and con-
8 struction activities under section 3126.

9 (b) **AUTHORITY FOR CONSTRUCTION DESIGN.**—(1)
10 Within the amounts authorized by the title, the Secretary
11 of Energy may carry out construction design (including
12 architectural and engineering services) in connection with
13 any proposed construction project if the total estimated
14 cost for such design does not exceed \$600,000.

15 (2) If the total estimated cost for construction design
16 in connection with any construction project exceeds
17 \$600,000, funds for such design must be specifically au-
18 thorized by law.

19 **SEC. 3126. AUTHORITY FOR EMERGENCY PLANNING, DE-**
20 **SIGN, AND CONSTRUCTION ACTIVITIES.**

21 (a) **AUTHORITY.**—The Secretary of Energy may use
22 any funds available to the Department of Energy, pursu-
23 ant to an authorization in this title, including those funds
24 authorized to be appropriated for advance planning and
25 construction design under sections 3101, 3102, or 3103,

1 to perform planning, design, and construction activities
2 for any Department of Energy national security program
3 construction project that, as determined by the Secretary,
4 must proceed expeditiously in order to protect public
5 health and safety, to meet the needs of national defense,
6 or to protect property.

7 (b) LIMITATION.—The Secretary may not exercise
8 the authority under subsection (a) in the case of any con-
9 struction project until the Secretary has submitted to the
10 congressional defense committees a report on the activities
11 that the Secretary intends to carry out under this section
12 and the circumstances making such activities necessary.

13 (c) SPECIFIC AUTHORITY.—The requirement of sec-
14 tion 3125(b)(2) does not apply to emergency planning, de-
15 sign, and construction activities conducted under this sec-
16 tion.

17 **SEC. 3127. FUNDS AVAILABLE FOR ALL NATIONAL SECU-**
18 **RITY PROGRAMS OF THE DEPARTMENT OF**
19 **ENERGY.**

20 Subject to the provisions of appropriation Acts and
21 section 3121, amounts appropriated pursuant to this title
22 for management and support activities and for general
23 plant projects are available for use, when necessary, in
24 connection with all national security programs of the De-
25 partment of Energy.

1 **SEC. 3128. AVAILABILITY OF FUNDS.**

2 When so specified in an appropriation Act, amounts
3 appropriated for operation and maintenance or for plant
4 projects may remain available until expended.

5 **Subtitle C—Program Authoriza-**
6 **tions, Restrictions, and Limita-**
7 **tions**

8 **SEC. 3131. DEFENSE ENVIRONMENTAL MANAGEMENT PRI-**
9 **VATIZATION PROJECTS.**

10 (a) **LIMITATION ON CONTRACTS.**—Funds authorized
11 to be appropriated by section 3104 for a project referred
12 to in that section are available for a contract under the
13 project only if the contract—

14 (1) is awarded on a competitive basis;

15 (2) requires the contractor to construct or ac-
16 quire any equipment or facilities required to carry
17 out the contract before the commencement of the
18 provision of goods or services under the contract;

19 (3) requires the contractor to bear any of the
20 costs of the design, construction, acquisition, and op-
21 eration of such equipment or facilities that arise be-
22 fore the commencement of the provision of goods or
23 services under the contract; and

24 (4) provides for payment to the contractor
25 under the contract only upon the meeting of per-
26 formance objectives specified in the contract.

1 (b) NOTICE AND WAIT.—The Secretary of Energy
2 may not enter into a contract or option to enter into a
3 contract, or otherwise incur any contractual obligation,
4 under a project authorized by section 3104 until 30 days
5 after the date which the Secretary submits to the congres-
6 sional defense committees a report with respect to the con-
7 tract. The report shall set forth—

8 (1) the anticipated costs and fees of the De-
9 partment under the contract, including the antici-
10 pated maximum amount of such costs and fees;

11 (2) any performance objectives specified in the
12 contract;

13 (3) the anticipated dates of commencement and
14 completion of the provision of goods or services
15 under the contract;

16 (4) the allocation between the Department and
17 the contractor of any financial, regulatory, or envi-
18 ronmental obligations under the contract;

19 (5) any activities planned or anticipated to be
20 required with respect to the project after completion
21 of the contract;

22 (6) the site services or other support to be pro-
23 vided the contractor by the Department under the
24 contract;

1 (7) the goods or services to be provided by the
2 Department or contractor under the contract, in-
3 cluding any additional obligations to be borne by the
4 Department or contractor with respect to such goods
5 or services;

6 (8) the schedule for the contract;

7 (9) the costs the Department would otherwise
8 have incurred in obtaining the goods or services cov-
9 ered by the contract if the Department had not pro-
10 posed to obtain the goods or services under this sec-
11 tion;

12 (10) an estimate and justification of the cost
13 savings, if any, to be realized through the contract,
14 including the assumptions underlying the estimate;

15 (11) the effect of the contract on any ancillary
16 schedules applicable to the facility concerned, includ-
17 ing milestones in site compliance agreements; and

18 (12) the plans for maintaining financial and
19 programmatic accountability for activities under the
20 contract.

21 (c) COST VARIATIONS.—(1) The Secretary may not
22 enter into a contract under a project referred to in para-
23 graph (2), or incur additional obligations attributable to
24 the capital portion of the cost of such a contract, whenever
25 the current estimated cost of the project exceeds the

1 amount of the estimated cost of the project as shown in
2 the most recent budget justification data submitted to
3 Congress.

4 (2) Paragraph (1) applies to an environmental man-
5 agement privatization project that is—

6 (A) authorized by section 3104; or

7 (B) carried out under section 3103 of the Na-
8 tional Defense Authorization Act for Fiscal Year
9 1997 (Public Law 104–201; 110 Stat. 2824).

10 (d) USE OF FUNDS FOR TERMINATION OF CON-
11 TRACT.—Not less than 15 days before the Secretary obli-
12 gates funds available for a project authorized by section
13 3104 to terminate the contract or contracts under the
14 project, the Secretary shall notify the congressional de-
15 fense committees of the Secretary’s intent to obligate the
16 funds for that purpose.

17 (e) ANNUAL REPORT ON CONTRACTS.—Not later
18 than February 28 of each year, the Secretary shall submit
19 to the congressional defense committees a report on the
20 activities, if any, carried out under each contract under
21 a project authorized by section 3104 during the preceding
22 year. The report shall include an update with respect to
23 each such contract of the matters specified under sub-
24 section (b)(1) as of the date of the report.

1 (f) REPORT ON CONTRACTING WITHOUT SUFFICIENT
2 APPROPRIATIONS.—Not later than 90 days after the date
3 of enactment of this Act, the Secretary shall submit to
4 the congressional defense committees a report assessing
5 whether, and under what circumstances, the Secretary
6 could enter into contracts under defense environmental
7 management privatization projects in the absence of suffi-
8 cient appropriations to meet obligations under such con-
9 tracts without thereby violating the provisions of section
10 1341 of title 31, United States Code.

11 **SEC. 3132. INTERNATIONAL COOPERATIVE STOCKPILE**
12 **STEWARDSHIP PROGRAMS.**

13 (a) FUNDING PROHIBITION.—No funds authorized to
14 be appropriated or otherwise available to the Department
15 of Energy for fiscal year 1998 may be obligated or ex-
16 pended to conduct any activities associated with inter-
17 national cooperative stockpile stewardship.

18 (b) EXCEPTIONS.—Subsection (a) does not apply to
19 the following:

20 (1) Activities conducted between the United
21 States and the United Kingdom.

22 (2) Activities conducted between the United
23 States and France.

1 (3) Activities carried out under title III of this
2 Act relating to cooperative threat reduction with
3 states of the former Soviet Union.

4 **SEC. 3133. MODERNIZATION OF ENDURING NUCLEAR**
5 **WEAPONS COMPLEX.**

6 (a) FUNDING.—Subject to subsection (b), of the
7 funds authorized to be appropriated to the Department
8 of Energy pursuant to section 3101, \$15,000,000 shall be
9 available for carrying out the program described in section
10 3137(a) of the National Defense Authorization Act for
11 Fiscal Year 1996 (42 U.S.C. 2121 note).

12 (b) LIMITATION ON AVAILABILITY.—None of the
13 funds available under subsection (a) for carrying out the
14 program referred to in that subsection may be obligated
15 or expended until 30 days after the date of the receipt
16 by Congress of the report required under subsection (c).

17 (c) REPORT ON ALLOCATION OF FUNDS.—Not later
18 than 30 days after the date of enactment of this Act, the
19 Secretary of Energy shall submit to the congressional de-
20 fense committees a report setting forth the proposed allo-
21 cation among specific Department of Energy sites of the
22 funds available under subsection (a).

23 **SEC. 3134. TRITIUM PRODUCTION.**

24 (a) FUNDING.—Subject to subsection (c), of the
25 funds authorized to be appropriated to the Department

1 of Energy pursuant to section 3101, \$262,000,000 shall
2 be available for activities related to tritium production.

3 (b) ACCELERATION OF TRITIUM PRODUCTION.—(1)

4 Not later than June 30, 1998, the Secretary of Energy
5 shall make a final decision on the technologies to be uti-
6 lized, and the accelerated schedule to be adopted, for trit-
7 ium production in order to meet the requirements in the
8 Nuclear Weapons Stockpile Memorandum relating to trit-
9 ium production, including the tritium production date of
10 2005 specified in the Nuclear Weapons Stockpile Memo-
11 randum.

12 (2) In making the final decision, the Secretary shall
13 take into account the following:

14 (A) The requirements for tritium production
15 specified in the Nuclear Weapons Stockpile Memo-
16 randum, including, in particular, the requirements
17 for the so-called “upload hedge” component of the
18 nuclear weapons stockpile.

19 (B) The ongoing activities of the Department of
20 Energy relating to the evaluation and demonstration
21 of technologies under the accelerator program and
22 the commercial light water reactor program.

23 (C) The potential liabilities and benefits of each
24 potential technology for tritium production, includ-
25 ing—

1 (i) regulatory and other barriers that
2 might prevent the production of tritium using
3 the technology by the production date referred
4 to in subsection (a);

5 (ii) potential difficulties, if any, in licensing
6 the technology;

7 (iii) the variability, if any, in tritium pro-
8 duction rates using the technology; and

9 (iv) any other benefits (including scientific
10 or research benefits or the generation of reve-
11 nue) associated with the technology.

12 (c) REPORT.—If the Secretary determines that it is
13 not possible to make the final decision by the date speci-
14 fied in subsection (b), the Secretary shall submit to the
15 congressional defense committees on that date a report
16 that explains in detail why the final decision cannot be
17 made by that date.

18 (d) LIMITATION ON AVAILABILITY OF FUNDS.—The
19 Secretary may not obligate or expend any funds author-
20 ized to be appropriated or otherwise made available for
21 the Department of Energy by this Act for the purpose of
22 evaluating or utilizing any technology for the production
23 of tritium other than a commercial light water reactor or
24 an accelerator until the later of—

25 (1) July 30, 1998; or

1 (2) the date that is 30 days after the date on
2 which the Secretary makes a final decision under
3 subsection (b).

4 **SEC. 3135. PROCESSING, TREATMENT, AND DISPOSITION OF**
5 **SPENT NUCLEAR FUEL RODS AND OTHER**
6 **LEGACY NUCLEAR MATERIALS AT THE SA-**
7 **VANNAH RIVER SITE.**

8 (a) FUNDING.—Of the funds authorized to be appro-
9 priated pursuant to section 3102(d), not more than
10 \$47,000,000 shall be available for the implementation of
11 a program to accelerate the receipt, processing (including
12 the H-canyon restart operations), reprocessing, separa-
13 tion, reduction, deactivation, stabilization, isolation, and
14 interim storage of high level nuclear waste associated with
15 Department of Energy spent fuel rods, foreign spent fuel
16 rods, and other nuclear materials that are located at the
17 Savannah River Site.

18 (b) REQUIREMENT FOR CONTINUING OPERATIONS
19 AT SAVANNAH RIVER SITE.—The Secretary of Energy
20 shall continue operations and maintain a high state of
21 readiness at the F-canyon and H-canyon facilities at the
22 Savannah River Site and shall provide technical staff nec-
23 essary to operate and maintain such facilities at that state
24 of readiness.

1 **SEC. 3136. LIMITATIONS ON USE OF FUNDS FOR LABORA-**
2 **TORY DIRECTED RESEARCH AND DEVELOP-**
3 **MENT PURPOSES.**

4 (a) GENERAL LIMITATIONS.—(1) No funds author-
5 ized to be appropriated or otherwise made available to the
6 Department of Energy in any fiscal year after fiscal year
7 1997 for weapons activities may be obligated or expended
8 for activities under the Department of Energy Laboratory
9 Directed Research and Development Program, or under
10 any Department of Energy technology transfer program
11 or cooperative research and development agreement, un-
12 less such activities under such program or agreement sup-
13 port the national security mission of the Department of
14 Energy.

15 (2) No funds authorized to be appropriated or other-
16 wise made available to the Department of Energy in any
17 fiscal year after fiscal year 1997 for environmental res-
18 toration, waste management, or nuclear materials and fa-
19 cilities stabilization may be obligated or expended for ac-
20 tivities under the Department of Energy Laboratory Di-
21 rected Research and Development Program, or under any
22 Department of Energy technology transfer program or co-
23 operative research and development agreement, unless
24 such activities support the environmental restoration mis-
25 sion, waste management mission, or materials stabilization
26 mission, as the case may be, of the Department of Energy.

1 (b) LIMITATION IN FISCAL YEAR 1998 PENDING
2 SUBMITTAL OF ANNUAL REPORT.—Not more than 30
3 percent of the funds authorized to be appropriated or oth-
4 erwise made available to the Department of Energy in fis-
5 cal year 1998 for laboratory directed research and devel-
6 opment may be obligated or expended for such research
7 and development until the Secretary of Energy submits
8 to the congressional defense committees the report re-
9 quired by section 3136(b) of the National Defense Author-
10 ization Act for Fiscal Year 1997 (Public Law 104–201;
11 110 Stat. 2831; 42 U.S.C. 7257b) in 1998.

12 (c) SUBMITTAL DATE FOR ANNUAL REPORT ON LAB-
13 ORATORY DIRECTED RESEARCH AND DEVELOPMENT
14 PROGRAM.—Section 3136(b)(1) of the National Defense
15 Authorization Act for Fiscal Year 1997 (42 U.S.C.
16 7257b(1)) is amended by striking out “The Secretary of
17 Energy shall annually submit” and inserting in lieu there-
18 of “Not later than February 1 each year, the Secretary
19 of Energy shall submit”.

20 (d) ASSESSMENT OF FUNDING LEVEL FOR LABORA-
21 TORY DIRECTED RESEARCH AND DEVELOPMENT.—The
22 Secretary shall include in the report submitted under such
23 section 3136(b)(1) in 1998 an assessment of the funding
24 required to carry out laboratory directed research and de-
25 velopment, including a recommendation for the percentage

1 of the funds provided to Government-owned, contractor-
 2 operated laboratories for national security activities that
 3 should be made available for such research and develop-
 4 ment under section 3132(c) of the National Defense Au-
 5 thorization Act for Fiscal Year 1991 (Public Law 101–
 6 510; 104 Stat. 1832; 42 U.S.C. 7257a(c)).

7 (e) DEFINITION.—In this section, the term “labora-
 8 tory directed research and development” has the meaning
 9 given that term in section 3132(d) of the National Defense
 10 Authorization Act for Fiscal Year 1991 (42 U.S.C.
 11 7257a(d)).

12 **SEC. 3137. PERMANENT AUTHORITY FOR TRANSFERS OF**
 13 **DEFENSE ENVIRONMENTAL MANAGEMENT**
 14 **FUNDS.**

15 (a) PERMANENT AUTHORITY.—Section 3139 of the
 16 National Defense Authorization Act for Fiscal Year 1997
 17 (Public Law 104–201; 110 Stat. 2832) is amended—

18 (1) by striking out subsection (g); and

19 (2) by redesignating subsection (h) as sub-
 20 section (g).

21 (b) EXEMPTION FROM REPROGRAMMING REQUIRE-
 22 MENTS.—Subsection (c) of that section is amended by
 23 striking out “The requirements of section 3121” and in-
 24 serting in lieu thereof “No recurring limitation on re-

1 programming of Department of Energy funds contained
 2 in an annual authorization Act for national defense”.

3 (c) DEFINITIONS.—Subsection (f)(1) of that section
 4 is amended by striking out “any of the following:” and
 5 all that follows and inserting in lieu thereof “any program
 6 or project of the Department of Energy relating to envi-
 7 ronmental restoration and waste management activities
 8 necessary for national security programs of the Depart-
 9 ment.”.

10 (d) REPORT.—Subsection (g) of that section, as re-
 11 designated by subsection (a)(2), is amended—

12 (1) by striking out “September 1, 1997,” and
 13 inserting in lieu thereof “November 1 each year”;

14 (2) by inserting “during the preceding fiscal
 15 year” after “in subsection (b)”;

16 (3) by striking out the second sentence.

17 (e) CONFORMING AMENDMENT.—The section head-
 18 ing of that section is amended by striking out “**TEM-**
 19 **PORARY AUTHORITY RELATING TO**” and inserting in
 20 lieu thereof “**AUTHORITY FOR**”.

21 **SEC. 3138. REPORT ON REMEDIATION UNDER THE FOR-**
 22 **MERLY UTILIZED SITES REMEDIAL ACTION**
 23 **PROGRAM.**

24 Not later than March 1, 1998, the Secretary of En-
 25 ergy shall submit to Congress a report containing the fol-

1 lowing information regarding the Formerly Utilized Sites
2 Remedial Action Program:

3 (1) How many Formerly Utilized Sites remain
4 to be remediated, what portions of these remaining
5 sites have completed remediation (including any off-
6 site contamination), what portions of the sites re-
7 main to be remediated (including any offsite con-
8 tamination), what types of contaminants are present
9 at each site, and what are the projected timeframes
10 for completing remediation at each site?

11 (2) What is the cost of the remaining response
12 actions necessary to address actual or threatened re-
13 leases of hazardous substances at each Formerly
14 Utilized Site, including any contamination that is
15 present beyond the perimeter of the facilities?

16 (3) For each site, how much it will cost to re-
17 mediate the radioactive contamination, and how
18 much will it cost to remediate the non-radioactive
19 contamination?

20 (4) How many sites potentially involve private
21 parties that could be held responsible for remedi-
22 ation costs, including remediation costs related to
23 offsite contamination?

24 (5) What type of agreements under the For-
25 merly Utilized Sites Remedial Action Program have

1 been entered into with private parties to resolve the
 2 level of liability for remediation costs at these facili-
 3 ties, and to what extent have these agreements been
 4 tied to a distinction between radioactive and non-ra-
 5 dioactive contamination present at these sites?

6 (6) What efforts have been undertaken by the
 7 Department to ensure that the settlement agree-
 8 ments entered into with private parties to resolve li-
 9 ability for remediation costs at these facilities have
 10 been consistent on a program wide basis?

11 **SEC. 3139. TRITIUM PRODUCTION IN COMMERCIAL FACILI-**
 12 **TIES.**

13 Section 91 of the Atomic Energy Act of 1954 (42
 14 U.S.C. 2121) is amended by adding at the end the follow-
 15 ing:

16 “(d) The Secretary may—

17 “(A) demonstrate the feasibility of, and

18 “(B)(i) acquire facilities by lease or purchase,

19 or

20 “(ii) enter into an agreement with an owner or

21 operator of a facility, for

22 the production of tritium for defense-related uses in a fa-
 23 cility licensed under section 103 of this Act.”.

1 **SEC. 3140. PILOT PROGRAM RELATING TO USE OF PRO-**
2 **CEEDS OF DISPOSAL OR UTILIZATION OF**
3 **CERTAIN DEPARTMENT OF ENERGY ASSETS.**

4 (a) PURPOSE.—The purpose of this section is encour-
5 age the Secretary of Energy to dispose of or otherwise uti-
6 lize certain assets of the Department of Energy by making
7 available to the Secretary the proceeds of such disposal
8 or utilization for purposes of activities funded by the de-
9 fense Environmental Restoration and Waste Management
10 account.

11 (b) CREDITING OF PROCEEDS.—(1) Notwithstanding
12 section 3302 of title 31, United States Code, the Secretary
13 may retain from the proceeds of the sale, lease, or disposal
14 of an asset under subsection (c) an amount equal to the
15 cost of the sale, lease, or disposal of the asset. The Sec-
16 retary shall utilize amounts retained under this paragraph
17 to defray the cost of the sale, lease, or disposal.

18 (2) For purposes of paragraph (1), the cost of a sale,
19 lease, or disposal shall include—

20 (A) the cost of administering the sale, lease, or
21 disposal;

22 (B) the cost of recovering or preparing the
23 asset concerned for the sale, lease, or disposal; and

24 (C) any other cost associated with the sale,
25 lease, or disposal.

1 (3) If after amounts from proceeds are retained
2 under paragraph (1) a balance of the proceeds remains,
3 the Secretary shall—

4 (A) credit to the defense Environmental Res-
5 toration and Waste Management account an amount
6 equal to 50 percent of the balance of the proceeds;
7 and

8 (B) cover over into the Treasury as miscellane-
9 ous receipts an amount equal to 50 percent of the
10 balance of the proceeds.

11 (c) COVERED TRANSACTIONS.—Subsection (b) ap-
12 plies to the following transactions:

13 (1) The sale of heavy water at the Savannah
14 River Site, South Carolina.

15 (2) The sale of precious metals under the juris-
16 diction of the Environmental Management Program.

17 (3) The lease of buildings and other facilities
18 located at the Hanford Reservation, Washington and
19 under the jurisdiction of the Environmental Manage-
20 ment Program.

21 (4) The lease of buildings and other facilities
22 located at the Savannah River Site and under the
23 jurisdiction of the Environmental Management Pro-
24 gram.

1 (5) The disposal of equipment and other per-
2 sonal property located at the Rocky Flats Environ-
3 mental Technology Site, Colorado and under the ju-
4 risdiction of the Environmental Management Pro-
5 gram.

6 (6) The disposal of materials at the National
7 Electronics Recycling Center, Oak Ridge, Tennessee
8 and under the jurisdiction of the Environmental
9 Management Program.

10 (d) AVAILABILITY OF AMOUNTS.—To the extent pro-
11 vided in advance in appropriations Acts, the Secretary
12 may use amounts credited to the defense Environmental
13 Restoration and Waste Management account under sub-
14 section (b)(3)(A) for any purposes for which funds in that
15 account are available.

16 (e) APPLICABILITY OF DISPOSAL AUTHORITY.—
17 Nothing in this section shall be construed to limit the ap-
18 plication of sections 202 and 203(j) of the Federal Prop-
19 erty and Administrative Services Act of 1949 (40 U.S.C.
20 483 and 484(j)) to the disposal of equipment and other
21 personal property covered by this section.

22 (f) ANNUAL REPORT.—Not later than January 31
23 each year, the Secretary shall submit to the congressional
24 defense committees a report on the amounts credited by

1 the Secretary under subsection (b)(3)(A) during the pre-
2 ceding fiscal year.

3 **Subtitle D—Other Matters**

4 **SEC. 3151. ADMINISTRATION OF CERTAIN DEPARTMENT OF** 5 **ENERGY ACTIVITIES.**

6 (a) PROCEDURES FOR PRESCRIBING REGULA-
7 TIONS.—Section 501 of the Department of Energy Orga-
8 nization Act (42 U.S.C. 7191) is amended—

9 (1) by striking out subsections (b) and (d);

10 (2) by redesignating subsections (c), (e), (f),
11 and (g) as subsections (b), (c), (d), and (e), respec-
12 tively; and

13 (3) in subsection (c), as so redesignated, by
14 striking out “subsections (b), (c), and (d)” and in-
15 serting in lieu thereof “subsection (b)”.

16 (b) ADVISORY COMMITTEES.—(1) Section 624 of the
17 Department of Energy Organization Act (42 U.S.C. 7234)
18 is amended—

19 (A) by striking out “(a)”; and

20 (B) by striking out subsection (b).

21 (2) Section 17 of the Federal Energy Administration
22 Act of 1974 (15 U.S.C. 776) is repealed.

1 **SEC. 3152. MODIFICATION AND EXTENSION OF AUTHORITY**
2 **RELATING TO APPOINTMENT OF CERTAIN**
3 **SCIENTIFIC, ENGINEERING, AND TECHNICAL**
4 **PERSONNEL.**

5 (a) REPEAL OF REQUIREMENT FOR EPA STUDY.—

6 Section 3161 of the National Defense Authorization Act
7 for Fiscal Year 1995 (Public Law 103–337; 108 Stat.
8 3095; 42 U.S.C. 7231 note) is amended—

9 (1) by striking out subsection (c); and

10 (2) by redesignating subsection (d) as sub-
11 section (c).

12 (b) EXTENSION OF AUTHORITY.—Paragraph (1) of
13 subsection (c) of such section, as so redesignated, is
14 amended by striking out “September 30, 1997” and in-
15 serting in lieu thereof “September 30, 1999”.

16 **SEC. 3153. ANNUAL REPORT ON PLAN AND PROGRAM FOR**
17 **STEWARDSHIP, MANAGEMENT, AND CERTIFI-**
18 **CATION OF WARHEADS IN THE NUCLEAR**
19 **WEAPONS STOCKPILE.**

20 (a) IN GENERAL.—(1) Not later than March 15,
21 1998, the Secretary of Energy shall submit to the congres-
22 sional defense committees a plan and program for main-
23 taining the warheads in the nuclear weapons stockpile (in-
24 cluding stockpile stewardship, stockpile management, and
25 program direction).

1 (2) Not later than March 15 of each year after 1998,
2 the Secretary shall submit to the congressional defense
3 committees an update of the plan and program submitted
4 under paragraph (1) current as of the date of submittal
5 of the updated plan and program.

6 (3) The plan and program, and each update of the
7 plan and program, shall be consistent with the pro-
8 grammatic and technical requirements of the Nuclear
9 Weapons Stockpile Memorandum current as of the date
10 of submittal of the plan and program or update.

11 (b) ELEMENTS.—The plan and program, and each
12 update of the plan and program, shall set forth the follow-
13 ing:

14 (1) The numbers of warheads (including active
15 and inactive warheads) for each type of warhead in
16 the nuclear stockpile.

17 (2) The current age of each warhead type and
18 any plans for stockpile life extensions and modifica-
19 tions or replacement of each warhead type.

20 (3) The process by which the Secretary is as-
21 sessing the lifetime and requirements for life exten-
22 sion or replacement of the nuclear and non-nuclear
23 components of the warheads (including active and
24 inactive warheads) in the nuclear stockpile.

1 (4) The process used in recertifying the safety,
2 reliability, and performance of each warhead type
3 (including active and inactive warheads) in the nu-
4 clear weapons stockpile.

5 (5) Any concerns which would affect the recer-
6 tification of the safety, security, or reliability of war-
7 heads (including active and inactive warheads) in the
8 nuclear stockpile.

9 (c) FORM.—The Secretary shall submit the plan and
10 program, and each update of the plan and program, in
11 unclassified form, but may include a classified annex.

12 **SEC. 3154. SUBMITTAL OF BIENNIAL WASTE MANAGEMENT**
13 **REPORTS.**

14 Section 3153(b)(2)(B) of the National Defense Au-
15 thorization Act for Fiscal Year 1994 (42 U.S.C.
16 7274k(b)(2)(B)) is amended by striking out “odd-num-
17 bered year after 1995” and inserting in lieu thereof “odd-
18 numbered year after 1997”.

19 **SEC. 3155. REPEAL OF OBSOLETE REPORTING REQUIRE-**
20 **MENTS.**

21 (a) ANNUAL REPORT ON ACTIVITIES OF THE ATOMIC
22 ENERGY COMMISSION.—(1) Section 251 of the Atomic
23 Energy Act of 1954 (42 U.S.C. 2016) is repealed.

1 (2) The table of sections at the beginning of that Act
2 is amended by striking out the item relating to section
3 251.

4 (b) ANNUAL REPORT ON WEAPONS ACTIVITIES
5 BUDGETS.—Section 3156 of the National Defense Au-
6 thorization Act for Fiscal Year 1997 (Public Law 104–
7 201; 110 Stat. 2841; 42 U.S.C. 7271c) is repealed.

8 (c) ANNUAL UPDATE OF MASTER PLAN FOR NU-
9 CLEAR WEAPONS STOCKPILE.—Section 3153 of the Na-
10 tional Defense Authorization Act for Fiscal Year 1996
11 (Public Law 104–106; 110 Stat. 624; 42 U.S.C. 2121
12 note) is repealed.

13 (d) ANNUAL REPORT ON WEAPONS ACTIVITIES
14 BUDGETS.—Section 3159 of the National Defense Au-
15 thorization Act for Fiscal Year 1996 (Public Law 104–
16 106; 110 Stat. 626; 42 U.S.C. 7271b note) is repealed.

17 (e) ANNUAL REPORT ON STOCKPILE STEWARDSHIP
18 PROGRAM.—Section 3138 of the National Defense Au-
19 thorization Act for Fiscal Year 1994 (Public Law 103–
20 160; 107 Stat. 1946; 42 U.S.C. 2121 note) is amended—

21 (1) by striking out subsections (d) and (e);

22 (2) by redesignating subsections (f), (g), and

23 (h) as subsections (d), (e), and (f), respectively; and

1 (3) in subsection (e), as so redesignated, by
2 striking out “and the 60-day period referred to in
3 subsection (e)(2)(A)(ii)”.

4 (f) ANNUAL REPORT ON DEVELOPMENT OF TRITIUM
5 PRODUCTION CAPACITY.—Section 3134 of the National
6 Defense Authorization Act for Fiscal Year 1993 (Public
7 Law 102–484; 106 Stat. 2639) is repealed.

8 (g) ANNUAL REPORT ON RESEARCH RELATING TO
9 DEFENSE WASTE CLEANUP TECHNOLOGY PROGRAM.—
10 Section 3141 of the National Defense Authorization Act
11 for Fiscal Years 1990 and 1991 (Public Law 101–189;
12 103 Stat. 1679; 42 U.S.C. 7274a) is amended—

13 (1) by striking out subsection (c); and

14 (2) by redesignating subsection (d) as sub-
15 section (c).

16 (h) QUARTERLY REPORT ON MAJOR DOE NATIONAL
17 SECURITY PROGRAMS.—Section 3143 of the National De-
18 fense Authorization Act for Fiscal Years 1990 and 1991
19 (Public Law 101–189; 103 Stat. 1681; 42 U.S.C. 7271a)
20 is repealed.

21 (i) ANNUAL REPORT ON NUCLEAR TEST BAN READI-
22 NESS PROGRAM.—Section 1436 of the National Defense
23 Authorization Act, Fiscal Year 1989 (Public Law 100–
24 456; 102 Stat. 2075; 42 U.S.C. 2121 note) is amended
25 by striking out subsection (e).

1 **SEC. 3156. COMMISSION ON SAFEGUARDING AND SECURITY**
2 **OF NUCLEAR WEAPONS AND MATERIALS AT**
3 **DEPARTMENT OF ENERGY FACILITIES.**

4 (a) ESTABLISHMENT.—There is hereby established a
5 commission to be known as the Commission on Safeguards
6 and Security at Department of Energy Facilities (in this
7 section referred to as the “Commission”).

8 (b) ORGANIZATIONAL MATTERS.—(1)(A) The Com-
9 mission shall be composed of eight members appointed
10 from among individuals in the public and private sectors
11 who have significant experience in matters relating to the
12 safeguarding and security of nuclear weapons and mate-
13 rials, as follows:

14 (i) Two shall be appointed by the chairman of
15 the Committee on Armed Services of the Senate, in
16 consultation with the ranking member of the com-
17 mittee.

18 (ii) One shall be appointed by the ranking
19 member of the Committee on Armed Services of the
20 Senate, in consultation with the chairman of the
21 committee.

22 (iii) Two shall be appointed by the chairman of
23 the Committee on National Security of the House of
24 Representatives, in consultation with the ranking
25 member of the committee.

1 (iv) One shall be appointed by the ranking
2 member of the Committee on National Security of
3 the House of Representatives, in consultation with
4 the chairman of the committee.

5 (v) Two shall be appointed by the Secretary of
6 Energy.

7 (B) Members shall be appointed for the life of the
8 Commission. Any vacancy in the Commission shall not af-
9 fect its powers, but shall be filled in the same manner as
10 the original appointment.

11 (C) The chairman of the Commission shall be des-
12 ignated from among the members of the Commission by
13 the chairman of the Committee on Armed Services of the
14 Senate, in consultation with the chairman of the Commit-
15 tee on National Security of the House of Representatives,
16 the ranking member of the committee on Armed Services
17 of the Senate, and the ranking member of the Committee
18 on National Security of the House of Representatives.

19 (D) Members shall be appointed not later than 60
20 days after the date of enactment of this Act.

21 (2) The members of the Commission shall establish
22 procedures for the activities of the Commission, including
23 procedures for calling meetings, requirements for
24 quorums, and the manner of taking votes.

25 (c) DUTIES.—(1) The Commission shall—

1 (A) conduct a review of the specifications in the
2 document entitled “Design Threat Basis” relating to
3 the safeguarding and security of nuclear weapons
4 and materials in order to determine whether or not
5 the specifications establish procedures adequate for
6 the safeguarding and security of such weapons and
7 materials at Department of Energy facilities; and

8 (B) determine whether or not the document
9 takes into account all relevant guidelines for the
10 safeguarding and security of such weapons and ma-
11 terials at such facilities, including Presidential Deci-
12 sion Directive 39, relating to United States policy on
13 counterterrorism.

14 (2) In conducting the review, the Commission shall—

15 (A) visit various Department facilities, includ-
16 ing the Rocky Flats Plant, Colorado, Los Alamos
17 National Laboratory, New Mexico, the Savannah
18 River Site, South Carolina, the Pantex Plant, Texas,
19 Oak Ridge National Laboratory, Tennessee, and the
20 Hanford Reservation, Washington, in order to assess
21 the adequacy of safeguards and security with respect
22 to nuclear weapons and materials at such facilities;

23 (B) evaluate the specific concerns with respect
24 to the safeguarding and security of nuclear weapons
25 and materials raised in the report of the Office of

1 Safeguards and Security of the Department of En-
2 ergy entitled “Status of Safeguards and Security for
3 1996”; and

4 (C) review applicable orders and other require-
5 ments governing the safeguarding and security of
6 nuclear weapons and materials at Department facili-
7 ties.

8 (d) REPORT.—(1) Not later than February 15, 1998,
9 the Commission shall submit to the Secretary and to the
10 congressional defense committees a report on the review
11 conducted under subsection (c).

12 (2) The report may include—

13 (A) recommendations regarding any modifica-
14 tions of policy or procedures applicable to Depart-
15 ment facilities that the Commission considers appro-
16 priate to provide adequate safeguards and security
17 for nuclear weapons and materials at such facilities
18 without impairing the mission of such facilities;

19 (B) recommendations for modifications in fund-
20 ing priorities necessary to ensure basic funding for
21 the safeguarding and security of such weapons and
22 materials at such facilities; and

23 (C) such other recommendations for additional
24 legislation or administrative action as the Commis-
25 sion considers appropriate.

1 (e) PERSONNEL MATTERS.—(1)(A) Each member of
2 the Commission who is not an officer or employee of the
3 Federal Government shall be compensated at a rate equal
4 to the daily equivalent of the annual rate of basic pay pre-
5 scribed for Level IV of the Executive Schedule under sec-
6 tion 53115 of title 5, United States Code, for each day
7 (including travel time) during which such member is en-
8 gaged in the performance of the duties of the Commission.

9 (B) All members of the Commission who are officers
10 or employees of the United States shall serve without com-
11 pensation in addition to that received for their services as
12 officers or employees of the United States.

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

19 (3)(A) The Commission may, without regard to the
20 civil service laws and regulations, appoint and terminate
21 such personnel as may be necessary to enable the Commis-
22 sion to perform its duties.

23 (B) The Commission may fix the compensation of the
24 personnel of the Commission without regard to the provi-
25 sions of chapter 51 and subchapter III of chapter 53 of

1 title 5, United States Code, relating to classification of
2 positions and General Schedule pay rates.

3 (4) Any Federal Government employee may be de-
4 tailed to the Commission without reimbursement, and
5 such detail shall be without interruption or loss of civil
6 status or privilege.

7 (f) APPLICABILITY OF FACA.—The provisions of the
8 Federal Advisory Committee Act (5 U.S.C. App.) shall not
9 apply to the activities of the Commission.

10 (g) TERMINATION.—The Commission shall terminate
11 30 days after the date on which the Commission submits
12 its report under subsection (d).

13 (h) FUNDING.—Of the amounts authorized to be ap-
14 propriated pursuant to section 3101, not more than
15 \$500,000 shall be available for the activities of the Com-
16 mission under this section. Funds made available to the
17 Commission under this section shall remain available until
18 expended.

19 **SEC. 3157. MODIFICATION OF AUTHORITY ON COMMISSION**
20 **ON MAINTAINING UNITED STATES NUCLEAR**
21 **WEAPONS EXPERTISE.**

22 (a) COMMENCEMENT OF ACTIVITIES.—Subsection
23 (b)(1) of section 3162 of the National Defense Authoriza-
24 tion Act for Fiscal Year 1997 (Public Law 104–201; 110
25 Stat. 2844; 42 U.S.C. 2121 note) is amended—

1 (1) in subparagraph (C), by adding at the end
2 the following new sentence: “The chairman may be
3 designated once five members of the Commission
4 have been appointed under subparagraph (A).”; and
5 (2) by adding at the end the following:

6 “(E) The Commission may commence its activities
7 under this section upon the designation of the chairman
8 of the Commission under subparagraph (C).”.

9 (b) DEADLINE FOR REPORT.—Subsection (d) of that
10 section is amended by striking out “March 15, 1998,” and
11 inserting in lieu thereof “March 15, 1999,”.

12 **SEC. 3158. LAND TRANSFER, BANDELIER NATIONAL MONU-**
13 **MENT.**

14 (a) TRANSFER OF ADMINISTRATIVE JURISDIC-
15 TION.—The Secretary of Energy shall transfer to the Sec-
16 retary of the Interior administrative jurisdiction over a
17 parcel of real property consisting of approximately 4.47
18 acres as depicted on the map entitled “Boundary Map,
19 Bandelier National Monument”, No. 315/80,051, dated
20 March 1995.

21 (b) BOUNDARY MODIFICATION.—The boundary of
22 the Bandelier National Monument established by Procla-
23 mation No. 1322 (16 U.S.C. 431 note) is modified to in-
24 clude the 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
4 System Support Office of the National Park Service,
5 Santa Fe, New Mexico, and in the office of the Super-
6 intendent of Bandelier National Monument.

7 (d) ADMINISTRATION.—The real property and inter-
8 ests in real property transferred under subsection (a) shall
9 be—

10 (1) administered as part of Bandelier National
11 Monument; and

12 (2) subject to all laws applicable to the Ban-
13 delier National Monument and all laws generally ap-
14 plicable to units of the National Park System.

15 **SEC. 3159. PARTICIPATION OF NATIONAL SECURITY ACTIVI-**
16 **TIES IN HISPANIC OUTREACH INITIATIVE OF**
17 **THE DEPARTMENT OF ENERGY.**

18 The Secretary of Energy shall take appropriate ac-
19 tions, including the allocation of funds, to ensure the par-
20 ticipation of the national security activities of the Depart-
21 ment of Energy in the Hispanic Outreach Initiative of the
22 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**
5 **1955.**

6 (a) The Secretary of Energy on behalf of the Federal
7 Government shall convey without consideration fee title to
8 Government-owned land under the administrative control
9 of the Department of Energy to the Incorporated County
10 of Los Alamos, New Mexico, or its designee, and to the
11 Secretary of the Interior in trust for the Pueblo of San
12 Ildefonso for purposes of preservation, community self-suf-
13 ficiency or economic diversification in accordance with this
14 section.

15 (b) In order to carry out the requirement of sub-
16 section (a) the Secretary shall—

17 (1) no later than 3 months from the date of en-
18 actment of this Act, submit to the appropriate com-
19 mittees of Congress a report identifying parcels of
20 land considered suitable for conveyance, taking into
21 account the need to provide lands—

22 (A) which are not required to meet the na-
23 tional security missions of the Department of
24 Energy;

25 (B) which are likely to be available for
26 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
4 the purposes stated in subsection (a);

5 (2) no later than 12 months after the date of
6 enactment of this Act, submit to the appropriate
7 congressional committees a report containing the re-
8 sults of a title search on all parcels of land identified
9 in 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
18 enactment of this Act, complete any review required
19 by the National Environmental Policy Act of 1969
20 (42 U.S.C. 4321–4375) with respect to anticipated
21 environmental impact of the conveyance of the par-
22 cels of land identified in the report to Congress; and

23 (4) no later than 3 months after the date,
24 which 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
4 Alamos and the Pueblo of San Ildefonso submit
5 to the Secretary a binding agreement allocating
6 the parcels of land identified in paragraph (1)
7 to which the government has clear title—
8 submit to the appropriate Congressional committees
9 a plan for conveying the parcels of land in accord-
10 ance with the agreement between the county and the
11 Pueblo and the findings of the environmental review
12 in paragraph (3).

13 (c) The Secretary shall complete the conveyance of
14 all portions of the lands identified in the plan with all due
15 haste, and no later than 9 months, after the date of sub-
16 mission 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 na-
19 tional security purposes for a period of time less than ten
20 years or requires remediation of hazardous substances in
21 accordance with applicable laws that delays the parcel's
22 conveyance beyond the time limits provided in subsection
23 (c), the Secretary shall convey title of that parcel upon
24 completion of the remediation or after that parcel is no
25 longer necessary 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
4 Energy Community Act of 1955 (42 U.S.C. 2391; 2394)
5 to county or city governments in the vicinity of Los Ala-
6 mos 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 des-
11 ignated as the National Prototype Center. Other executive
12 agencies are encouraged to utilize this center, where ap-
13 propriate, to maximize their efficiency and cost effective-
14 ness.

15 **SEC. 3162. NORTHERN NEW MEXICO EDUCATIONAL FOUN-**
16 **DATION.**

17 (a) Of the funds authorized to be appropriated to the
18 Department of Energy by this Act, \$5,000,000 shall be
19 available for payment by the Secretary of Energy to a non-
20 profit or not-for-profit educational foundation chartered to
21 enhance the educational enrichment activities in public
22 schools in the area around the Los Alamos National Lab-
23 oratory (in this section referred to as the “Foundation”).

24 (b) Funds provided by the Department of Energy to
25 the Foundation shall be used solely as corpus for an en-

1 dowment fund. The Foundation shall invest the corpus
 2 and use the income generated from such an investment
 3 to fund programs designed to support the educational
 4 needs of public schools in Northern New Mexico educating
 5 children in the area around the Los Alamos National Lab-
 6 oratory.

7 **SEC. 3163. TO AUTHORIZE APPROPRIATIONS FOR THE**
 8 **GREENVILLE ROAD IMPROVEMENT PROJECT,**
 9 **LIVERMORE, CALIFORNIA.**

10 Of the funds authorized to be appropriated by this
 11 Act to the Department of Energy, \$3,500,000 are author-
 12 ized to be appropriated for fiscal year 1998, and
 13 \$3,800,000 are authorized to be appropriated for fiscal
 14 year 1999, for improvements to Greenville Road in Liver-
 15 more, California.

16 **TITLE XXXII—DEFENSE NU-**
 17 **CLEAR FACILITIES SAFETY**
 18 **BOARD**

19 **SEC. 3201. AUTHORIZATION.**

20 There are authorized to be appropriated for fiscal
 21 year 1998, \$17,500,000 for the operation of the Defense
 22 Nuclear Facilities Safety Board under chapter 21 of the
 23 Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

SEC. 3301. DEFINITIONS.

In this title:

(1) The term “National Defense Stockpile” means the stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c).

(2) The term “National Defense Stockpile Transaction Fund” means the fund in the Treasury of the United States established under section 9(a) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(a)).

SEC. 3302. AUTHORIZED USES OF STOCKPILE FUNDS.

(a) OBLIGATIONS AUTHORIZED.—During fiscal year 1998, the National Defense Stockpile Manager may obligate up to \$60,000,000 of the funds in the National Defense Stockpile Transaction Fund established under subsection (a) of section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h) for the authorized uses of such funds under subsection (b)(2) of such section.

(b) ADDITIONAL OBLIGATIONS.—The National Defense Stockpile Manager may obligate amounts in excess of the amount specified in subsection (a) if the National Defense Stockpile Manager notifies Congress that extraor-

1 dinary or emergency conditions necessitate the additional
2 obligations. The National Defense Stockpile Manager may
3 make the additional obligations described in the notifica-
4 tion after the end of the 45-day period beginning on the
5 date Congress receives the notification.

6 (c) LIMITATIONS.—The authorities provided by this
7 section shall be subject to such limitations as may be pro-
8 vided in appropriations Acts.

9 **SEC. 3303. AUTHORITY TO DISPOSE OF CERTAIN MATE-**
10 **RIALS IN NATIONAL DEFENSE STOCKPILE.**

11 (a) DISPOSAL REQUIRED.—Subject to subsection (c),
12 the President shall dispose of materials contained in the
13 National Defense Stockpile and specified in the table in
14 subsection (b) so as to result in receipts to the United
15 States in amounts equal to—

16 (1) \$9,222,000 by the end of fiscal year 1998;

17 (2) \$134,840,000 by the end of fiscal year
18 2002; and

19 (3) \$331,886,000 by the end of fiscal year
20 2007.

21 (b) LIMITATION ON DISPOSAL QUANTITY.—The total
22 quantities of materials authorized for disposal by the
23 President under subsection (a) may not exceed the
24 amounts set forth in the following table:

Authorized Stockpile Disposals

Material for disposal	Quantity
Beryllium Copper Master Alloy	7,387 short tons
Chromium Metal	8,511 short tons
Cobalt	14,058,014 pounds
Columbium Carbide	21,372 pounds
Columbium Ferro	249,395 pounds
Diamond, Bort	61,543 carats
Diamond, Dies	25,473 pieces
Diamond, Stone	3,047,900 carats
Germanium	28,200 kilograms
Indium	14,248 troy ounces
Palladium	1,249,485 troy ounces
Platinum	442,641 troy ounces
Tantalum, Carbide Powder	22,688 pounds contained
Tantalum, Minerals	1,751,364 pounds contained
Tantalum, Oxide	123,691 pounds contained
Titanium Sponge	34,831 short tons
Tungsten, Ores & Concentrate	76,358,235 pounds
Tungsten, Carbide	2,032,954 pounds
Tungsten, Metal Powder	1,899,283 pounds
Tungsten, Ferro	2,024,143 pounds

1 (c) MINIMIZATION OF DISRUPTION AND LOSS.—The

2 President may not dispose of materials under subsection

3 (a) 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 mate-
6 rials 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 re-
12 garding the materials specified in such subsection.

1 **SEC. 3304. RETURN OF SURPLUS PLATINUM FROM THE DE-**
2 **PARTMENT OF THE TREASURY.**

3 (a) RETURN OF PLATINUM TO STOCKPILE.—Subject
4 to subsection (b), the Secretary of the Treasury, upon the
5 request of the Secretary of Defense, shall return to the
6 Secretary of Defense for sale or other disposition platinum
7 of the National Defense Stockpile that has been loaned
8 to the Department of the Treasury by the Secretary of
9 Defense, acting as the stockpile manager. The quantity
10 requested and transferred shall be any quantity that the
11 Secretary of Defense determines appropriate for sale or
12 other disposition.

13 (b) ALTERNATIVE TRANSFER OF FUNDS.—The Sec-
14 retary of the Treasury, with the concurrence of the Sec-
15 retary of Defense, may transfer to the Secretary of De-
16 fense funds in a total amount that is equal to the fair
17 market value of any platinum requested under subsection
18 (a) and not returned. A transfer of funds under this sub-
19 section shall be a substitute for a return of platinum under
20 subsection (a). Upon a transfer of funds as a substitute
21 for a return of platinum, the platinum shall cease to be
22 part of the National Defense Stockpile. A transfer of
23 funds under this subsection shall be charged to any appro-
24 priation for the Department of the Treasury and shall be
25 credited to the National Defense Stockpile Transaction
26 Fund.

**TITLE XXXIV—NAVAL
PETROLEUM RESERVES**

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.

There is hereby authorized to be appropriated to the Secretary of Energy \$117,000,000 for fiscal year 1998 for the purpose of carrying out activities under chapter 641 of title 10, United States Code, relating to the naval petroleum reserves (as defined in section 7420(2) of such title). Funds appropriated pursuant to such authorization shall remain available until expended.

SEC. 3402. LEASING OF CERTAIN OIL SHALE RESERVES.

(a) REQUIREMENT TO LEASE.—The Secretary of Energy may lease, subject to valid existing rights, the United States interest in Oil Shale Reserves Numbered 1, 2, and 3 to one or more private entities for the purpose of providing for the exploration of such reserves for, and the development and production of, petroleum.

(b) MAXIMIZATION OF FINANCIAL RETURN TO THE UNITED STATES.—A lease under this section shall be made under terms that result in the maximum practicable financial return to the United States, without regard to production limitations provided under chapter 641 of title 10, United States Code.

(c) DISPOSITION OF WELLS, GATHERING LINES, AND EQUIPMENT.—A lease of a reserve under subsection (a)

1 may include the sale or other disposition, at fair market
 2 value, of any well, gathering line, or related equipment
 3 owned by the United States that is located at the reserve
 4 and is suitable for use in the exploration, development,
 5 or production of petroleum on the reserve.

6 (d) DISPOSITION OF ROYALTIES AND OTHER PRO-
 7 CEEDS.—All royalties and other proceeds accruing to the
 8 United States from a lease under this section shall be dis-
 9 posed of in accordance with section 7433 of title 10, Unit-
 10 ed States Code.

11 (e) INAPPLICABILITY OF CERTAIN SECTIONS OF
 12 TITLE 10, UNITED STATES CODE.—The following provi-
 13 sions of chapter 641 of title 10, United States Code, do
 14 not apply to the leasing of a reserve under this section
 15 nor to a reserve while under a lease entered into under
 16 this section: section 7422(b), subsections (d), (e), (g), and
 17 (k) of section 7430, section 7431, and section 7438(c)(1).

18 (f) DEFINITIONS.—In this section:

19 (1) The term “Oil Shale Reserves Numbered 1,
 20 2, and 3” means the oil shale reserves identified in
 21 section 7420(2) of title 10, United States Code, as
 22 Oil Shale Reserve Numbered 1, Oil Shale Reserve
 23 Numbered 2, and Oil Shale Reserve Numbered 3.

24 (2) The term “petroleum” has the meaning
 25 given such term in section 7420(3) of such title.

1 **SEC. 3403. REPEAL OF REQUIREMENT TO ASSIGN NAVY OF-**
 2 **FICERS TO OFFICE OF NAVAL PETROLEUM**
 3 **AND OIL SHALE RESERVES.**

4 Section 2 of Public Law 96–137 (42 U.S.C. 7156a)
 5 is repealed.

6 **TITLE XXXV—PANAMA CANAL**
 7 **COMMISSION**
 8 **Subtitle A—Authorization of Ex-**
 9 **penditures From Revolving**
 10 **Fund**

11 **SEC. 3501. SHORT TITLE.**

12 This subtitle may be cited as the “Panama Canal
 13 Commission Authorization Act for Fiscal Year 1998”.

14 **SEC. 3502. AUTHORIZATION OF EXPENDITURES.**

15 (a) IN GENERAL.—Subject to subsection (b), the
 16 Panama Canal Commission is authorized to use amounts
 17 in the Panama Canal Revolving Fund to make such ex-
 18 penditures within the limits of funds and borrowing au-
 19 thority available to it in accordance with law, and to make
 20 such contracts and commitments, as may be necessary
 21 under the Panama Canal Act of 1979 (22 U.S.C. 3601
 22 et seq.) for the operation, maintenance, improvement, and
 23 administration of the Panama Canal for fiscal year 1998.

24 (b) LIMITATIONS.—For fiscal year 1998, the Panama
 25 Canal Commission may expend from funds in the Panama

1 Canal Revolving Fund not more than \$85,000 for official
2 reception and representation expenses, of which—

3 (1) not more than \$23,000 may be used for of-
4 ficial reception and representation expenses of the
5 Supervisory Board of the Commission;

6 (2) not more than \$12,000 may be used for of-
7 ficial reception and representation expenses of the
8 Secretary of the Commission; and

9 (3) not more than \$50,000 may be used for of-
10 ficial reception and representation expenses of the
11 Administrator of the Commission.

12 **SEC. 3503. PURCHASE OF VEHICLES.**

13 Notwithstanding any other provision of law, the
14 funds available to the Commission shall be available for
15 the purchase and transportation to the Republic of Pan-
16 ama of passenger motor vehicles, the purchase price of
17 which shall not exceed \$22,000 per vehicle.

18 **SEC. 3504. EXPENDITURES ONLY IN ACCORDANCE WITH**
19 **TREATIES.**

20 Expenditures authorized under this subtitle may be
21 made only in accordance with the Panama Canal Treaties
22 of 1977 and any law of the United States implementing
23 those treaties.

1 **Subtitle B—Facilitation of Panama**
2 **Canal Transition**

3 **SEC. 3511. SHORT TITLE; REFERENCES.**

4 (a) **SHORT TITLE.**—This subtitle may be cited as the
5 “Panama Canal Transition Facilitation Act of 1997”.

6 (b) **REFERENCES.**—Except as otherwise expressly
7 provided, whenever in this subtitle an amendment or re-
8 peal is expressed in terms of an amendment to, or repeal
9 of, a section or other provision, the reference shall be con-
10 sidered to be made to a section or other provision of the
11 Panama Canal Act of 1979 (22 U.S.C. 3601 et seq.).

12 **SEC. 3512. DEFINITIONS RELATING TO CANAL TRANSITION.**

13 Section 3 (22 U.S.C. 3602) is amended by adding
14 at the end the following new subsection:

15 “(d) For purposes of this Act:

16 “(1) The term ‘Canal Transfer Date’ means
17 December 31, 1999, such date being the date speci-
18 fied in the Panama Canal Treaty of 1977 for the
19 transfer of the Panama Canal from the United
20 States of America to the Republic of Panama.

21 “(2) The term ‘Panama Canal Authority’
22 means the entity created by the Republic of Panama
23 to succeed the Panama Canal Commission as of the
24 Canal 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**
6 **CANAL AUTHORITY.**

7 (a) AUTHORITY FOR DUAL ROLE.—Section 1103 (22
8 U.S.C. 3613) is amended by adding at the end the follow-
9 ing new subsection:

10 “(c) The Congress consents, for purposes of the 8th
11 clause of article I, section 9 of the Constitution of the
12 United States, to the acceptance by the individual serving
13 as Administrator of the Commission of appointment by
14 the Republic of Panama to the position of Administrator
15 of the Panama Canal Authority. Such consent is effective
16 only if that individual, while serving in both such posi-
17 tions, serves as Administrator of the Panama Canal Au-
18 thority without compensation, except for payments by the
19 Republic of Panama of travel and entertainment expenses,
20 including per diem payments.”.

21 (b) WAIVER OF CERTAIN CONFLICT-OF-INTEREST
22 STATUTES.—Such section is further amended by adding
23 at the end the following new subsections:

24 “(d) The Administrator, with respect to participation
25 in any matter as Administrator of the Panama Canal
26 Commission (whether such participation is before, on, or

1 after the date of the enactment of the Panama Canal
2 Transition Facilitation Act of 1997), shall not be subject
3 to section 208 of title 18, United States Code, insofar as
4 the matter relates to prospective employment as Adminis-
5 trator of the Panama 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
9 that 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
13 the 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 mat-
18 ter relates to service as, or performance of the duties
19 of, the Administrator of the Panama Canal Author-
20 ity; and

21 “(3) that individual, with respect to official acts
22 performed as the Administrator of the Panama
23 Canal Authority, is not subject to the following:

24 “(A) Sections 203 and 205 of title 18,
25 United States Code.

1 “(B) Effective upon termination of the in-
2 dividual’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
9 for, and service in, the position of Adminis-
10 trator of 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
15 EMPLOYEES OF THE PANAMA CANAL AUTHORITY.—Sec-
16 tion 1112 (22 U.S.C. 3622) is amended by adding at the
17 end 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
20 an 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

1 with the Commission was terminated at noon on the Canal
2 Transfer Date.”.

3 (b) CONSENT OF CONGRESS FOR ACCEPTANCE BY
4 RESERVE AND RETIRED MEMBERS OF THE ARMED
5 FORCES OF EMPLOYMENT BY PANAMA CANAL AUTHOR-
6 ITY.—Such section is further amended by adding after
7 subsection (e), as added by subsection (a), the following
8 new subsection:

9 “(f)(1) The Congress consents to the following per-
10 sons accepting civil employment (and compensation for
11 that employment) with the Panama Canal Authority for
12 which the consent of the Congress is required by the last
13 paragraph of section 9 of article I of the Constitution of
14 the United States, relating to acceptance of emoluments,
15 offices, or titles from a foreign government:

16 “(A) Retired members of the uniformed serv-
17 ices.

18 “(B) Members of a reserve component of the
19 armed forces.

20 “(C) Members of the Commissioned Reserve
21 Corps of the Public Health Service.

22 “(2) The consent of the Congress under paragraph
23 (1) is effective without regard to subsection (b) of section
24 908 of title 37, United States Code (relating to approval

1 required for employment of Reserve and retired members
2 by foreign governments).”.

3 **SEC. 3523. ENHANCED AUTHORITY OF COMMISSION TO ES-**
4 **TABLISH COMPENSATION OF COMMISSION**
5 **OFFICERS AND EMPLOYEES.**

6 (a) REPEAL OF LIMITATIONS ON COMMISSION AU-
7 THORITY.—The following provisions are repealed:

8 (1) Section 1215 (22 U.S.C. 3655), relating to
9 basic pay.

10 (2) Section 1219 (22 U.S.C. 3659), relating to
11 salary protection upon conversion of pay rate.

12 (3) Section 1225 (22 U.S.C. 3665), relating to
13 minimum level of pay and minimum annual in-
14 creases.

15 (b) SAVINGS PROVISION.—Section 1202 (22 U.S.C.
16 3642) is amended by adding at the end the following new
17 subsection:

18 “(c) In the case of an individual who is an officer
19 or employee of the Commission on the day before the date
20 of the enactment of the Panama Canal Transition Facili-
21 tation Act of 1997 and who has not had a break in service
22 with the Commission since that date, the rate of basic pay
23 for that officer or employee on or after that date may not
24 be less than the rate in effect for that officer or employee
25 on the day before that date of enactment except—

1 “(1) as provided in a collective bargaining
2 agreement;

3 “(2) as a result of an adverse action against the
4 officer or employee; or

5 “(3) pursuant to a voluntary demotion.”.

6 (c) CROSS-REFERENCE AMENDMENTS.—(1) Section
7 1216 (22 U.S.C. 3656) is amended by striking out “1215”
8 and inserting in lieu thereof “1202”.

9 (2) Section 1218 (22 U.S.C. 3658) is amended by
10 striking out “1215” and “1217” and inserting in lieu
11 thereof “1202” and “1217(a)”, respectively.

12 **SEC. 3524. TRAVEL, TRANSPORTATION, AND SUBSISTENCE**
13 **EXPENSES FOR COMMISSION PERSONNEL NO**
14 **LONGER SUBJECT TO FEDERAL TRAVEL REG-**
15 **ULATION.**

16 (a) REPEAL OF APPLICABILITY OF TITLE 5 PROVI-
17 SIONS.—(1) Section 1210 (22 U.S.C. 3650) is amended
18 by striking out subsections (a), (b), and (c).

19 (2) Section 1224 (22 U.S.C. 3664) is amended—

20 (A) by striking out paragraph (10); and

21 (B) by redesignating paragraphs (11) through
22 (20) as paragraphs (10) through (19), respectively.

23 (b) CONFORMING AMENDMENTS.—(1) Section 1210
24 is further amended—

1 (A) by redesignating subsection (d)(1) as sub-
 2 section (a) and in that subsection striking out
 3 “paragraph (2)” and inserting in lieu thereof “sub-
 4 section (b)”;

5 (B) by redesignating subsection (d)(2) as sub-
 6 section (b) and in that subsection—

7 (i) striking out “Notwithstanding para-
 8 graph (1), an” and inserting in lieu thereof
 9 “An”; and

10 (ii) striking out “referred to in paragraph
 11 (1)” and inserting in lieu thereof “who is a citi-
 12 zen of the Republic of Panama”.

13 (2) The heading of such section is amended to read
 14 as follows:

15 “AIR TRANSPORTATION”.

16 (c) EFFECTIVE DATE.—The amendments made by
 17 this section shall take effect on January 1, 1999.

18 **SEC. 3525. ENHANCED RECRUITMENT AND RETENTION AU-**
 19 **THORITIES.**

20 (a) RECRUITMENT, RELOCATION, AND RETENTION
 21 BONUSES.—Section 1217 (22 U.S.C. 3657) is amended—

22 (1) by redesignating subsection (c) as sub-
 23 section (e);

24 (2) in subsection (e) (as so redesignated), by
 25 striking out “for the same or similar work per-

1 formed in the United States by individuals employed
2 by the Government of the United States” and insert-
3 ing in lieu thereof “of the individual to whom the
4 compensation is paid”; and

5 (3) by inserting after subsection (b) the follow-
6 ing new subsections:

7 “(c)(1) The Commission may pay a recruitment
8 bonus to an individual who is newly appointed to a posi-
9 tion with the Commission, or a relocation bonus to an em-
10 ployee of the Commission who must relocate to accept a
11 position, if the Commission determines that the Commis-
12 sion would be likely, in the absence of such a bonus, to
13 have difficulty in filling the position.

14 “(2) A recruitment or relocation bonus may be paid
15 to an employee under this subsection only if the employee
16 enters into an agreement with the Commission to complete
17 a period of employment with the Commission established
18 by the Commission. If the employee voluntarily fails to
19 complete such period of employment or is separated from
20 service in such employment as a result of an adverse ac-
21 tion before the completion of such period, the employee
22 shall repay the entire amount of the bonus received by
23 the employee.

24 “(3) A relocation bonus under this subsection may
25 be paid as a lump sum. A recruitment bonus under this

1 subsection shall be paid on a pro rata basis over the period
2 of employment covered by the agreement under paragraph
3 (2). A bonus under this subsection may not be considered
4 to be part of the basic pay of an employee.

5 “(d)(1) The Commission may pay a retention bonus
6 to an employee of the Commission if the Commission de-
7 termines that—

8 “(A) the employee has unusually high or unique
9 qualifications and those qualifications make it essen-
10 tial for the Commission to retain the employee for
11 a period specified by the Commission ending not
12 later than the Canal Transfer Date, or the Commis-
13 sion otherwise has a special need for the services of
14 the employee making it essential for the Commission
15 to retain the employee for a period specified by the
16 Commission ending not later than the Canal Trans-
17 fer Date; and

18 “(B) the employee would be likely to leave em-
19 ployment with the Commission before the end of
20 that period if the retention bonus is not paid.

21 “(2) A retention bonus under this subsection—

22 “(A) shall be in a fixed amount;

23 “(B) shall be paid on a pro rata basis (over the
24 period specified by the Commission as essential for
25 the retention of the employee), with such payments

1 to be made at the same time and in the same man-
 2 ner as basic pay; and

3 “(C) may not be considered to be part of the
 4 basic pay of an employee.

5 “(3) A decision by the Commission to exercise or to
 6 not exercise the authority to pay a bonus under this sub-
 7 section shall not be subject to review under any statutory
 8 procedure or any agency or negotiated grievance procedure
 9 except under any of the laws referred to in section 2302(d)
 10 of title 5, United States Code.”.

11 (b) EDUCATIONAL SERVICES.—Section 1321(e)(2)
 12 (22 U.S.C. 3731(e)(2)) is amended by striking out “and
 13 persons” and inserting in lieu thereof “, to other Commis-
 14 sion employees when determined by the Commission to be
 15 necessary for their recruitment or retention, and to other
 16 persons”.

17 **SEC. 3526. TRANSITION SEPARATION INCENTIVE PAY-**
 18 **MENTS.**

19 Chapter 2 of title I (22 U.S.C. 3641 et seq.) is
 20 amended by adding at the end of subchapter III the fol-
 21 lowing new section:

22 “TRANSITION SEPARATION INCENTIVE PAYMENTS

23 “SEC. 1233. (a) In applying to the Commission and
 24 employees of the Commission the provisions of section 663
 25 of the Treasury, Postal Service, and General Government

1 Appropriations Act, 1997 (as contained in section 101(f)
2 of division A of Public Law 104–208; 110 Stat. 3009–
3 383), relating to voluntary separation incentives for em-
4 ployees of certain Federal agencies (in this section re-
5 ferred to as ‘section 663’)—

6 “(1) the term ‘employee’ shall mean an em-
7 ployee of the Commission who has served in the Re-
8 public of Panama in a position with the Commission
9 for a continuous period of at least three years imme-
10 diately before the employee’s separation under an
11 appointment without time limitation and who is cov-
12 ered under the Civil Service Retirement System or
13 the Federal Employees’ Retirement System under
14 subchapter III of chapter 83 or chapter 84, respec-
15 tively, of title 5, United States Code, other than—

16 “(A) an employee described in any of sub-
17 paragraphs (A) through (F) of subsection
18 (a)(2) of section 663; or

19 “(B) an employee of the Commission who,
20 during the 24-month period preceding the date
21 of separation, has received a recruitment or re-
22 location bonus under section 1217(c) of this Act
23 or who, within the 12-month period preceding
24 the date of separation, received a retention
25 bonus 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 separa-
7 tion incentive payments to be offered; and

8 “(C) a description of how such incentive
9 payments will facilitate the successful transfer
10 of the Panama Canal to the Republic of Pan-
11 ama;

12 “(3) a separation incentive payment under sec-
13 tion 663 may be paid to a Commission employee
14 only to the extent necessary to facilitate the success-
15 ful transfer of the Panama Canal by the United
16 States of America to the Republic of Panama as re-
17 quired by the Panama Canal Treaty of 1977;

18 “(4) such a payment—

19 “(A) may be in an amount determined by
20 the Commission not to exceed \$25,000; and

21 “(B) may be made (notwithstanding the
22 limitation specified in subsection (c)(2)(D) of
23 section 663) in the case of an eligible employee
24 who voluntarily separates (whether by retire-
25 ment or resignation) during the 90-day period

1 beginning on the date of the enactment of this
2 section or during the period beginning on Octo-
3 ber 1, 1998, and ending on December 31, 1998;
4 “(5) in the case of not more than 15 employees
5 who (as determined by the Commission) are unwill-
6 ing to work for the Panama Canal Authority after
7 the Canal Transfer Date and who occupy critical po-
8 sitions for which (as determined by the Commission)
9 at least two years of experience is necessary to en-
10 sure that seasoned managers are in place on and
11 after the Canal Transfer Date, such a payment (not-
12 withstanding paragraph (4))—

13 “(A) may be in an amount determined by
14 the Commission not to exceed 50 percent of the
15 basic pay of the employee; and

16 “(B) may be made (notwithstanding the
17 limitation specified in subsection (c)(2)(D) of
18 section 663) in the case of such an employee
19 who voluntarily separates (whether by retire-
20 ment or resignation) during the 90-day period
21 beginning on the date of the enactment of this
22 section; and

23 “(6) the provisions of subsection (f) of section
24 663 shall not apply.

1 “(b) A decision by the Commission to exercise or to
2 not exercise the authority to pay a transition separation
3 incentive under this section shall not be subject to review
4 under any statutory procedure or any agency or negotiated
5 grievance procedure except under any of the laws referred
6 to in section 2302(d) of title 5, United States Code.”.

7 **SEC. 3527. LABOR-MANAGEMENT RELATIONS.**

8 Section 1271 (22 U.S.C. 3701) is amended by adding
9 at the end the following new subsection:

10 “(c)(1) This subsection applies to any matter that be-
11 comes the subject of collective bargaining between the
12 Commission and the exclusive representative for any bar-
13 gaining unit of employees of the Commission during the
14 period beginning on the date of the enactment of this sub-
15 section and ending on the Canal Transfer Date.

16 “(2)(A) The resolution of impasses resulting from
17 collective bargaining between the Commission and any
18 such exclusive representative during that period shall be
19 conducted in accordance with such procedures as may be
20 mutually agreed upon between the Commission and the
21 exclusive representative (without regard to any otherwise
22 applicable provisions of chapter 71 of title 5, United
23 States Code). Such mutually agreed upon procedures shall
24 become effective upon transmittal by the Chairman of the
25 Supervisory Board of the Commission to the Congress of

1 notice of the agreement to use those procedures and a de-
2 scription of those procedures.

3 “(B) The Federal Services Impasses Panel shall not
4 have jurisdiction to resolve any impasse between the Com-
5 mission and any such exclusive representative in negotia-
6 tions over a procedure for resolving impasses.

7 “(3) If the Commission and such an exclusive rep-
8 resentative do not reach an agreement concerning a proce-
9 dure for resolving impasses with respect to a bargaining
10 unit and transmit notice of the agreement under para-
11 graph (2) on or before July 1, 1998, the following shall
12 be the procedure by which collective bargaining impasses
13 between the Commission and the exclusive representative
14 for that bargaining unit shall be resolved:

15 “(A) If bargaining efforts do not result in an
16 agreement, the parties shall request the Federal Me-
17 diation and Conciliation Service to assist in achiev-
18 ing an agreement.

19 “(B) If an agreement is not reached within 45
20 days after the date on which either party requests
21 the assistance of the Federal Mediation and Concil-
22 iation Service in writing (or within such shorter pe-
23 riod as may be mutually agreed upon by the par-
24 ties), the parties shall be considered to be at an im-
25 passe and shall request the Federal Services Im-

1 passes Panel of the Federal Labor Relations Author-
2 ity to decide the impasse.

3 “(C) If the Federal Services Impasses Panel
4 fails to issue a decision within 90 days after the date
5 on which its services are requested (or within such
6 shorter period as may be mutually agreed upon by
7 the parties), the efforts of the Panel shall be termi-
8 nated.

9 “(D) In such a case, the Chairman of the Panel
10 (or another member in the absence of the Chairman)
11 shall immediately determine the matter by a drawing
12 (conducted in such manner as the Chairman (or, in
13 the absence of the Chairman, such other member)
14 determines appropriate) between the last offer of the
15 Commission and the last offer of the exclusive rep-
16 resentative, with the offer chosen through such
17 drawing becoming the binding resolution of the mat-
18 ter.

19 “(4) In the case of a notice of agreement described
20 in paragraph (2)(A) that is transmitted to the Congress
21 as described in the second sentence of that paragraph
22 after July 1, 1998, the impasse resolution procedures cov-
23 ered by that notice shall apply to any impasse between
24 the Commission and the other party to the agreement that

1 is unresolved on the date on which that notice is transmit-
2 ted to the Congress.”.

3 **SEC. 3528. AVAILABILITY OF PANAMA CANAL REVOLVING**
4 **FUND FOR SEVERANCE PAY FOR CERTAIN**
5 **EMPLOYEES SEPARATED BY PANAMA CANAL**
6 **AUTHORITY AFTER CANAL TRANSFER DATE.**

7 (a) AVAILABILITY OF REVOLVING FUND.—Section
8 1302(a) (22 U.S.C. 3712(a)) is amended by adding at the
9 end the following new paragraph:

10 “(10) Payment to the Panama Canal Authority,
11 not later than the Canal Transfer Date, of such
12 amount as is computed by the Commission to be the
13 future amount of severance pay to be paid by the
14 Panama Canal Authority to employees whose em-
15 ployment with the Authority is terminated, to the
16 extent that such severance pay is attributable to pe-
17 riods of service performed with the Commission be-
18 fore the Canal Transfer Date (and assuming for
19 purposes of such computation that the Panama
20 Canal Authority, in paying severance pay to termi-
21 nated employees, will provide for crediting of periods
22 of service with the Commission).”.

23 (b) STYLISTIC AMENDMENTS.—Such section is fur-
24 ther amended—

1 (1) by striking out “for—” in the matter pre-
 2 ceding paragraph (1) and inserting in lieu thereof
 3 “for the following purposes:”;

4 (2) by capitalizing the initial letter of the first
 5 word in each of paragraphs (1) through (9);

6 (3) by striking out the semicolon at the end of
 7 each of paragraphs (1) through (7) and inserting in
 8 lieu thereof a period; and

9 (4) by striking out “; and” at the end of para-
 10 graph (8) and inserting in lieu thereof a period.

11 **PART II—TRANSITION MATTERS RELATING TO**

12 **OPERATION AND ADMINISTRATION OF CANAL**

13 **SEC. 3541. ESTABLISHMENT OF PROCUREMENT SYSTEM**

14 **AND BOARD OF CONTRACT APPEALS.**

15 Title III of the Panama Canal Act of 1979 (22
 16 U.S.C. 3601 et seq.) is amended by inserting after the
 17 title heading the following new chapter:

18 “CHAPTER 1—PROCUREMENT

19 “PROCUREMENT SYSTEM

20 “SEC. 3101. (a) PANAMA CANAL ACQUISITION REGU-
 21 LATION.—(1) The Commission shall establish by regula-
 22 tion a comprehensive procurement system. The regulation
 23 shall be known as the ‘Panama Canal Acquisition Regula-
 24 tion’ (in this section referred to as the ‘Regulation’) and

1 shall provide for the procurement of goods and services
2 by the Commission in a manner that—

3 “(A) applies the fundamental operating prin-
4 ciples and procedures in the Federal Acquisition
5 Regulation;

6 “(B) uses efficient commercial standards of
7 practice; and

8 “(C) is suitable for adoption and uninterrupted
9 use by the Republic of Panama after the Canal
10 Transfer Date.

11 “(2) The Regulation shall contain provisions regard-
12 ing the establishment of the Panama Canal Board of Con-
13 tract Appeals described in section 3102.

14 “(b) SUPPLEMENT TO REGULATION.—The Commis-
15 sion shall develop a Supplement to the Regulation (in this
16 section referred to as the ‘Supplement’) that identifies
17 both the provisions of Federal law applicable to procure-
18 ment of goods and services by the Commission and the
19 provisions of Federal law waived by the Commission under
20 subsection (c).

21 “(c) WAIVER AUTHORITY.—(1) Subject to paragraph
22 (2), the Commission shall determine which provisions of
23 Federal law should not apply to procurement by the Com-
24 mission and may waive those laws for purposes of the Reg-
25 ulation and Supplement.

1 “(2) For purposes of paragraph (1), the Commission
2 may not waive—

3 “(A) section 27 of the Office of Federal Pro-
4 curement Policy Act (41 U.S.C. 423);

5 “(B) the Contract Disputes Act of 1978 (41
6 U.S.C. 601 et seq.), other than section 10(a) of such
7 Act (41 U.S.C. 609(a)); or

8 “(C) civil rights, environmental, or labor laws.

9 “(d) CONSULTATION WITH ADMINISTRATOR FOR
10 FEDERAL PROCUREMENT POLICY.—In establishing the
11 Regulation and developing the Supplement, the Commis-
12 sion shall consult with the Administrator for Federal Pro-
13 curement Policy.

14 “(e) EFFECTIVE DATE.—The Regulation and the
15 Supplement shall take effect on the date of publication
16 in the Federal Register, or January 1, 1999, whichever
17 is earlier.

18 “PANAMA CANAL BOARD OF CONTRACT APPEALS

19 “SEC. 3102. (a) ESTABLISHMENT.—(1) The Sec-
20 retary of Defense, in consultation with the Commission,
21 shall establish a board of contract appeals, to be known
22 as the Panama Canal Board of Contract Appeals, in ac-
23 cordance with section 8 of the Contract Disputes Act of
24 1978 (41 U.S.C. 607). Except as otherwise provided by
25 this section, the Panama Canal Board of Contract Appeals
26 (in this section referred to as the ‘Board’) shall be subject

1 to the Contract Disputes Act of 1978 (41 U.S.C. 601 et
2 seq.) in the same manner as any other agency board of
3 contract appeals established under that Act.

4 “(2) The Board shall consist of three members. At
5 least one member of the Board shall be licensed to practice
6 law in the Republic of Panama. Individuals appointed to
7 the Board shall take an oath of office, the form of which
8 shall be prescribed by the Secretary of Defense.

9 “(b) EXCLUSIVE JURISDICTION TO DECIDE AP-
10 PEALS.—Notwithstanding section 10(a)(1) of the Contract
11 Disputes Act of 1978 (41 U.S.C. 609(a)(1)) or any other
12 provision of law, the Board shall have exclusive jurisdic-
13 tion to decide an appeal from a decision of a contracting
14 officer under section 8(d) of such Act (41 U.S.C. 607(d)).

15 “(c) EXCLUSIVE JURISDICTION TO DECIDE PRO-
16 TESTS.—The Board shall decide protests submitted to it
17 under this subsection by interested parties in accordance
18 with subchapter V of title 31, United States Code. Not-
19 withstanding section 3556 of that title, section 1491(b)
20 of title 28, United States Code, and any other provision
21 of law, the Board shall have exclusive jurisdiction to decide
22 such protests. For purposes of this subsection—

23 “(1) except as provided in paragraph (2), each
24 reference to the Comptroller General in sections

1 3551 through 3555 of title 31, United States Code,
2 is deemed to be a reference to the Board;

3 “(2) the reference to the Comptroller General
4 in section 3553(d)(3)(C)(ii) of such title is deemed
5 to be a reference to both the Board and the Comp-
6 troller General;

7 “(3) the report required by paragraph (1) of
8 section 3554(e) of such title shall be submitted to
9 the Comptroller General as well as the committees
10 listed in such paragraph;

11 “(4) the report required by paragraph (2) of
12 such section shall be submitted to the Comptroller
13 General as well as Congress; and

14 “(5) section 3556 of such title shall not apply
15 to the Board, but nothing in this subsection shall af-
16 fect the right of an interested party to file a protest
17 with the appropriate contracting officer.

18 “(d) PROCEDURES.—The Board shall prescribe such
19 procedures as may be necessary for the expeditious deci-
20 sion of appeals and protests under subsections (b) and (c).

21 “(e) COMMENCEMENT.—The Board shall begin to
22 function as soon as it has been established and has pre-
23 scribed procedures under subsection (d), but not later
24 than January 1, 1999.

1 “(f) TRANSITION.—The Board shall have jurisdiction
 2 under subsection (b) and (c) over any appeals and protests
 3 filed on or after the date on which the Board begins to
 4 function. Any appeals and protests filed before such date
 5 shall remain before the forum in which they were filed.

6 “(g) OTHER FUNCTIONS.—The Board may perform
 7 functions similar to those described in this section for such
 8 other matters or activities of the Commission as the Com-
 9 mission may determine and in accordance with regulations
 10 prescribed by the Commission.”.

11 **SEC. 3542. TRANSACTIONS WITH THE PANAMA CANAL AU-**
 12 **THORITY.**

13 Section 1342 (22 U.S.C. 3752) is amended—

14 (1) by designating the text of the section as
 15 subsection (a); and

16 (2) by adding at the end the following new sub-
 17 sections:

18 “(b) The Commission may provide office space,
 19 equipment, supplies, personnel, and other in-kind services
 20 to the Panama Canal Authority on a nonreimbursable
 21 basis.

22 “(c) Any executive department or agency of the Unit-
 23 ed States may, on a reimbursable basis, provide to the
 24 Panama Canal Authority materials, supplies, equipment,
 25 work, or services requested by the Panama Canal Author-

1 ity, at such rates as may be agreed upon by that depart-
 2 ment or agency and the Panama Canal Authority.”.

3 **SEC. 3543. TIME LIMITATIONS ON FILING OF CLAIMS FOR**
 4 **DAMAGES.**

5 (a) FILING OF ADMINISTRATIVE CLAIMS WITH COM-
 6 MISSION.—Sections 1411(a) (22 U.S.C. 3771(a)) and
 7 1412 (22 U.S.C. 3772) are each amended in the last sen-
 8 tence by striking out “within 2 years after” and all that
 9 follows through “of 1985,” and inserting in lieu thereof
 10 “within one year after the date of the injury or the date
 11 of the enactment of the Panama Canal Transition Facili-
 12 tation Act of 1997,”.

13 (b) FILING OF JUDICIAL ACTIONS.—The penultimate
 14 sentence of section 1416 (22 U.S.C. 3776) is amended—

15 (1) by striking out “one year” the first place it
 16 appears and inserting in lieu thereof “180 days”;
 17 and

18 (2) by striking out “claim, or” and all that fol-
 19 lows through “of 1985,” and inserting in lieu there-
 20 of “claim or the date of the enactment of the Pan-
 21 ama Canal Transition Facilitation Act of 1997,”.

22 **SEC. 3544. TOLLS FOR SMALL VESSELS.**

23 Section 1602(a) (22 U.S.C. 3792(a)) is amended—

1 (1) in the first sentence, by striking out “supply
2 ships, and yachts” and inserting in lieu thereof “and
3 supply ships”; and

4 (2) by adding at the end the following new sen-
5 tence: “Tolls for small vessels (including yachts), as
6 defined by the Commission, may be set at rates de-
7 termined by the Commission without regard to the
8 preceding provisions of this subsection.”.

9 **SEC. 3545. DATE OF ACTUARIAL EVALUATION OF FECA LI-**
10 **ABILITY.**

11 Section 5(a) of the Panama Canal Commission Com-
12 pensation Fund Act of 1988 (22 U.S.C. 3715c(a)) is
13 amended by striking out “Upon the termination of the
14 Panama Canal Commission” and inserting in lieu thereof
15 “By March 31, 1998”.

16 **SEC. 3546. APPOINTMENT OF NOTARIES PUBLIC.**

17 Section 1102a (22 U.S.C. 3612a) is amended—

18 (1) by redesignating subsection (g) as sub-
19 section (h); and

20 (2) by inserting after subsection (f) the follow-
21 ing new subsection:

22 “(g)(1) The Commission may appoint any United
23 States citizen to have the general powers of a notary pub-
24 lic to perform, on behalf of Commission employees and
25 their dependents outside the United States, any notarial

1 act that a notary public is required or authorized to per-
 2 form within the United States. Unless an earlier expira-
 3 tion is provided by the terms of the appointment, any such
 4 appointment shall expire three months after the Canal
 5 Transfer Date.

6 “(2) Every notarial act performed by a person acting
 7 as a notary under paragraph (1) shall be as valid, and
 8 of like force and effect within the United States, as if exe-
 9 cuted by or before a duly authorized and competent notary
 10 public in the United States.

11 “(3) The signature of any person acting as a notary
 12 under paragraph (1), when it appears with the title of that
 13 person’s office, is prima facie evidence that the signature
 14 is genuine, that the person holds the designated title, and
 15 that the person is authorized to perform a notarial act.”.

16 **SEC. 3547. COMMERCIAL SERVICES.**

17 Section 1102b (22 U.S.C. 3612b) is amended by add-
 18 ing at the end the following new subsection:

19 “(e) The Commission may conduct and promote com-
 20 mercial activities related to the management, operation,
 21 or maintenance of the Panama Canal. Any such commer-
 22 cial activity shall be carried out consistent with the Pan-
 23 ama Canal Treaty of 1977 and related agreements.”.

1 **SEC. 3548. TRANSFER FROM PRESIDENT TO COMMISSION**
 2 **OF CERTAIN REGULATORY FUNCTIONS RE-**
 3 **LATING TO EMPLOYMENT CLASSIFICATION**
 4 **APPEALS.**

5 Sections 1221(a) and 1222(a) (22 U.S.C. 3661(a),
 6 3662(a)) are amended by striking out “President” and in-
 7 serting in lieu thereof “Commission”.

8 **SEC. 3549. ENHANCED PRINTING AUTHORITY.**

9 Section 1306 (22 U.S.C. 3714b) is amended by strik-
 10 ing out “Section 501” and inserting in lieu thereof “Sec-
 11 tions 501 through 517 and 1101 through 1123”.

12 **SEC. 3550. TECHNICAL AND CONFORMING AMENDMENTS.**

13 (a) CLERICAL AMENDMENTS.—The table of contents
 14 in section 1 is amended—

15 (1) by striking out the item relating to section
 16 1210 and inserting in lieu thereof the following:

“Sec. 1210. Air transportation.”;

17 (2) by striking out the items relating to sections
 18 1215, 1219, and 1225;

19 (3) by inserting after the item relating to sec-
 20 tion 1232 the following new item:

“Sec. 1233. Transition separation incentive payments.”;

21 and

22 (4) by inserting after the item relating to the
 23 heading of title III the following:

“CHAPTER 1—PROCUREMENT

“Sec. 3101. Procurement system.

“Sec. 3102. Panama Canal Board of Contract Appeals.”.

1 (b) AMENDMENT TO REFLECT PRIOR CHANGE IN
2 COMPENSATION OF ADMINISTRATOR.—Section 5315 of
3 title 5, United States Code, is amended by striking out
4 the following:

5 “Administrator of the Panama Canal Commis-
6 sion.”.

7 (c) AMENDMENTS TO REFLECT CHANGE IN TRAVEL
8 AND TRANSPORTATION EXPENSES AUTHORITY.—(1) Sec-
9 tion 5724(a)(3) of title 5, United States Code, is amended
10 by striking out “, the Commonwealth of Puerto Rico,” and
11 all that follows through “Panama Canal Act of 1979” and
12 inserting in lieu thereof “or the Commonwealth of Puerto
13 Rico”.

14 (2) Section 5724a(j) of such title is amended—

15 (A) by inserting “and” after “Northern Mari-
16 ana Islands,”; and

17 (B) by striking out “United States, and” and
18 all that follows through the period at the end and
19 inserting in lieu thereof “United States.”.

20 (3) The amendments made by this subsection shall
21 take effect on January 1, 1999.

22 (d) MISCELLANEOUS TECHNICAL AMENDMENTS.—

23 (1) Section 3(b) (22 U.S.C. 3602(b)) is amend-
24 ed by striking out “the Canal Zone Code” and all

1 that follows through “other laws” and inserting in
2 lieu thereof “laws of the United States and regula-
3 tions issued pursuant to such laws”.

4 (2)(A) The following provisions are each
5 amended by striking out “the effective date of this
6 Act” and inserting in lieu thereof “October 1,
7 1979”: sections 3(b), 3(c), 1112(b), and 1321(c)(1).

8 (B) Section 1321(c)(2) is amended by striking
9 out “such effective date” and inserting in lieu there-
10 of “October 1, 1979”.

11 (C) Section 1231(c)(3)(A) (22 U.S.C.
12 3671(c)(3)(A)) is amended by striking out “the day
13 before the effective date of this Act” and inserting
14 in lieu thereof “September 30, 1979”.

15 (3) Section 1102a(h), as redesignated by sec-
16 tion 3546(a)(1), is amended by striking out “section
17 1102B” and inserting in lieu thereof “section
18 1102b”.

19 (4) Section 1110(b)(2) (22 U.S.C. 3620(b)(2))
20 is amended by striking out “section 16 of the Act
21 of August 1, 1956 (22 U.S.C. 2680a),” and insert-
22 ing in lieu thereof “section 207 of the Foreign Serv-
23 ice Act of 1980 (22 U.S.C. 3927)”.

24 (5) Section 1212(b)(3) (22 U.S.C. 3652(b)(3))
25 is amended by striking out “as last in effect before

1 the effective date of section 3530 of the Panama
 2 Canal Act Amendments of 1996” and inserting in
 3 lieu thereof “as in effect on September 22, 1996”.

4 (6) Section 1243(c)(2) (22 U.S.C. 3681(c)(2))
 5 is amended by striking out “retroactivity” and in-
 6 serting in lieu thereof “retroactively”.

7 (7) Section 1341(f) (22 U.S.C. 3751(f)) is
 8 amended by striking out “sections 1302(c)” and in-
 9 serting in lieu thereof “sections 1302(b)”.

10 **TITLE XXXVI—MISCELLANEOUS** 11 **PROVISIONS**

12 **SEC. 3601. COMMENDING MEXICO ON FREE AND FAIR ELEC-** 13 **TIONS.**

14 (a) Congress finds that—

15 (1) on July 6, 1997, elections were conducted
 16 in Mexico in order to fill 500 seats in the Chamber
 17 of Deputies, 32 seats in the 128 seat Senate, the of-
 18 fice of the Mayor of Mexico City, and local elections
 19 in a number of Mexican States;

20 (2) for the first time, the federal elections were
 21 organized by the Federal Electoral Institute, an au-
 22 tonomous and independent organization established
 23 under the Mexican Constitution;

24 (3) more than 52 million Mexican citizens reg-
 25 istered to vote;

1 (4) eight political parties registered to partici-
2 pate in the July 6, elections, including the Institu-
3 tional Revolutionary Party (PRI), the National Ac-
4 tion Party (PAN), and the Democratic Revolution-
5 ary Party (PRD);

6 (5) since 1993, Mexican citizens have had the
7 exclusive right to participate as observers in activi-
8 ties related to the preparation and the conduct of
9 elections;

10 (6) since 1994, Mexican law has permitted
11 international observers to be a part of the process;

12 (7) with 84 percent of the ballots counted, PRI
13 candidates received 38 percent of the vote for seats
14 in the Chamber of Deputies; while PRD and PAN
15 candidates received 52 percent of the combined vote;

16 (8) PRD candidate, Cuauhtemoc Cardenas
17 Solorzano has become the first elected Mayor of
18 Mexico City, a post previously appointed by the
19 President; and

20 (9) PAN members will now serve as governors
21 in seven of Mexico's 31 States.

22 (b) It is the Sense of the Congress that—

23 (1) the recent Mexican elections were conducted
24 in a free, fair and impartial manner;

1 (2) the will of the Mexican people, as expressed
2 through the ballot box, has been respected by Presi-
3 dent Ernesto Zedillo and officials throughout his ad-
4 ministration; and

5 (3) President Zedillo, the Mexican Government,
6 the Federal Electoral Institute, the political parties
7 and candidates, and most importantly the citizens of
8 Mexico should all be congratulated for their support
9 and participation in these very historic elections.

10 **SEC. 3602. SENSE OF CONGRESS REGARDING CAMBODIA.**

11 (a) FINDINGS.—The Congress finds that—

12 (1) during the 1970's and 1980's Cambodia
13 was wracked by political conflict, war and violence,
14 including genocide perpetrated by the Khmer Rouge
15 from 1975 to 1979;

16 (2) the 1991 Paris Agreements on a Com-
17 prehensive Political Settlement of the Cambodia
18 Conflict set the stage for a process of political ac-
19 commodation and national reconciliation among
20 Cambodia's warring parties;

21 (3) the international community engaged in a
22 massive, more than \$2,000,000,000 effort to ensure
23 peace, democracy and prosperity in Cambodia follow-
24 ing the Paris Accords;

1 (4) the Cambodian people clearly demonstrated
2 their support for democracy when 90 percent of eli-
3 gible Cambodian voters participated in United Na-
4 tions-sponsored elections in 1993;

5 (5) since the 1993 elections, Cambodia has
6 made economic progress, as evidenced by the deci-
7 sion last month of the Association of Southeast
8 Asian Nations to extend membership to Cambodia;

9 (6) tensions within the ruling Cambodian coal-
10 tion have erupted into violence in recent months as
11 both parties solicit support from former Khmer
12 Rouge elements, which had been increasingly
13 marginalized in Cambodian politics;

14 (7) in March, 19 Cambodians were killed and
15 more than 100 were wounded in a grenade attack on
16 political demonstrators supportive of the Funcinpec
17 and the Khmer Nation Party;

18 (8) during June fighting erupted in Phnom
19 Penh between forces loyal to First Prime Minister
20 Prince Ranariddh and second Prime Minister Hun
21 Sen;

22 (9) on July 5, Second Prime Minister Hun Sen
23 deposed the First Prime Minister in a violent coup
24 d'etat;

1 (10) forces loyal to Hun Sen have executed
2 former Interior Minister Ho Sok, and targeted other
3 political opponents loyal to Prince Ranariddh;

4 (11) democracy and stability in Cambodia are
5 threatened by the continued use of violence to re-
6 solve political tensions;

7 (12) the Administration has suspended assist-
8 ance for one month in response to the deteriorating
9 situation in Cambodia;

10 (13) the Association of Southeast Asian Na-
11 tions has decided to delay indefinitely Cambodian
12 membership.

13 (b) SENSE OF CONGRESS.—It is the sense of Con-
14 gress that—

15 (1) the parties should immediately cease the use
16 of violence in Cambodia;

17 (2) the United States should take all necessary
18 steps to ensure the safety of American citizens in
19 Cambodia;

20 (3) the United States should call an emergency
21 meeting of the United Nations Security Council to
22 consider all options to restore peace in Cambodia;

23 (4) the United States and ASEAN should work
24 together to take immediate steps to restore democ-
25 racy and the rule of law in Cambodia;

1 (5) United States assistance to the government
2 of Cambodia should remain suspended until violence
3 ends, the democratically elected government is re-
4 stored to power, and the necessary steps have been
5 taken to ensure that the elections scheduled for
6 1998 take place;

7 (6) the United States should take all necessary
8 steps to encourage other donor nations to suspend
9 assistance as part of a multilateral effort.

10 **SEC. 3603. CONGRATULATING GOVERNOR CHRISTOPHER**
11 **PATTEN OF HONG KONG.**

12 (a) CONGRESSIONAL FINDINGS.—The Congress finds
13 that—

14 (1) His Excellency Christopher F. Patten, the
15 now former Governor of Hong Kong, was the twen-
16 ty-eighth British Governor to preside over Hong
17 Kong, prior to that territory reverting back to the
18 People's Republic of China on July 1, 1997;

19 (2) Chris Patten was a superb administrator
20 and an inspiration to the people who he sought to
21 govern;

22 (3) during his five years as Governor of Hong
23 Kong, the economy flourished under his stewardship,
24 growing by more than 30 percent in real terms;

1 (4) Chris Patten presided over a capable and
2 honest civil service;

3 (5) common crime declined during his tenure,
4 and the political climate was positive and stable;

5 (6) Chris Patten's legacy to Hong Kong is the
6 expansion of democracy in Hong Kong's legislative
7 council and a tireless devotion to the rights, free-
8 doms and welfare of Hong Kong's people; and

9 (7) Chris Patten fulfilled the British commit-
10 ment to "put in place a solidly based democratic ad-
11 ministration" in Hong Kong prior to July 1, 1997.

12 (b) SENSE OF CONGRESS.—It is the sense of the
13 Congress that—

14 (1) Governor Chris Patten has served his coun-
15 try with great honor and distinction; and

16 (2) he deserves special thanks and recognition
17 from the United States for his tireless efforts to de-
18 velop and nurture democracy in Hong Kong.

Passed the Senate July 11, 1997.

Attest:

Secretary.

105TH CONGRESS
1ST Session

S. 936

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.

July 11, 1997

Ordered to be printed as passed