

Public Law 100-180  
100th Congress

## An Act

To authorize appropriations for fiscal years 1988 and 1989 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal years for the Armed Forces, and for other purposes.

Dec. 4, 1987  
[H.R. 1748]

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

## SECTION 1. SHORT TITLE

This Act may be cited as the "National Defense Authorization Act for Fiscal Years 1988 and 1989".

National  
Defense  
Authorization  
Act for Fiscal  
Years 1988 and  
1989.

## SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS

This Act is divided into three divisions as follows:

- (1) Division A—Department of Defense Authorizations.
- (2) Division B—Military Construction Authorizations.
- (3) Division C—Other National Defense Authorizations.

## SEC. 3. ALTERNATIVE AUTHORIZATION LEVELS FOR FISCAL YEAR 1988

(a) GENERAL EXPLANATION.—(1) This Act authorizes funds for national defense functions of the Government (budget function 050) for fiscal year 1988 based upon two alternative levels of new budget authority provided for those functions through congressional budget procedures. In section 3(b)(1) of the concurrent resolution on the budget for fiscal year 1988 (House Concurrent Resolution 93 of the One Hundredth Congress), Congress determined and declared that the appropriate level of new budget authority for national defense for fiscal year 1988 is \$296,000,000,000. This Act authorizes funds based upon that determination and declaration and the assumption that that level of budget authority is available to be appropriated.

(2) Section 5(a)(1) of the concurrent resolution reserved \$7,000,000,000 of that amount for subsequent allocation upon enactment of a reconciliation bill, leaving a level of \$289,000,000,000 immediately available for appropriation. This Act authorizes alternative levels of funds based upon that budget authority amount.

(b) PRESENTATION OF ALTERNATIVE LEVELS.—Whenever a dollar amount specified in this Act is to be provided in a different amount based upon which level of new budget authority described in subsection (a) is applicable, two different dollar amounts are shown, the second being set forth in parentheses immediately after the first. The first amount is based upon the budget authority level of \$296,000,000,000; the second (in parentheses) is based upon the budget authority level of \$289,000,000,000.

(c) RULE FOR DETERMINATION.—The dollar amounts specified in this Act that are to be effective are those based upon the budget authority level of \$296,000,000,000. However, if as of the date of the enactment of this Act there has not been enacted a reconciliation bill or other legislation that results in the availability of a level of new budget authority for national defense functions of the Govern-

ment (budget function 050) for fiscal year 1988 in any amount greater than \$289,000,000,000, then until such legislation is enacted the dollar amounts specified in this Act that are to be effective are those based upon the budget authority level of \$289,000,000,000.

#### SEC. 4. COMPLIANCE WITH BUDGET RESOLUTION

Amounts appropriated pursuant to authorizations of appropriations in this Act for fiscal year 1988—

(1) may not exceed an aggregate amount of \$295,943,600,000 (\$288,943,600,000); and

(2) may not exceed such aggregate amount as results in new outlays during fiscal year 1988 that are attributable to authorizations contained in this Act for national defense functions of the Government (budget function 050) in an aggregate amount of \$172,948,400,000 (\$167,048,500,000).

#### SEC. 5. EXPIRATION OF AUTHORIZATIONS FOR FISCAL YEAR 1989

Authorizations of appropriations and of personnel strength levels in this Act for fiscal year 1989 are effective only with respect to appropriations made during the first session of the One Hundredth Congress.

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- Sec. 3136. Production reactor acquisition strategy.

##### PART D—DEPARTMENT OF ENERGY SEMICONDUCTOR TECHNOLOGY RESEARCH EXCELLENCE INITIATIVE

- Sec. 3141. Findings.
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#### TITLE II—NATIONAL DEFENSE STOCKPILE

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## DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

### TITLE I—PROCUREMENT

#### PART A—FUNDING AUTHORIZATIONS

##### SEC. 101. ARMY

(a) **AIRCRAFT.**—Funds are hereby authorized to be appropriated for procurement of aircraft for the Army as follows:

- (1) \$2,864,667,000 (\$2,786,582,000) for fiscal year 1988.
- (2) \$2,422,642,000 for fiscal year 1989.

(b) **MISSILES.**—Funds are hereby authorized to be appropriated for procurement of missiles for the Army as follows:

- (1) \$2,425,875,000 (\$2,355,875,000) for fiscal year 1988.
- (2) \$2,231,368,000 for fiscal year 1989.

(c) **WEAPONS AND TRACKED COMBAT VEHICLES.**—Funds are hereby authorized to be appropriated for procurement of weapons and tracked combat vehicles for the Army as follows:

- (1) \$3,435,137,000 for fiscal year 1988.
- (2) \$1,846,250,000 for fiscal year 1989.

(d) **AMMUNITION.**—Funds are hereby authorized to be appropriated for procurement of ammunition for the Army as follows:

- (1) \$2,397,938,000 (\$2,215,638,000) for fiscal year 1988.
- (2) \$2,104,649 for fiscal year 1989.

(e) **OTHER PROCUREMENT.**—Funds are hereby authorized to be appropriated for other procurement for the Army as follows:

- (1) \$5,494,504,000 (\$5,478,204,000) for fiscal year 1988 as follows:

For tactical and support vehicles, \$942,560,000.

For communications and electronics equipment, \$3,353,166,000 (\$3,345,166,000).

For other support equipment, \$1,183,478,000.

- (2) \$2,794,389,000 for fiscal year 1989.

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

(a) **AIRCRAFT.**—(1) Funds are hereby authorized to be appropriated for procurement of aircraft for the Navy as follows:

(A) \$9,604,987,000 (\$8,610,118,000) for fiscal year 1988.

(B) \$5,591,525,000 for fiscal year 1989.

(2) Of the funds appropriated or otherwise made available for procurement of aircraft for the Navy for fiscal year 1988:

(A) \$5,387,322,000 (\$4,956,739,000) is available only for combat aircraft programs as follows:

For the A-6E program, \$376,610,000 (\$0).

For the EA-6B program, \$521,571,000.

For the F-14A/D program, \$873,848,000.

For the FA-18 program, \$2,580,222,000.

For the SH-60B program, \$197,614,000 (\$143,641,000).

For the SH-60F program, \$329,961,000.

For the long-range air ASW capable aircraft program, \$80,200,000.

For the E-2C program, \$427,296,000.

(B) \$833,193,000 (\$800,493,000) is available only for modification of aircraft programs as follows:

For the A-6 series, \$219,651,000.

For the H-2 series, \$45,108,000.

For the P-3 series, \$172,865,000.

For the S-3 series, \$142,522,000.

For the ES-3 series, \$115,200,000.

For the E2 series, \$71,139,000 (\$38,439,000).

For common electronic countermeasures (ECM) equipment, \$66,708,000.

(b) **WEAPONS.**—(1) Funds are hereby authorized to be appropriated for fiscal year 1988 in the total amount of \$5,989,023,000 (\$5,857,023,000) for procurement of weapons (including missiles and torpedoes) for the Navy as follows:

(A) For missile programs, \$5,372,891,000 (\$5,240,891,000).

(B)(i) For torpedo programs, \$462,864,000, as follows:

For the MK-48 torpedo program, \$243,444,000.

For the MK-50 Advanced Lightweight Torpedo program, \$108,402,000.

For the MK-30 mobile target program, \$31,495,000.

For the antisubmarine rocket (ASROC) program, \$9,522,000.

For the modification of torpedoes and related equipment, \$16,015,000.

For the torpedo support equipment program, \$33,348,000.

For the antisubmarine warfare range support program, \$20,638,000.

(ii) The sum of the amounts authorized for torpedo programs under this subparagraph is reduced by \$78,000,000 in order to meet the total amount authorized to be appropriated set forth at the beginning of this subparagraph.

(C) For other weapons, \$101,540,000, of which \$28,023,000 is for the MK-15 close-in weapon system program.

(D) For spares and repair parts, \$129,728,000.

(2) Funds are hereby authorized to be appropriated for fiscal year 1989 in the amount of \$3,261,068,000 for procurement of weapons (including missiles and torpedoes) for the Navy.



(c) **SHIPBUILDING AND CONVERSION.**—(1) Funds are hereby authorized to be appropriated for shipbuilding and conversion for the Navy as follows:

(A) \$9,530,427,000 for fiscal year 1988.

(B) \$8,529,700,000 for fiscal year 1989.

(2) Amounts authorized under paragraph (1) are available for shipbuilding and conversion programs as follows:

For the Trident submarine program, \$1,290,800,000 for fiscal year 1988 and \$1,398,300,000 for fiscal year 1989.

For the CVN aircraft carrier program, \$644,000,000 for fiscal year 1988 and \$797,000,000 for fiscal year 1989.

For the SSN-688 nuclear attack submarine program, \$1,676,900,000 for fiscal year 1988 and \$1,527,800,000 for fiscal year 1989.

For the SSN-21 nuclear attack submarine program, \$257,600,000 for fiscal year 1988.

For the aircraft carrier service life extension program (SLEP), \$729,755,000 for fiscal year 1988.

For the CG-47 Aegis cruiser program, \$3,328,900,000 for fiscal year 1988 and \$825,000,000 for fiscal year 1989.

For the DDG-51 guided missile destroyer program, \$5,500,000 for fiscal year 1988 and \$2,929,100,000 for fiscal year 1989.

For the LHD-1 amphibious assault ship program, \$752,900,000 for fiscal year 1988 and \$741,100,000 for fiscal year 1989.

For the LSD-41 cargo variant program, \$324,200,000 for fiscal year 1988.

For the TAO-187 fleet oiler program, \$279,100,000 for fiscal year 1988 and \$256,400,000 for fiscal year 1989.

For the strategic sealift program, \$43,400,000 for fiscal year 1988.

For the TAGOS-SWATH Ocean Surveillance Ship program, \$96,500,000 for fiscal year 1988.

For the AO (Jumbo) conversion program, \$44,100,000 for fiscal year 1988.

For the landing craft, air cushion program, \$33,700,000 for fiscal year 1988.

For the TACS auxiliary crane ship program, \$53,100,000 for fiscal year 1988 and \$55,000,000 for fiscal year 1989.

For service craft, \$12,500,000 for fiscal year 1988.

For outfitting and post delivery, \$328,800,000 for fiscal year 1988.

The sum of the amounts authorized for programs under this subsection for fiscal year 1988 is reduced by \$371,328,000 in order to meet the total amount authorized to be appropriated for that fiscal year in paragraph (1).

(3) There are hereby authorized to be transferred to shipbuilding and conversion programs for the Navy for fiscal year 1988 pursuant to the authorizations of appropriations in paragraph (1), to the extent provided in appropriation Acts and without extension of the period of the availability of such amounts for obligation, amounts appropriated for fiscal years before fiscal year 1988 for shipbuilding and conversion for the Navy and remaining available for obligation in the total amount of \$371,328,000 as follows:

From the Trident submarine program for fiscal year 1984, \$58,879,000.

From the Trident submarine program for fiscal year 1985, \$19,383,000.

From the Trident submarine program for fiscal year 1987, \$68,060,000.

From the TAK cargo ship program for fiscal year 1984, \$784,000.

From the SSN-688 attack submarine program for fiscal year 1987, \$30,000,000.

From the aircraft carrier service life extension program for fiscal year 1985, \$48,000,000.

From the battleship reactivation program for fiscal year 1984, \$5,000,000.

From the CG-47 Aegis carrier program for fiscal year 1984, \$6,500,000.

From the CG-47 Aegis carrier program for fiscal year 1987, \$52,400,000.

From the LSD-41 amphibious assault ship program for fiscal year 1985, \$4,000,000.

From the LSD-41 amphibious assault ship program for fiscal year 1986, \$1,300,000.

From the LHD-1 amphibious assault ship program for fiscal year 1986, \$3,100,000.

From the TAO fleet oiler program for fiscal year 1984, \$5,943,000.

From the AOE fast combat support ship program for fiscal year 1987, \$1,900,000.

From the TAKR program for fiscal year 1984, \$1,596,000.

From the TACS crane ship conversion program for fiscal year 1985, \$2,009,000.

From the TACS crane ship conversion program for fiscal year 1987, \$7,703,000.

From the service craft program for fiscal year 1984, \$10,397,000.

From the service craft program for fiscal year 1986, \$5,100,000.

From the service craft program for fiscal year 1987, \$13,900,000.

From the landing craft program for fiscal year 1987, \$19,000,000.

From outfitting and post delivery for fiscal year 1984, \$6,374,000.

(d) OTHER PROCUREMENT, NAVY.—(1) Funds are hereby authorized to be appropriated for other procurement for the Navy as follows:

(A) \$5,321,592,000 (\$5,207,103,000) for fiscal year 1988.

(B) \$1,082,048,000 for fiscal year 1989.

(2) Amounts appropriated pursuant to paragraph (1) for fiscal year 1988 shall be available as follows:

For the ship support equipment program, \$869,716,000.

For the communications and electronics equipment program, \$1,809,417,000.

For aviation support equipment, \$815,315,000 (\$734,815,000).

For the ordnance support equipment program, \$894,542,000.

For programs for civil engineering support equipment, supply support equipment, and personnel/command support equipment, a total of \$623,776,000 (\$589,787,000).

For spares and repair parts, \$308,826,000.

(3) There are hereby authorized to be transferred to other procurement programs for the Navy for fiscal year 1988 pursuant to the authorizations of appropriations in paragraph (1), to the extent provided in appropriation Acts and without extension of obligational availability, amounts appropriated for fiscal years before fiscal year 1988 for other procurement for the Navy and remaining available for obligation in the total amount of \$36,541,000 as follows:

From the electronically suspended gyro navigation program for fiscal year 1986, \$1,410,000.

From the vertical launch system (surface) program for fiscal year 1986, \$907,000.

From the quick strike program for fiscal year 1986, \$1,851,000.

From the amphibious equipment program for fiscal year 1986, \$864,000.

From the production support facility program for fiscal year 1987, \$11,095,000.

From the crush/MIX/patch/pave equipment program for fiscal year 1987, \$1,225,000.

From the drill/blast equipment program for fiscal year 1987, \$109,000.

From the miscellaneous construction/maintenance equipment program for fiscal year 1987, \$2,085,000.

From the weight handling equipment program for fiscal year 1987, \$2,113,000.

From the computer acquisition program for fiscal year 1987, \$14,882,000.

(4) Of the amounts appropriated pursuant to paragraph (1) for fiscal year 1989, \$89,064,000 shall be available for the communications and electronics equipment program.

(e) **PROCUREMENT, MARINE CORPS.**—Funds are hereby authorized to be appropriated for procurement (including missiles, tracked combat vehicles, and other weapons) for the Marine Corps in amounts as follows:

(1) \$1,333,575,000 (\$1,330,546,000) for fiscal year 1988.

(2) \$451,415,000 for fiscal year 1989.

#### SEC. 103. AIR FORCE

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

(1) For aircraft:

(A) \$13,224,331,000 (\$12,689,331,000) for fiscal year 1988.

(B) \$7,577,436,000 for fiscal year 1989.

(2) For missiles:

(A) \$7,513,544,000 (\$7,229,862,000) for fiscal year 1988.

(B) \$2,214,719,000 for fiscal year 1989.

(3) For other procurement for fiscal year 1988, \$8,422,866,000 (\$8,243,504,000), of which—

(A) \$687,647,000 (\$656,347,000) is for munitions and associated support equipment;

(B) \$239,074,000 is for vehicular equipment;

(C) \$2,190,221,000 (\$2,071,559,000) is for electronics and telecommunications equipment; and

(D) \$5,316,924,000 (\$5,287,524,000) is for other base maintenance and support equipment.

(4) For other procurement, \$2,742,725,000 for fiscal year 1989, of which—

- (A) \$627,006,000 is for munitions and associated support equipment;
- (B) \$219,198,000 is for vehicle equipment;
- (C) \$1,314,782,000 is for electronics and communications; and
- (D) \$581,739,000 is for other base maintenance and support equipment.

#### SEC. 104. DEFENSE AGENCIES

Funds are hereby authorized to be appropriated for fiscal year 1988 for the Defense Agencies in the amount of \$1,293,312,000 (\$1,288,371,000).

#### SEC. 105. RESERVE COMPONENTS

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds are hereby authorized to be appropriated for fiscal year 1988 for procurement of aircraft, vehicles, communications equipment, and other miscellaneous equipment for the reserve components of the Armed Forces as follows:

- For the Army National Guard, \$125,000,000 (\$60,000,000).
- For the Air National Guard, \$258,000,000.
- For the Army Reserve, \$90,000,000.
- For the Air Force Reserve, \$165,000,000.
- For the Navy Reserve, \$25,000,000.
- For the Marine Corps Reserve, \$40,000,000.

(b) **AUTHORIZATIONS IN ADDITION TO OTHER AMOUNTS.**—The authorizations of appropriations contained in subsection (a) are in addition to any other amount authorized to be appropriated by this or any other Act.

#### SEC. 106. MILESTONE AUTHORIZATIONS FOR PROCUREMENT PROGRAMS

(a) **MOBILE SUBSCRIBER EQUIPMENT.**—(1) Of the amounts appropriated for other procurement for the Army for fiscal years 1988 and 1989 for communications and electronic equipment, \$1,019,800,000 of the amount appropriated for fiscal year 1988 and \$995,700,000 of the amount appropriated for fiscal year 1989 may be obligated only for the Mobile Subscriber Equipment program.

(2) Funds are hereby authorized to be appropriated for other procurement for the Army for the Mobile Subscriber Equipment program as follows:

- (A) \$976,200,000 for fiscal year 1990.
- (B) \$360,000,000 for fiscal year 1991.

(b) **ARMY TACTICAL MISSILE SYSTEM.**—(1) Of the amounts appropriated for procurement of missiles for the Army for fiscal years 1988 and 1989, \$16,925,000 of the amount appropriated for fiscal year 1988 and \$81,300,000 of the amount appropriated for fiscal year 1989 may be obligated only for the Army Tactical Missile System.

(2) Funds are hereby authorized to be appropriated for procurement of missiles for the Army for the Army Tactical Missile System as follows:

- (A) \$158,200,000 for fiscal year 1990.
- (B) \$209,000,000 for fiscal year 1991.
- (C) \$88,200,000 for fiscal year 1992.

(c) **TRIDENT II MISSILE.**—(1) Of the amounts appropriated for procurement of weapons for the Navy for fiscal years 1988 and 1989, \$2,251,831,000 of the amount appropriated for fiscal year 1988 and \$2,227,100,000 of the amount appropriated for fiscal year 1989 may

be obligated only for the Trident II missile program. In achieving any undistributed reduction required to be made in programs, projects, or activities for which funds have been appropriated to the Department of Defense for fiscal year 1988, no reduction may be made in the amount of funds available for the Trident II missile program.

(2) Funds are hereby authorized to be appropriated for procurement of weapons for the Navy for the Trident II missile as follows:

(A) \$2,215,000,000 for fiscal year 1990.

(B) \$2,090,500,000 for fiscal year 1991.

(C) \$1,977,000,000 for fiscal year 1992.

(d) T-45 TRAINING SYSTEM.—(1) Of the amounts appropriated for procurement of aircraft for the Navy for fiscal years 1988 and 1989 \$358,210,000 of the amount appropriated for fiscal year 1988 and \$403,466,000 of the amount appropriated for fiscal year 1989 may be obligated only for the T-45 Training System.

(2) Funds are hereby authorized to be appropriated for procurement of aircraft for the Navy for the T-45 Training System as follows:

(A) \$437,700,000 for fiscal year 1990.

(B) \$596,300,000 for fiscal year 1991.

(C) \$652,300,000 for fiscal year 1992.

(e) APPLICATION OF SECTION 2437 OF TITLE 10.—Programs referred to in subsections (a) through (d) are defense enterprise programs for the purpose of section 2437 of title 10, United States Code.

#### SEC. 107. AUTHORIZATION OF FUNDS FOR CHEMICAL DEMILITARIZATION PROGRAM

Funds are hereby authorized to be appropriated to the Secretary of Defense for fiscal year 1988 for the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 747), in the amount of \$125,100,000, of which—

(1) \$94,100,000 shall be for operation and maintenance;

(2) \$11,500,000 shall be for research, development, test and evaluation; and

(3) \$19,500,000 shall be for procurement.

#### SEC. 108. AUTHORIZED MULTIYEAR CONTRACTS

(a) ARMY.—Subject to subsection (d)(1), the Secretary of the Army may enter into multiyear contracts in accordance with section 2306(h) of title 10, United States Code, for procurement of the following:

(1) High-Mobility Multipurpose Wheeled Vehicle program.

(2) AN/ALQ-136 jammer.

(3) TOW 2 Missile (for the Army and Marine Corps).

(b) NAVY.—(1) Subject to subsection (d)(2), the Secretary of the Navy may enter into a multiyear contract under section 2306(h) of title 10, United States Code, for the Hawk Missile System.

(2) If by January 1, 1988, legislation described in section 3(c) has not been enacted, the Secretary of the Navy shall enter into a five-year multiyear contract under section 2306(h) of title 10, United States Code, for procurement of 420 FA-18 aircraft.

(c) AIR FORCE.—Subject to subsection (d)(1), the Secretary of the Air Force may enter into a multiyear contract under section 2306(h) of title 10, United States Code, for the Defense Meteorological Satellite Program.



(d) **CONDITIONS.**—(1) A multiyear contract authorized by subsection (a), (b)(2), or (c) may not be entered into unless the anticipated cost over the period of the contract is no more than 88 percent of the anticipated cost of carrying out the same program through annual contracts.

(2) A multiyear contract authorized by subsection (b)(1) may not be entered into unless the anticipated cost over the period of the contract is no more than 88 percent of the average cost incurred for the same system procured with funds appropriated for fiscal year 1986 and fiscal year 1987. For purposes of this paragraph, the average cost for the system in those fiscal years may be increased by the average percentage inflation increase for missile procurement during those fiscal years.

#### SEC. 109. EXTENSION OF AUTHORITY PROVIDED SECRETARY OF DEFENSE IN CONNECTION WITH THE NATO AWACS PROGRAM

Effective as of October 1, 1987, section 103(a) of the Department of Defense Authorization Act, 1982 (Public Law 97-86; 95 Stat. 1100), is amended by striking out "fiscal year 1987" both places it appears and inserting in lieu thereof "fiscal years 1988 and 1989".

#### PART B—PROGRAM REQUIREMENTS, RESTRICTIONS, AND LIMITATIONS

##### SEC. 111. ARMY PROGRAMS

(a) **AHIP SCOUT HELICOPTER.**—Funds appropriated or otherwise made available for fiscal year 1988 for advance procurement of AHIP aircraft may not be obligated unless the Secretary of Defense, based on operational test results, determines that the AHIP aircraft is the most cost-effective scout helicopter available to the Army and certifies that determination to the Committees on Armed Services of the Senate and House of Representatives.

(b) **STINGER MISSILE.**—Section 107(e) of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661; 100 Stat. 3827) is repealed.

Contracts.

(c) **RDX FACILITY.**—The Secretary of the Army may award one or more contracts, in advance of appropriations therefor, for the design and construction of an RDX manufacturing plant if each such contract limits the amount of payments that the United States is obligated to make under such contract to the amount of appropriations available, at the time such contract is awarded, for obligation under such contract. Such design and construction may be accomplished by using one-step turn-key selection procedures, or other competitive contracting methods.

(d) **FORWARD AREA AIR DEFENSE HEAVY SYSTEM.**—(1) Funds appropriated or otherwise made available for the Army for procurement may not be obligated or expended for the procurement of any air defense system submitted to the Army for evaluation in response to any Army request for proposal for the Forward Area Air Defense Line-of-Sight Forward-Heavy (LOS-F-H) system unless the Secretary of Defense certifies to Congress that the system has met or exceeded full system requirements.

(2) For purposes of paragraph (1), the term "full system requirements" means the most stringent system requirements specified by any request for proposal for accuracy, range (detection, tracking and engagement), reaction time, and operations in the presence of electronic countermeasures.

(3) The Secretary of the Army may not obligate funds for advance procurement of the system referred to in paragraph (1) until—

(A) the operational tests of the system are completed and the Secretary of Defense reports to the Committees on Armed Services of the Senate and the House of Representatives on the results of such testing and the evaluation of such testing;

(B) the Secretary of Defense certifies to those committees that the system satisfactorily demonstrates that it meets or exceeds all of the operational performance criteria established for the system;

(C) the Director of Operational Test and Evaluation of the Department of Defense submits to the Secretary of Defense and those committees a report giving the Director's evaluation of the results of such testing and evaluation; and

(D) the Comptroller General submits a report to those committees giving his assessment of the operational tests and the system performance.

(e) A-6 AIRCRAFT CONFIGURATION.—None of the funds appropriated for the procurement of aircraft for the Navy for fiscal year 1988 or 1989 may be obligated or expended for procurement of any A-6 aircraft configured in the F model configuration (as described in connection with the A-6E/A-6F aircraft program in the Selected Acquisition Report submitted to Congress for the quarter ending December 31, 1986).

#### SEC. 112. NAVY PROVISIONS

(a) H-53 SUPER STALLION HELICOPTER AIRCRAFT.—(1) Of the amount appropriated for procurement of aircraft for the Navy for fiscal year 1988, \$25,000,000 shall be available only for safety-related modifications of the H-53 series aircraft.

(2) Of the amount appropriated for the Navy for fiscal year 1988 for the procurement of H-53 aircraft, not more than 30 percent of such funds may be obligated until the Secretary of the Navy submits to Congress a report containing the preliminary results of dynamic structural tests on the H-53 aircraft and the recommendations of the Secretary regarding the advisability of continuing procurement of such aircraft.

(3) The Secretary of the Navy may not accept delivery of any Super Stallion C/MH-53E helicopter contracted for using funds appropriated for a fiscal year after fiscal year 1987 unless the helicopter incorporates design changes to improve flight stability that are approved by the Secretary of the Navy based upon recommendations resulting from the flight stability deficiency correction program for such helicopter being carried out as of May 18, 1987.

(b) P-3 AIRCRAFT.—From funds appropriated or otherwise made available for procurement of aircraft for the Navy or for procurement for the reserve components for fiscal year 1988, the Secretary of the Navy may not obligate more than a total of \$207,011,000 for—

(1) procurement of P-3C aircraft; and

(2) modifications to existing P-3 aircraft.

(c) LAND-BASED TANKERS.—Funds appropriated or otherwise made available for the Navy may not be obligated or expended for the purpose of acquiring or operating land-based tanker aircraft unless the Secretary of Defense certifies to Congress that the Department of the Air Force cannot support the requirements of the Navy for land-based tanker aircraft. For the purposes of this section, the KC-

Reports.

Reports.

130T aircraft operated by the Marine Corps is not considered a land-based tanker aircraft.

(d) **OBOGS SYSTEM.**—Any aircraft procured under the F-14D aircraft program using funds made available for fiscal year 1988, and any aircraft procured under the FA-18 aircraft program using funds made available for fiscal year 1989, shall be configured to incorporate an On Board Oxygen Generating System (OBOGS).

(e) **LEASE OR CHARTER OF NEW TANKERS.**—Subject to section 2401 of title 10, United States Code, the Secretary of the Navy may enter into long-term leases and charters for military useful tanker vessels constructed in the United States.

#### SEC. 113. AIR FORCE PROVISIONS

(a) **T-46 FUNDS.**—(1) Funds appropriated for procurement of aircraft for the Air Force that were originally provided for the terminated T-46 program (as such funds are described in paragraph (2)) shall, to the extent provided in appropriation Acts, be made available for aircraft programs of the Navy as described in paragraph (3) and may not be used for any other purpose.

(2) Funds to be made available for the purposes described in paragraph (3) are as follows:

(A) \$149,000,000 appropriated for fiscal year 1986.

(B) \$151,000,000 appropriated for fiscal year 1987.

(3) Funds provided for Navy aircraft programs under this subsection shall be used as follows:

(A) \$146,700,000 for procurement of EA6-B Prowler aircraft.

(B) \$4,900,000 for advance procurement of EA-6B Prowler aircraft.

(C) \$12,600,000 for EA-6B spares.

(D) \$42,400,000 for A-6 aircraft modifications.

(E) \$48,700,000 (\$38,439,000) for E-2 aircraft modifications.

(4) Funds appropriated or otherwise made available for the Air Force for fiscal years 1986 and 1987 may not be obligated or expended for procurement of the T-46 aircraft (other than those aircraft under contract on the date of the enactment of this Act for lot one aircraft) or in connection with a competition for trainer aircraft.

(b) **TRANSFER OF OTHER PROCUREMENT AIR FORCE FUNDS.**—Of funds appropriated for other procurement for the Air Force for fiscal year 1987 that are available for the BDU-50 practice bomb, \$8,000,000 shall, to the extent provided in appropriations Acts, be made available for other procurement for the Navy for fiscal year 1988 and shall be used only for procurement of BDU-45 practice bombs.

(c) **PAVE TIGER SYSTEM.**—The amount of \$95,800,000 authorized for research, development, test, and evaluation for the Air Force for fiscal year 1985 for which funds were appropriated is hereby reauthorized for procurement of the PAVE Tiger System, and such funds may not be used for any other purpose.

(d) **GROUND COLLISION AVOIDANCE SYSTEMS FOR TRANSPORT AIRCRAFT.**—(1) Except as provided by paragraph (2), any transport aircraft purchased or modified using funds provided to the Department of Defense for fiscal year 1988 for procurement of aircraft shall, as acquired or modified, be equipped with ground collision avoidance systems.

(2) The limitation in paragraph (1) does not apply to the following cases:

Contracts.

(A) The modification of aircraft for Special Operations Forces.

(B) The purchase or modification of aircraft already equipped with ground collision avoidance capabilities comparable or superior to those required under paragraph (1).

(C) The purchase or modification of aircraft undergoing modifications on the date of the enactment of this Act if, in a given case, the interruption of the modification schedule would result in either increased costs or production breaks.

(3) Not later than February 1, 1988, the Secretary of the Air Force shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the Secretary's plan for the purchase or modification of transport aircraft equipped with ground collision avoidance systems as required by paragraph (1).

Reports.

(e) A-7 CLOSE AIR SUPPORT AIRCRAFT.—(1) Funds appropriated or otherwise made available to the Air Force for fiscal year 1988 for procurement of aircraft may not be obligated for the procurement of equipment, facilities, or services for the modification of A-7 aircraft under the A-7 Plus program in excess of \$10,000,000 until—

(A) the Secretary of Defense certifies to Congress, in writing, that—

(i) obligation of funds for such procurement will not adversely affect full and open competition in the A-7 close air support program; and

(ii) the A-7 plus aircraft is the most cost-effective alternative for modernizing existing close air support and battlefield air interdiction assets of the Department of Defense and contributing to meeting the requirements relating to close air support and battlefield air interdiction established by the Secretary of Defense;

(B) the results of the vulnerability study required by the Secretary of Defense with respect to that aircraft demonstrate that the upgraded A-7 plus aircraft meets the vulnerability requirements for that aircraft established by the Secretary;

(C) the Secretary of Defense submits the report required by paragraph (2); and

Reports.

(D) a period of 10 calendar days expires after the date on which that report is received.

(2) Not later than October 1, 1988, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing a master plan for meeting the requirements established by the Secretary relating to close air support and battlefield air interdiction. The master plan submitted—

Reports.

(A) must have been approved by the Under Secretary of Defense for Acquisition; and

(B) shall specify the requirements with respect to equipment, costs, schedule, and acquisition strategy and the roles for active and reserve forces in each of the Armed Forces under the jurisdiction of the Secretary for meeting those requirements.

(f) T-37 MODIFICATION.—(1) Funds appropriated or otherwise made available to the Air Force for fiscal year 1988 for procurement of aircraft may not (except as provided under paragraph (3)) be obligated for the T-37 modification program until—

(A) the Secretary of Defense submits the report required by paragraph (2); and

Reports.

Reports.

(B) a period of 10 calendar days expires after the date on which that report is received.

(2) Not later than February 1, 1988, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing a master plan for meeting the requirements of the Air Force for undergraduate pilot training. The master plan submitted—

(A) must have been approved by the Under Secretary of Defense for Acquisition;

(B) shall specify the requirements with respect to equipment, costs, schedule, and acquisition strategy for meeting those requirements of the Air Force; and

(C) shall address the most cost-effective means for meeting those requirements, including the feasibility of joint service programs.

(3) The limitation in paragraph (1) does not apply with respect to the obligation of funds for a modification solely related to flight safety purposes, but such funds may not be obligated for such a modification until the Secretary of Defense submits a certification in writing to the committees named in paragraph (2) that the modification for which the funds are to be obligated is a modification solely related to flight safety purposes.

#### PART C—MISCELLANEOUS PROVISIONS

##### SEC. 121. ADVANCED TECHNOLOGY BOMBER PROGRAM

(a) **ESTABLISHMENT OF COST, PERFORMANCE, AND MANAGEMENT INITIATIVE.**—The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, shall establish an initiative for maintaining cost discipline, contractor performance discipline, and management discipline within the Advanced Technology Bomber program.

(b) **REQUIRED ELEMENTS OF INITIATIVE.**—The initiative under subsection (a) shall include the following elements:

(1) The creation of a management plan for the program under which decisions to commit to specified levels of production are linked to progress in meeting specified program milestones, including testing milestones.

(2) The creation of a program for promoting greater interaction on management and performance issues between the prime contractor and major program subcontractors.

(3) The establishment of a senior management review group to report directly to the Under Secretary of Defense for Acquisition on the status of aircraft capability, program management, schedule, and cost.

(4) The use of competition on an ongoing basis.

(c) **REPORT ON INITIATIVE.**—Not later than April 1, 1988, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the initiative required by subsection (a). The report shall include a description of the measures taken to that time to implement the initiative, including actions taken with respect to each of the elements specified in subsection (b), and a description of the criteria and milestones to be used in evaluating actual program performance against specified program performance.



(d) **RESTRICTION ON FUNDS.**—(1) The Secretary of the Air Force shall transfer to the Under Secretary of Defense for Acquisition an amount specified by the Under Secretary not to exceed \$10,000,000 to be available only for the purposes of subsection (a). Such amount shall be derived from funds provided for procurement of aircraft for the Air Force for fiscal year 1988.

(2) If the initiative required by subsection (a) is not implemented by October 1, 1988, funds may not be obligated after that date for the Advanced Technology Bomber program until the initiative is implemented.

(e) **REPORT ON IOC CAPABILITIES.**—(1) Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the expected capabilities of the Advanced Technology Bomber when it achieves initial operational capability. The report shall be prepared in consultation with the Under Secretary of Defense for Acquisition.

(2) The report shall include a description of—

- (A) the performance of the aircraft and its subsystems;
- (B) expected mission capability;
- (C) required maintenance and logistical standards;
- (D) expected levels of crew training and performance; and
- (E) product improvements that are planned before the initial operational capability of the aircraft to be made after the initial operational capability of the aircraft.

#### SEC. 122. REPORT ON CONDITION OF CERTAIN C-130 AIRCRAFT

(a) **INSPECTION.**—The Secretary of the Air Force shall inspect the eight C-130H aircraft stored since 1974 at Air Force Plant No. 6 in Marietta, Georgia, in order to determine the current condition of such aircraft and the work required to return such aircraft to operating status.

(b) **REPORT.**—The Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the inspection under subsection (a). The report shall include the Secretary's estimate of the amount it would cost to put such aircraft in useful service for the Air National Guard. The report shall be submitted not later than 60 days after the date of the enactment of this Act.

#### SEC. 123. BRADLEY FIGHTING VEHICLE

(a) **LIMITATION OF FUNDS AND PLAN TO IMPROVE SURVIVABILITY AND OPERATIONAL PERFORMANCE.**—Funds appropriated for fiscal year 1988 may not be obligated or expended to procure any Bradley Fighting Vehicles until a period of 15 days of continuous session of Congress has passed after the last of the following occurs:

(1) The tests of the Bradley Fighting Vehicle required by section 121(d) of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661; 100 Stat. 3829) are completed and the Secretary of Defense submits to Congress the report on the results of such tests required by section 121(f)(1) of such Act.

(2) The Secretary of Defense certifies to Congress in writing that the survivability modifications selected by the Secretary for the Bradley Fighting Vehicle maximize casualty reductions while considering fiscal concerns and without jeopardizing operational effectiveness.

Reports.

(3) The Secretary of Defense submits to Congress a report containing—

(A) a plan for the incorporation of the survivability modifications selected into all Bradley Fighting Vehicles intended for use in combat and a further plan for the incorporation of such modifications into the maximum number of Bradley Fighting Vehicles for which such incorporation is operationally warranted and feasible;

(B) a plan for initiation of production or development efforts, as appropriate, for such modifications not later than May 1, 1988; and

(C) a description of each survivability modification considered by the Secretary (including those not selected) and the relative costs (including logistics and storage) and the schedules of each such modification, a schedule for completion of the modifications selected, and the rationale for not selecting those modifications that were considered but not selected.

Reports.  
Contracts.

(4) The Secretary of Defense submits to Congress a report—

(A) identifying those instances (including deficient swim capability, transmission failures, electrical problems with the vehicle and turret distribution boxes, and inadequacies in the Integrated Sight Unit and TOW missile launchers) in which—

(i) there are reliability, quality, or operational problems;

(ii) the vehicle does not meet the military requirements specified for the vehicle in a program contract; or

(iii) the performance of a Government contractor under a program contract is deficient; and

(B) setting forth a plan to correct each instance identified under subparagraph (A).

(b) REVIEW BY COMPTROLLER GENERAL.—The Comptroller General shall—

(1) review all materials of the Department of Defense used to develop the certification submitted under subsection (a)(2) and the reports submitted under subsections (a)(3) and (a)(4); and

(2) not later than 30 days after the date on which the last of such certification and reports is submitted, submit to Congress a report giving the assessment of the Comptroller General as to the conclusions and recommendations of the Secretary of Defense in the reports and certifications submitted pursuant to subsection (a).

(c) CONTINUITY OF SESSION.—For purposes of determining the period of 15 days of continuous session of Congress specified in subsection (a)—

(1) the continuity of a session of Congress is broken only by an adjournment of the Congress sine die; and

(2) days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of such period.

#### SEC. 124. LIMITATION ON PROCUREMENT OF CERTAIN CHEMICAL WEAPONS ANTIDOTE

(a) LIMITATION.—Section 2400 of title 10, United States Code, is amended—

Reports.

(1) by inserting “(a) BUSES.—” before “Funds appropriated”; and

(2) by adding at the end the following:

“(b) **CHEMICAL WEAPONS ANTIDOTE MANUFACTURED OVERSEAS.**—Funds appropriated to the Department of Defense may not be used for the procurement of chemical weapons antidote contained in automatic injectors (or for the procurement of the components for such injectors) determined to be critical under the Industrial Preparedness Planning Program of the Department of Defense unless—

“(1) such injector or component is manufactured in the United States by a company which is an existing producer under the industrial preparedness program at the time the contract is awarded and which—

“(A) has received all required regulatory approvals; and

“(B) has the plant, equipment, and personnel to perform the contract in existence in the United States at the time the contract is awarded; or

“(2) the Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, determines that such procurement from a source in addition to a source described in paragraph (1) is critical to the national security.”.

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

“§ 2400. Miscellaneous procurement limitations”.

(2) The item relating to that section in the table of sections at the beginning of chapter 141 of such title is amended to read as follows:

“2400. Miscellaneous procurement limitations.”.

#### SEC. 125. REVISION OF CHEMICAL DEMILITARIZATION PROGRAM

(a) **DEFINITION.**—For purposes of this section, the term “chemical stockpile demilitarization program” means the program established by section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), to provide for the destruction of the United States’ stockpile of lethal chemical agents and munitions.

(b) **ENVIRONMENTAL IMPACT STATEMENT.**—The Secretary of Defense shall issue the final Programmatic Environmental Impact Statement on the chemical stockpile demilitarization program by January 1, 1988. The Environmental Impact Statement shall be prepared in accordance with all applicable laws.

(c) **DISPOSAL TECHNOLOGIES.**—(1) Funds appropriated pursuant to this Act or otherwise made available for fiscal year 1988 for the chemical stockpile demilitarization program may not be obligated for procurement or for an Army military construction project at a military installation or facility inside the continental United States until the Secretary of Defense certifies to Congress in writing that the concept plan under the program includes the following:

(A) Evaluation of alternate technologies for disposal of the existing stockpile and selection of the technology or technologies to be used for such purpose.

(B) Full-scale operational verification of the technology or technologies selected for such disposal.

(C) Maximum protection for public health and the environment.

Contracts.

50 USC 1521  
note.

Health and  
medical care.  
Environment.

Research and  
development.

(2) The limitation in paragraph (1) shall not apply with respect to the obligation of funds for the technology evaluation or development program.

(d) **ALTERNATIVE CONCEPT PLAN.**—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives an alternative concept plan for the chemical stockpile demilitarization program. The alternative concept plan shall—

(1) incorporate the requirements of subsections (b) and (c); and

(2) specify any revised schedule or revised funding requirements necessary to enable the Secretary to meet the requirements of subsections (b) and (c).

The alternative concept plan shall be submitted by March 15, 1988.

(e) **SURVEILLANCE AND ASSESSMENT PROGRAM.**—The Secretary of Defense shall conduct an ongoing comprehensive program of—

(1) surveillance of the existing United States stockpile of chemical weapons; and

(2) assessment of the condition of the stockpile.

50 USC 1513  
note.

#### SEC. 126. WITHDRAWAL OF EUROPEAN CHEMICAL STOCKPILE

Chemical munitions of the United States stored in Europe on the date of the enactment of this Act should not be removed from Europe unless such munitions are replaced contemporaneously with binary chemical munitions stationed on the soil of at least one European member nation of the North Atlantic Treaty Organization.

10 USC 2432  
note.

#### SEC. 127. SELECTED ACQUISITION REPORTS FOR CERTAIN PROGRAMS

(a) **SAR COVERAGE FOR ATB, ACM, AND ATA PROGRAMS.**—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives at the end of each fiscal year quarter a Selected Acquisition Report with respect to each program referred to in subsection (b), notwithstanding that such a report would not otherwise be required under section 2432 of title 10, United States Code.

(b) **COVERED PROGRAMS.**—Subsection (a) applies to the Advanced Technology Bomber program, the Advanced Cruise Missile program, and the Advanced Tactical Aircraft program.

(c) **SELECTED ACQUISITION REPORT DEFINED.**—As used in subsection (a), the term "Selected Acquisition Report" means a report containing the information referred to in section 2432 of title 10, United States Code.

#### SEC. 128. REPORT ON STRATEGIC BOMBER FORCE COMPOSITION

(a) **REPORT REQUIREMENT.**—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report updating the 1986 Strategic Bomber Force Study. The report shall include—

(1) the total number of advanced technology bombers required for the strategic bomber force;

(2) the Secretary's assessment of the effect of potential arms control developments on the bomber force;

(3) a description of any current plans for the use of the B-1B aircraft as a dedicated stand-off mission aircraft;

(4) a description of plans for retirement of the current B-52 and FB-111 fleets; and

(5) an assessment as to the potential for changes in the Soviet threat and other factors that may affect the capabilities of the strategic bomber force to penetrate Soviet air defenses.

(b) **DEADLINE FOR REPORT.**—The report required by subsection (a) shall be submitted not later than April 1, 1988.

#### SEC. 129. HEMTT TRUCK PROGRAM

(a) **PROGRAM AUTHORIZATION.**—Beginning in fiscal year 1988, the Secretary of the Army shall procure not less than 4,737 trucks under the Heavy Expanded Mobility Tactical Truck (HEMTT) program. Such procurement shall be carried out using multiyear contracts in accordance with section 2306(h) of title 10, United States Code.

Contracts.

(b) **FUNDING.**—Of amounts appropriated for each of fiscal years 1988 and 1989 for other procurement for the Army for tactical vehicles, \$239,300,000 shall be available only for procurement under subsection (a).

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

### PART A—AUTHORIZATIONS AND PROGRAM LIMITATIONS

#### SEC. 201. AUTHORIZATION OF APPROPRIATIONS

Funds are hereby authorized to be appropriated for fiscal year 1988 and for fiscal year 1989 for the use of the Armed Forces for research, development, test, and evaluation as follows:

(1) For the Army:

(A) \$5,281,008,000 (\$5,204,338,000) for fiscal year 1988.

(B) \$2,763,326,000 for fiscal year 1989.

(2) For the Navy (including the Marine Corps):

(A) \$9,947,151,000 (\$9,638,995,000) for fiscal year 1988.

(B) \$2,896,358,000 for fiscal year 1989.

(3) For the Air Force:

(A) \$16,861,976,000 (\$15,114,635,000) for fiscal year 1988.

(B) \$3,464,376,000 for fiscal year 1989.

(4) For the Defense Agencies:

(A) \$8,145,176,000 (\$8,060,558,000) for fiscal year 1988.

(B) \$1,881,428,000 for fiscal year 1989.

(5) For testing activities:

(A) For the activities of the Deputy Under Secretary of Defense, Test and Evaluation:

(i) \$184,693,000 (\$173,479,000) for fiscal year 1988.

(ii) \$175,244,000 for fiscal year 1989.

(B) For the Director of Operational Test and Evaluation:

(i) \$91,221,000 for fiscal year 1988.

(ii) \$104,221,000 for fiscal year 1989.

#### SEC. 202. LIMITATION ON FUNDS FOR THE ARMY

(a) **AAWS-M AND MILAN II PROGRAMS.**—(1) Of the funds appropriated pursuant to section 201 for the Army for fiscal year 1988, not more than \$18,000,000 may be obligated for the Advanced Anti-Tank Weapon System-Medium (AAWS-M) program until the Secretary of the Army certifies to the Committees on Armed Services of the Senate and the House of Representatives that the Army has completed the Milan II evaluation.



(2) For purposes of paragraph (1), the term "Milan II evaluation" means evaluation of the Milan II system as an interim alternative medium-range anti-tank weapons system, as directed in the joint explanatory statement of the committee of conference accompanying the conference report on House Joint Resolution 738 (House Report 99-1005, page 555). Such evaluation shall be based on full operational testing of the Milan II system.

(b) **ANTI-TACTICAL MISSILE SYSTEMS.**—Of the funds appropriated pursuant to section 201 for the Army for fiscal year 1988, \$26,501,000 shall be available for the anti-tactical missile system program, of which \$10,000,000 shall be available only for the development of a capability to enable the Patriot and Hawk air defense systems for the anti-tactical missile role to exchange data and to otherwise communicate.

(c) **CHEMICAL WEAPONS CONVENTION COMPLIANCE MONITORING PROGRAM.**—Of the funds appropriated for the Army for fiscal year 1988 for research, development, test, and evaluation, \$6,800,000 shall be available only to conduct a program to develop and demonstrate compliance monitoring capabilities in support of the Convention on the Prohibition of Chemical Weapons proposed by the United States in the Conference on Disarmament.

(d) **STINGER ELECTRONIC SECURITY SYSTEM.**—Of the funds appropriated for the Army for fiscal year 1988 for research, development, test, and evaluation, \$3,000,000 shall be available only for purposes of demonstrating and testing alternative electronic safety devices that can be installed or retrofitted on Stinger air defense missiles in both the basic Stinger configuration and the reprogrammable microprocessor configuration. The Secretary of the Army shall summarize the results of the demonstration and testing on the basic Stinger configuration and submit a report to Congress on such summary not later than July 1, 1988, and shall summarize the results of the demonstration and testing on the reprogrammable microprocessor configuration and submit a report to Congress on such summary not later than January 1, 1989.

(e) **RIFLE-LAUNCHED MUNITIONS.**—Of the funds appropriated to the Army pursuant to section 201 of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661), \$11,827,000 may be obligated only for a lightweight rifle-launched anti-armor munitions program approved by the Assistant Secretary of Defense for Special Forces and Low Intensity Conflict.

#### SEC. 203. LIMITATION ON FUNDS FOR THE NAVY

(a) **A-6 AIRCRAFT CONFIGURATION.**—None of the funds appropriated pursuant to section 201 for research, development, test, and evaluation for the Navy may be obligated or expended for the purpose of configuring the A-6 aircraft in the F model configuration (as described in connection with the A-6E/A-6F aircraft program in the Selected Acquisition Report submitted to Congress for the quarter ending December 31, 1986).

(b) **PROHIBITION ON TESTING ELECTROMAGNETIC PULSE IN CHESAPEAKE BAY.**—During fiscal year 1988, the Secretary of the Navy may not carry out an electromagnetic pulse program in the Chesapeake Bay area in connection with the Electromagnetic Pulse Radiation Environment Simulator Program for ships (EMPRESS).

Reports.

Research and  
development.  
Reports.

**SEC. 204. LIMITATION ON FUNDS FOR THE AIR FORCE**

(a) **MISCELLANEOUS LIMITATIONS.**—Of the funds appropriated pursuant to section 201 for the Air Force for fiscal year 1988—

(1) \$15,000,000 shall be available only for Non-Acoustic Anti-Submarine Warfare related activity;

(2) \$50,000,000 shall be available only for the Pave Tiger program; and

(3) \$94,967,000 shall be available only for the Manufacturing Technology (MANTECH) program, of which \$10,000,000 shall be available only for programs associated with the revitalization of the United States machine tool industry.

(b) **F-4D AIR DEFENSE AIRCRAFT.**—The Secretary of the Air Force may spend not more than \$30,000,000 to complete development of a derivative of the F-4D aircraft for the air defense mission. Funds to be used for such purpose are funds appropriated to the Air Force for fiscal year 1985 for research, development, test, and evaluation but not authorized.

**SEC. 205. LIMITATION ON FUNDS FOR DEFENSE AGENCIES**

(a) **SPECIFIED ACTIVITIES.**—Of the funds appropriated pursuant to section 201 for the Defense Agencies for fiscal year 1988—

(1) \$288,000,000 shall be available only to the Defense Advanced Research Projects Agency for Strategic Technology, of which—

(A) \$5,500,000 shall be available only for optical processor research,

(B) \$50,000,000 shall be available only for the Light Sat program, and

(C) \$4,000,000 shall be available only for the Amos Large Optical System program;

(2) \$15,000,000 shall be available only for X-Ray lithography research; and

(3) \$5,000,000 shall be available only for the Rankine Cycle Energy Recovery (RACER) system.

(b) **LANDSAT PROGRAM.**—Of the funds appropriated or otherwise made available to the Defense Agencies for research, development, test, and evaluation for fiscal years 1988 and 1989, funds shall be provided to the Assistant Secretary of Defense for Command, Control, Communications, and Intelligence to be used for LANDSAT data acquisition and for development of LANDSAT satellites numbers 6 and 7 (including launch costs) as follows:

(1) For fiscal year 1988, \$15,000,000.

(2) For fiscal year 1989, \$45,000,000.

(c) **UNIVERSITY RESEARCH INITIATIVES.**—Of the funds appropriated pursuant to section 201 for the Defense Agencies—

(1) \$190,000,000 (\$185,000,000) shall be available only for the University Research Initiatives (URI) program in fiscal year 1988, of which \$25,000,000 is for the Defense Agencies for the Defense University Instrumentation Program; and

(2) \$210,000,000 shall be available only for that program in fiscal year 1989.

(d) **BIOENVIRONMENTAL HAZARUS RESEARCH.**—Of the funds appropriated pursuant to section 201, not more than \$33,000,000 (\$25,000,000) may be obligated through the Office of the Under Secretary of Defense for Acquisition for bioenvironmental hazards research activities at universities (including amounts for associated facilities and other related purposes).

**SEC. 206. FUNDING FOR TECHNOLOGY BASE PROGRAMS FOR FISCAL YEAR 1988**

Of the funds appropriated pursuant to section 201, the following amounts are available only for technology base programs:

(1) For the Army:

- (A) \$764,862,000 of funds authorized for fiscal year 1988.
- (B) \$839,852,000 of funds authorized for fiscal year 1989.

(2) For the Navy:

- (A) \$748,781,000 of funds authorized for fiscal year 1988.
- (B) \$832,587,000 of funds authorized for fiscal year 1989.

(3) For the Air Force:

- (A) \$773,220,000 (\$761,992,000) of funds authorized for fiscal year 1988.
- (B) \$839,444,000 of funds authorized for fiscal year 1989.

(4) For the Defense Agencies:

- (A) \$1,186,430,000 (\$1,181,430,000) of funds authorized for fiscal year 1988.
- (B) \$838,918,000 of funds authorized for fiscal year 1989.

**SEC. 207. FUNDS FOR COOPERATIVE PROJECTS WITH MAJOR NON-NATO ALLIES**

Of the funds appropriated pursuant to the authorizations of appropriations for fiscal year 1988 in section 201, up to \$40,000,000 shall be available for cooperative research and development projects with major non-NATO allies under section 1105 of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-961).

**SEC. 208. ONE-YEAR UNITED STATES MORATORIUM ON TESTING ANTI-SATELLITE WEAPONS**

(a) **TESTING MORATORIUM.**—The Secretary of Defense may not carry out a test of the Space Defense System (antisatellite weapon) involving the F-15 launched miniature homing vehicle against an object in space until the President certifies to Congress that the Soviet Union has conducted, after the date of the enactment of this Act, a test against an object in space of a dedicated antisatellite weapon.

(b) **EXPIRATION.**—The prohibition in subsection (a) expires on October 1, 1988.

**PART B—PROGRAM POLICIES**

**SEC. 211. NAVY ATTACK SUBMARINE PROGRAM**

(a) **ADVANCED SUBMARINE TECHNOLOGY.**—(1) There is hereby established an Advanced Submarine Technology Program to be carried out by the Secretary of Defense through the Director, Defense Advanced Research Projects Agency. In carrying out the program, the Director shall conduct research, development, test, and evaluation of advanced submarine technology that may be applied to submarines of the SSN-688 class, SSN-21 class, or other classes of submarines. Technology to be examined through the program includes technology relating to polymers, compliant coating, propulsion, techniques for hull drag reduction, materials, weapon control systems, acoustic and nonacoustic signature reduction, and sensors.

(2) The objective of the program shall be to obtain prototype hardware of promising submarine technologies in the shortest possible time.

10 USC 2431  
note.

President of U.S.  
Union of Soviet  
Socialist  
Republics.

Research and  
development.

(3) Of the funds appropriated or otherwise made available to the Navy for fiscal year 1988 for research, development, test, and evaluation, \$100,000,000 shall be made available to the Director, Defense Advanced Research Projects Agency for the advanced submarine technology program. The Secretary of Defense shall make such amount available to the Director within 30 days after enactment of a law making appropriations for fiscal year 1988 for research, development, test, and evaluation for the Navy.

(b) **REPORT REQUIREMENT.**—(1) Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report setting forth a detailed plan for the conduct of the program. The report shall include—

(A) information on the technologies to be studied and developed,

(B) milestones for significant achievements,

(C) plans for prototype hardware development, and

(D) a description of anticipated costs.

(2) Not later than six months after the submission of the report required by paragraph (1), the Secretary of Defense shall submit a report updating the information in the initial report, including any additional information the Secretary considers appropriate to the conduct of the program.

(c) **LIMITATION ON FUNDS.**—None of the funds appropriated pursuant to this or any other Act for the research and development of the SSN-21 Seawolf Attack Submarine program may be obligated or expended during any period of time in which a report required by subsection (b) is overdue.

Reports.

(d) **CONCEPT STUDIES FOR SSN-688 IMPROVEMENT.**—Of the funds appropriated pursuant to section 201 for the Navy for fiscal year 1988, \$13,000,000 shall be available only for concept and design studies, together with cost estimates, for accomplishing the following on SSN-688 Los Angeles class submarines:

(1) Providing greater operational/tactical and maximum speed than the present SSN-688 class submarine.

(2) Using HY-100 steel to permit greater operational depths.

(3) Providing greater acoustic and nonacoustic quieting.

(4) Providing greater weapons carrying capacity than either the SSN-688 submarine or the proposed SSN-21 submarine.

(e) **INDEPENDENT STUDIES.**—The Secretary of Defense shall obtain an independent concept study in accordance with subsection (d) from two qualified independent shipbuilders and shall provide the results of the Navy concept study and of the shipbuilders' studies, together with development and deployment schedules and cost estimates under each, to the Committees on Armed Services of the Senate and House of Representatives not later than March 1, 1988.

Reports.

#### SEC. 212. ADVANCED TACTICAL FIGHTER AIRCRAFT

None of the funds appropriated for fiscal year 1988 or otherwise made available may be obligated for development of the Advanced Tactical Fighter aircraft program until—

(1) the Secretary of the Navy certifies to the Secretary of Defense that the prototype aircraft designs are capable of accepting all physical and structural modifications necessary to satisfy fully the requirements of the Navy concerning carrier catapults and arresting gear, and

(2) the Secretary of Defense submits to the Committees on Armed Services and Appropriations of the Senate and House of Representatives a copy of the certification under paragraph (1) and certifies that a major source selection criteria for full scale development and production will be the extent to which the contractor's proposals for the Navy-variant of the advanced tactical fighter meets fully the requirements of the Navy.

#### SEC. 213. ELECTRONIC WARFARE PROGRAMS

(a) **FUNDING.**—Of the funds appropriated or otherwise made available to the Department of Defense for research, development, test, and evaluation for fiscal year 1988, not more than \$539,235,000 (\$482,472,000) may be used for electronic warfare programs as provided in subsection (b).

(b) **ALLOCATION OF FUNDS.**—The Secretary of Defense shall allocate among the military departments funds appropriated for fiscal year 1988 for electronic warfare programs as follows:

(1) For the Department of the Army, \$103,804,000 (\$92,877,000).

(2) For the Department of the Navy, \$235,946,000 (\$211,109,000).

(3) For the Department of the Air Force, \$199,485,000 (\$178,486,000).

Reports.

(c) **SUBMISSION OF MASTER PLAN.**—Not later than March 1, 1988, the Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, shall submit to the Committees on Armed Services of the Senate and House of Representatives a report setting forth a detailed master plan for electronic warfare programs. Such plan shall—

(1) describe joint service electronic warfare programs that will satisfy electronic warfare requirements against the current and future threat; and

(2) identify those electronic warfare systems that will be terminated.

#### SEC. 214. CONVENTIONAL DEFENSE INITIATIVE

(a) **IN GENERAL.**—In this Act, Congress continues the program of Conventional Defense Initiatives begun in the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661) for the purposes stated in section 221 of that Act (100 Stat. 3845).

(b) **ARMY.**—Of the funds appropriated pursuant to section 201 for the Army for fiscal year 1988, \$48,100,000 shall be available only for the Conventional Defense Initiative.

(c) **NAVY.**—Of the funds appropriated pursuant to section 201 for the Navy for fiscal year 1988, \$51,100,000 (\$46,100,000) shall be available only for the Conventional Defense Initiative.

(d) **AIR FORCE.**—Of the funds appropriated pursuant to section 201 for the Air Force for fiscal year 1988, \$9,600,000 shall be available only for the Conventional Defense Initiative.

Research and  
development.

#### SEC. 215. BALANCED TECHNOLOGY INITIATIVE

(a) **PURPOSE.**—It is the purpose of this section to authorize funds for the Balanced Technology Initiative program.

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Republics.

(b) **PROGRAM FOCUS.**—The focus of the Balanced Technology Initiative program shall be on the development of innovative concepts and methods of enhancing conventional defense capabilities, including the development of concepts and methods to take full advantage



of the technological superiority of the United States and its allies as a means of increasing the rate of obsolescence of equipment, doctrine, and tactics of the Soviet Union and other Warsaw Pact countries. Such development shall give particular emphasis to the following:

- (1) Armor/anti-armor initiatives.
- (2) Defenses against armed helicopters.
- (3) Hypervelocity missiles for ground combat use.
- (4) Defense against anti-ship missiles, including those with "stealth" characteristics.
- (5) "Smart" mines for both land and ocean warfare.
- (6) Lightweight, air transportable vehicles with anti-armor capabilities for rapid transport to remote areas.
- (7) Improved conventional anti-submarine warfare munitions.
- (8) "Smart" standoff munitions and submunitions for delivery outside of lethal air defense ranges.

(c) AMOUNTS AUTHORIZED.—(1) Of the amounts appropriated pursuant to section 201 for fiscal year 1988—

(A) not less than \$300,000,000 (\$275,000,000) shall be obligated only for research and development in connection with those programs, projects, and activities initiated pursuant to section 222 of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661; 100 Stat. 3845); and

(B) not less than \$200,000,000 shall be obligated only for research and development under the Balanced Technology Initiative and shall be used only for new and innovative programs, projects, and activities that have not been designated for funding under that section.

(2) Of the amounts appropriated pursuant to section 201 for fiscal year 1989, not less than \$300,000,000 shall be obligated for research and development in connection with the Balanced Technology Initiative.

(d) RELATIONSHIP TO CONVENTIONAL DEFENSE INITIATIVE.—The Conventional Defense Initiative provided for in section 221 of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661; 100 Stat. 3845) and for which funds are authorized by section 214 is not an element of the Balanced Technology Initiative. Funds made available for the purpose of this section may not be obligated for any program, project, or activity of the Conventional Defense Initiative.

#### SEC. 216. MILESTONE AUTHORIZATIONS

(a) ARMY TACTICAL MISSILE SYSTEM.—(1) Of the amounts appropriated for the Army for research, development, test, and evaluation for fiscal years 1988 and 1989, \$112,208,000 (\$102,208,000) of the amount appropriated for fiscal year 1988 and \$86,618,000 of the amount appropriated for fiscal year 1989 may be obligated only for the Army Tactical Missile System program.

(2) The sum of \$49,000,000 is hereby authorized to be appropriated for the Army for fiscal year 1990 for research, development, test, and evaluation in connection with the Army Tactical Missile System program.

(b) TRIDENT II MISSILE.—(1) Of the amounts appropriated for the Navy for research, development, test, and evaluation for fiscal years 1988 and 1989, \$1,073,463,000 (\$1,048,463,000) of the amount appropriated for fiscal year 1988 and \$581,740,000 of the amount appropriated for fiscal year 1989 may be obligated only for the Trident II

missile program. In achieving any undistributed reduction required to be made in programs, projects, or activities for which funds have been appropriated to the Department of Defense for fiscal year 1988, no reduction may be made in the amount of funds available for the program described in the preceding sentence.

(2) Funds are hereby authorized to be appropriated for the Navy for research, development, test, and evaluation of the Trident II missile program as follows:

(A) For fiscal year 1990, \$338,300,000.

(B) For fiscal year 1991, \$164,700,000.

(C) For fiscal year 1992, \$103,000,000.

(c) T-45 TRAINING SYSTEM.—(1) Of the amounts appropriated for the Navy for research, development, test, and evaluation for fiscal years 1988 and 1989, \$96,015,000 of the amount appropriated for fiscal year 1988 and \$87,822,000 of the amount appropriated for fiscal year 1989 may be obligated only for the T-45 Training System program.

(2) Funds are hereby authorized to be appropriated for the Navy for research, development, test, and evaluation of the T-45 Training System program as follows:

(A) For fiscal year 1990, \$23,700,000.

(B) For fiscal year 1991, \$24,000,000.

(d) APPLICATION OF SECTION 2437 OF TITLE 10.—Programs referred to in subsections (a) through (c) are defense enterprise programs for the purpose of section 2437 of title 10, United States Code.

#### SEC. 217. ANTI-TACTICAL BALLISTIC MISSILE SYSTEMS AND EXTENDED AIR DEFENSE

(a) DEMONSTRATION PROJECTS UNDER SDI PROGRAM.—(1) Of the funds appropriated or otherwise made available to the Department of Defense for the Strategic Defense Initiative program for fiscal year 1988, \$50,000,000 shall be available only for experiments, demonstration projects, and development relating to anti-tactical ballistic missile (ATBM) systems.

(2) Such projects shall be conducted on a matching fund cooperative program basis with United States allies that have signed Memoranda of Understanding (MOU's) for participation in the Strategic Defense Initiative program.

(3) Any system developed under this subsection shall be designed to be no less capable than the SA-X-12 system of the Soviet Union.

(b) EXTENDED AIR DEFENSE.—(1) Of the funds appropriated to the Army pursuant to section 201, \$25,000,000 may be obligated only upon approval by the Director of Defense Research and Engineering for the purpose of research and development in connection with anti-tactical missile systems or extended air defense systems.

(2) If any such funds are made available to a firm in an allied country, such funds shall be available for obligation only after the Secretary of Defense enters into a cooperative program with that country for that purpose.

#### SEC. 218. HIGH-TEMPERATURE SUPERCONDUCTIVITY PROGRAM

(a) AUTHORIZATION.—(1) Of the funds appropriated or otherwise made available to the Department of Defense pursuant to section 201 for research, development, test, and evaluation, \$60,520,000 of the amount appropriated for fiscal year 1988 and \$60,520,000 of the amount appropriated for fiscal year 1989 may be obligated only for

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research and development relating to superconductivity at high critical temperatures.

(2) Of the amount that may be obligated under paragraph (1), \$10,520,000 in the case of fiscal year 1988, and \$10,520,000 in the case of fiscal year 1989, may be obligated only for support of research and development activities that—

(A) are conducted under the superconductor program of the Defense Advanced Research Projects Agency of the Department of Defense or under the superconductor program of any other entity involved in superconductor research and development; and

(B) accelerate advanced development of superconductor technology to support the Electric Drive program of the Department of Defense.

(b) ADMINISTRATIVE PROVISIONS.—(1) The Secretary of Defense shall determine, with respect to the amounts appropriated or otherwise made available to the Army, Navy, Air Force, and Defense Agencies pursuant to section 201 for research, development, test, and evaluation for each of fiscal years 1988 and 1989, the amount to be derived from the Army, Navy, Air Force, and each of the Defense Agencies in each such fiscal year to carry out the high-temperature superconductivity research and development activities of the Department of Defense under this section.

Research and development.

(2) The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, shall—

10 USC 2364 note.

(A) coordinate the research and development activities of the Department of Defense relating to high-temperature superconductivity; and

(B) ensure that such research and development—

(i) is carried out in coordination with the high-temperature superconductivity research and development activities of the Department of Energy (including the national laboratories of the Department of Energy), the National Science Foundation, the National Bureau of Standards, and the National Aeronautics and Space Administration; and

(ii) complements rather than duplicates such activities.

(c) TECHNOLOGY TRANSFER TO PRIVATE SECTOR.—(1) The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, shall take appropriate action to ensure that high-temperature superconductivity technology resulting from the research activities of the Department of Defense is transferred to the private sector. Such transfer shall be made in accordance with section 10(e) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710(e)), other applicable provisions of law, and Executive Order Number 12591, dated April 10, 1987.

10 USC 2363 note.

Research and development.

(2) The Secretary of Energy, in consultation with the Under Secretary of Defense for Acquisition, shall ensure that the national laboratories of the Department of Energy participate, to the maximum appropriate extent, in the transfer to the private sector of technology developed under the Department of Defense superconductivity program in the national laboratories.

#### SEC. 219. TRAINING IN ADVANCED MANUFACTURING TECHNOLOGIES

(a) FUNDS FOR PURCHASE AND INSTALLATION OF EQUIPMENT.—Of the funds appropriated pursuant to section 201, not more than \$31,000,000 (\$25,000,000) of the amount appropriated for fiscal year 1988, and not more than \$31,000,000 of the amount appropriated for

fiscal year 1989, may be obligated for the purchase of high technology manufacturing equipment and the installation of such equipment in a private, nonprofit center for advanced technologies for the purpose of training, in a production facility, machine tool operators in skills critical to the defense technology base to build, operate, and maintain such equipment.

(b) **REQUIREMENTS.**—Funds may not be obligated for the purpose described in subsection (a) until—

(1) the Secretary of Defense, the Secretary of Commerce, the Secretary of Labor, and the Secretary of Education enter into a memorandum of understanding concerning the participation of their respective departments in a project to demonstrate the training of machine technicians in a production facility;

(2) the Secretary of Defense approves the obligation of such funds for such purpose; and

(3) a period of 60 days elapses after the Secretary of Defense submits to the Committees on Armed Services of the Senate and the House of Representatives a report that sets forth a detailed explanation of proposed Federal expenditures, a description of the cost-sharing arrangements between the Government agencies concerned and the private sector, and a description of how the proposed program furthers the industrial and technological goals of the Department of Defense.

Reports.

#### SEC. 220. SENSE OF CONGRESS ON STRATEGIC MISSILE MODERNIZATION PROGRAMS

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

(1) It is essential that the nation's defense priorities be carefully analyzed so as to properly fund the Armed Forces.

(2) The capabilities of the conventional forces of the United States and its allies will become more important if an agreement with respect to intermediate-range nuclear forces (INF) is concluded between the United States and the Soviet Union.

(3) It is both desirable and possible to reduce the reliance of the North Atlantic Treaty Organization on nuclear weapons for the defense of all members of the alliance if the member nations of the alliance assert the political will to reduce such reliance and establish sound defense priorities.

(4) The United States is currently procuring and deploying one land-based intercontinental ballistic missile system (the MX system) at significant cost while developing another such system (the so-called Midgetman system) at significant additional cost.

(5) Efforts to reduce the Federal budget deficit, which are imperative for the economic well being of the United States, will continue for the foreseeable future to require limits on all discretionary Federal spending, including defense spending.

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Research and  
development.

(b) **SENSE OF CONGRESS.**—In light of the findings in subsection (a), it is the sense of Congress that the authorization of funds in this Act for research and development for both the new small mobile intercontinental ballistic missile (commonly known as the "Midgetman" missile) and the proposed rail-mobile basing mode for the MX missile does not constitute a commitment or express an intent by Congress to provide funds to procure and deploy the Midgetman missile or to deploy any MX missiles in a rail-mobile basing mode or both.

## PART C—STRATEGIC DEFENSE INITIATIVE

## Subpart 1—SDI Funding and Program Limitations and Requirements

## SEC. 221. FISCAL YEAR 1988 FUNDING LEVEL FOR THE STRATEGIC DEFENSE INITIATIVE

(a) AMOUNT AUTHORIZED.—Of the amounts appropriated pursuant to section 201 or otherwise made available to the Department of Defense for research, development, test, and evaluation for fiscal year 1988, not more than \$3,621,000,000 may be obligated for the Strategic Defense Initiative.

(b) SPECIFIED ACTIVITIES.—Of the funds available for the Strategic Defense Initiative program under subsection (a)—

(1) \$27,000,000 shall be available only for a classified laser program;

(2) \$15,000,000 shall be available only for medical applications of the free electron laser program for medical research and material; and

(3) \$17,000,000 is available for defense-wide mission support for the Strategic Defense Initiative.

(c) DEFENSE-WIDE MISSION SUPPORT.—Of the amount appropriated for Defense Agencies for fiscal year 1987, \$16,000,000 may be used for defense-wide mission support for the Strategic Defense Initiative.

## SEC. 222. PROHIBITION OF CERTAIN CONTRACTS WITH FOREIGN ENTITIES

(a) SDI CONTRACTS WITH FOREIGN ENTITIES.—Funds appropriated to or for the use of the Department of Defense may not be used for the purpose of entering into or carrying out any contract with a foreign government or a foreign firm if the contract provides for the conduct of research, development, test, or evaluation in connection with the Strategic Defense Initiative program.

(b) TEMPORARY SUSPENSION OF PROHIBITION UPON CERTIFICATION OF THE SECRETARY OF DEFENSE.—The prohibition in subsection (a) shall not apply to a contract in any fiscal year if the Secretary of Defense certifies to Congress in writing at any time during such fiscal year that the research, development, testing, or evaluation to be performed under such contract cannot be competently performed by a United States firm at a price equal to or less than the price at which the research, development, testing, or evaluation would be performed by a foreign firm.

(c) EXCEPTIONS FOR CERTAIN CONTRACTS.—The prohibition in subsection (a) shall not apply to a contract awarded to a foreign government or foreign firm if—

(1) the contract is to be performed within the United States;

(2) the contract is exclusively for research, development, test, or evaluation in connection with antitactical ballistic missile systems; or

(3) that foreign government or foreign firm agrees to share a substantial portion of the total contract cost.

(d) DEFINITIONS.—In this section:

(1) The term “foreign firm” means a business entity owned or controlled by one or more foreign nationals or a business entity in which more than 50 percent of the stock is owned or controlled by one or more foreign nationals.

(2) The term “United States firm” means a business entity other than a foreign firm.

10 USC 2431  
note.



(e) **TRANSITION.**—The prohibition in subsection (a) shall not apply to a contract entered into before the date of the enactment of this Act.

10 USC 2431  
note.

**SEC. 223. LIMITATION ON TRANSFER OF SDI TECHNOLOGY TO SOVIET UNION**

Military technology developed with funds appropriated or otherwise made available for the Strategic Defense Initiative may not be transferred, or made available for transfer, to the Soviet Union by the United States (or with the consent of the United States) unless—

President of U.S.

(1) the President determines, and certifies to Congress, that the transfer is in the national interest of the United States and is to be made for the purpose of maintaining peace; and

(2) Congress approves that determination by a joint resolution.

10 USC 2431  
note.

**SEC. 224. SDI ARCHITECTURE TO REQUIRE HUMAN DECISION MAKING**

No agency of the Federal Government may plan for, fund, or otherwise support the development of command and control systems for strategic defense in the boost or post-boost phase against ballistic missile threats that would permit such strategic defenses to initiate the directing of damaging or lethal fire except by affirmative human decision at an appropriate level of authority.

**SEC. 225. DEVELOPMENT AND TESTING OF ANTI-BALLISTIC MISSILE SYSTEMS OR COMPONENTS**

(a) **USE OF FUNDS.**—(1) Funds appropriated to the Department of Defense for fiscal year 1988, or otherwise made available to the Department of Defense from any funds appropriated for fiscal year 1988 or for any fiscal year before fiscal year 1988, shall be subject to the limitations prescribed in paragraph (2).

(2) The funds described in paragraph (1) may not be obligated or expended—

(A) for any development or testing of anti-ballistic missile systems or components except for development and testing consistent with the development and testing described in the April 1987 SDIO Report; or

(B) for the acquisition of any material or equipment (including any long lead materials, components, piece parts, test equipment, or any modified space launch vehicle) required or to be used for the development or testing of anti-ballistic missile systems or components, except for material or equipment required for development or testing consistent with the development and testing described in the April 1987 SDIO Report.

(3) The limitation under paragraph (2) shall not apply to funds transferred to or for the use of the Strategic Defense Initiative for fiscal year 1988 if the transfer is made in accordance with section 1201 of this Act and any comparable provision in legislation appropriating funds for military functions of the Department of Defense for fiscal year 1988.

(b) **DEFINITION.**—As used in this section, the term “April 1987 SDIO Report” means the report entitled “Report to Congress on the Strategic Defense Initiative”, dated April 1987, prepared by the Strategic Defense Initiative Organization and submitted to certain committees of the Senate and House of Representatives pursuant to section 1102 of the Department of Defense Authorization Act, 1985 (Public Law 98-525; 10 U.S.C. 2431 note).

**SEC. 226. PROHIBITION ON DEPLOYMENT OF ANTI-BALLISTIC MISSILE SYSTEM UNLESS AUTHORIZED BY LAW**10 USC 2431  
note.

The Secretary of Defense may not deploy any anti-ballistic missile system unless such deployment is specifically authorized by law after the date of the enactment of this Act.

**SEC. 227. ESTABLISHMENT OF A FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTER TO SUPPORT THE STRATEGIC DEFENSE INITIATIVE PROGRAM**10 USC 2431  
note.

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

(1) The Department of Defense requires technical support for issues of system integration related to the Strategic Defense Initiative program.

(2) The Strategic Defense Initiative Organization, after assessing alternative types of organizations for the provision of such technical support to the Strategic Defense Initiative program (including Government organizations, profit and nonprofit entities (including existing federally funded research and development centers), a new division within an existing federally funded research and development center, a new federally funded research and development center, colleges and universities, and private nonprofit laboratories), determined that a new federally funded research and development center (hereinafter in this section referred to as an "FFRDC") would be the type of organization most appropriate for the provision of such technical support to the Strategic Defense Initiative program.

(3) In providing such technical support to the SDI program, the new FFRDC should provide critical evaluation and rigorous and objective analysis of technologies, systems, and architectures that are candidates for use in the SDI program.

(4) Competitive selection of a contractor to establish and operate such an FFRDC to support the Strategic Defense Initiative program is one way to enhance the prospects for independent and objective evaluation of system integration issues within the Strategic Defense Initiative program.

(b) **AUTHORITY TO CONTRACT FOR FFRDC.**—The Secretary of Defense, using funds appropriated to the Department of Defense for the Strategic Defense Initiative program, may enter into a contract to provide for the establishment and operation of a federally funded research and development center to provide independent and objective technical support to the Strategic Defense Initiative program. Such a contract may not be awarded before October 1, 1989.

(c) **CONTRACT AWARD REQUIREMENTS.**—(1) A contract under subsection (b) shall be awarded using competitive procedures which emphasize cost considerations.

(2) The Secretary of Defense shall solicit proposals for such contract from existing federally funded research and development centers, from universities, from commercial entities, and from appropriate new organizations and shall make maximum efforts to obtain more than one proposal for such contract.

(3) The Secretary shall submit the three best contract proposals (as determined by the Secretary), together with a copy of the proposed sponsoring agreement for the new FFRDC, for review by three persons designated by the Defense Science Board from a list of six or more persons submitted by the National Academy of Sciences. The persons performing the review—

Reports.

(A) shall evaluate the extent to which each proposal and the proposed sponsoring agreement would foster competent and objective technical advice for the Strategic Defense Initiative Program; and

(B) shall report their evaluation of each such proposal and of the proposed sponsoring agreement to the Secretary.

(4) Before awarding a contract under subsection (b), and not sooner than March 30, 1989, the Secretary shall submit to Congress—

(A) a copy of the proposed final contract; and

(B) a copy of the proposed final sponsoring agreement relating to the operation of the new FFRDC.

(5)(A) The Secretary shall then withhold the award of such contract and the approval of such sponsoring agreement for a period of at least 30 days of continuous session of Congress beginning on the day after the date on which Congress receives the copies referred to in paragraph (4).

(B) For purposes of subparagraph (A), the continuity of a session of Congress is broken only by an adjournment sine die at the end of the second regular session of that Congress. In computing the 30-day period for such purposes, days on which either House of Congress is not in session because of an adjournment of more than three days to a day certain shall be excluded.

Contracts.

(d) REQUIREMENTS APPLICABLE TO FFRDC.—The Secretary of Defense shall—

(1) require that the contract referred to in subsection (b) include a provision stating that no officer or employee of the Department of Defense shall have the authority to veto the employment of any person selected to serve as an officer or employee of the new FFRDC;

(2) require that at least 5 percent of the total amount of funds available for the new FFRDC shall be set aside for independent research to be performed by the staff of the new FFRDC under the direction of the chief executive officer of the new FFRDC;

(3) impose a limitation on the compensation payable to each senior executive of the new FFRDC for services performed for the new FFRDC so that such compensation shall be comparable to the amount of compensation payable to senior executives of comparable federally funded research and development centers for similar services;

(4) require that the new FFRDC publicly disclose the salary of its chief executive officer;

(5) prohibit current or former members of the Strategic Defense Initiative Advisory Committee from serving as members of the Board of Trustees of the FFRDC if such members constitute 10 or more percent of the Board of Trustees or from serving as officers of the new FFRDC;

(6) require that the contract referred to in subsection (b) include a provision prohibiting members of such Board of Trustees from serving as officers of the new FFRDC, except that a Board member may serve as the President of the new FFRDC if the Board is comprised of 10 or more members;

(7) require that the contract referred to in subsection (b) include a provision prohibiting the new FFRDC from employing any person who, as a Federal employee or member of the Armed Forces, served in the Strategic Defense Initiative Organization

within two years before the date on which such person is to be employed by the new FFRDC; and

(8) require that any contract referred to in subsection (b) require that the Board of Trustees of the new FFRDC be comprised of individuals who represent a reasonable cross-section of views on the engineering and scientific issues associated with the Strategic Defense Initiative Program.

(e) **FUNDING.**—The Secretary of Defense shall provide that all funds for the new FFRDC within the Department of Defense budget for any fiscal year shall be separately identified and set forth in the budget presentation materials submitted to Congress for that fiscal year.

(f) **SUNSET PROVISION.**—No Federal funds may be provided to the new FFRDC after the end of the five-year period beginning on the date of the award of the first contract awarded to the FFRDC under this section.

### Subpart 2—Report Requirements

#### SEC. 231. ANNUAL REPORT ON SDI PROGRAMS

10 USC 2431  
note.

(a) **IN GENERAL.**—Not later than March 15, 1988, and March 15, 1989, the Secretary of Defense shall transmit to Congress a report (in both an unclassified and a classified form) on the programs that constitute the Strategic Defense Initiative and on any other program relating to defense against ballistic missiles. Each such report shall include the following:

(1) A detailed description of each program or project included in the Strategic Defense Initiative (SDI) or which otherwise relates to defense against strategic ballistic missiles, including a technical evaluation of each such program or project and an assessment as to when each can be brought to the stage of full-scale engineering development (assuming funding as requested or programmed).

(2) A clear definition of the objectives of each phase of the Strategic Defense Initiative Organization plan approved by the Defense Acquisition Board.

(3) An explanation of the relationship between each such objective and each program and project associated with the Strategic Defense Initiative or defense against strategic ballistic missiles.

(4) The status of consultations with other member nations of the North Atlantic Treaty Organization, Japan, and other appropriate allies concerning research being conducted in the Strategic Defense Initiative program.

(5) A statement of the compliance of the planned SDI development and testing programs with existing arms control agreements, including the Antiballistic Missile Treaty.

(6) A review of possible countermeasures of the Soviet Union to specific SDI programs, an estimate of the time and cost required for the Soviet Union to develop each such countermeasure, and an evaluation of the adequacy of the SDI programs described in the report to respond to such countermeasures.

(7) Details regarding funding of programs and projects for the Strategic Defense Initiative, including—

(A) the level of funding provided for the current fiscal year and for previous fiscal years for each program and

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Treaty  
Organization.  
Japan.  
Research and  
development.  
Union of Soviet  
Socialist  
Republics.

project in the Strategic Defense Initiative budgetary presentation materials provided to Congress;

(B) the amount requested to be appropriated for each such program and project for the next fiscal year;

(C) the amount programmed to be requested for each such program and project for the following fiscal year; and

(D) the amount required to reach the next significant milestone for each demonstration program and each major technology program.

(8) Details on what Strategic Defense Initiative technologies can be developed or deployed within the next 5 to 10 years to defend against significant military threats and help accomplish critical military missions. The missions to be considered include—

(A) defending elements of the Armed Forces abroad and United States allies against tactical ballistic missiles, particularly new and highly accurate Soviet shorter range ballistic missiles armed with conventional, chemical, or nuclear warheads;

(B) defending against an accidental launch of strategic ballistic missiles against the United States;

(C) defending against a limited but militarily effective Soviet attack aimed at disrupting the National Command Authority or other valuable military assets;

(D) providing sufficient warning and tracking information to defend or effectively evade possible Soviet attacks against military satellites, including those in high orbits;

(E) providing early warning and attack assessment information and the necessary survivable command, control, and communications to facilitate the use of United States military forces in defense against possible Soviet conventional or strategic attacks;

(F) providing protection of United States population from a Soviet nuclear attack; and

(G) any other significant near-term military mission that the application of SDI technologies might help to accomplish.

(9) For each of the near-term military missions listed in paragraph (8), the report shall include—

(A) a list of specific program elements of the Strategic Defense Initiative that are pertinent to these applications;

(B) the Secretary's estimate of the initial operating capability dates for the architectures or systems to accomplish such missions;

(C) the Secretary's estimate of the level of funding necessary for each program to reach those operating capability dates; and

(D) the Secretary's estimate of the survivability and cost effectiveness at the margin of such architectures or systems against current and projected Soviet threats.

(b) **REPEALS.**—Section 1102 of the Department of Defense Authorization Act, 1985 (10 U.S.C. 2431 note), and section 215 of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661; 100 Stat. 3843) are repealed.



**SEC. 232. REPORT ON SDI DEVELOPMENT PLANS AND COSTS**

(a) **REPORT REQUIREMENT.**—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the total cost to develop, produce, deploy, operate, and maintain the ballistic missile defense system that would incorporate the technologies approved by the Secretary of Defense in authorizing proceeding into the demonstration/validation phase of the acquisition process. Should this system not be sufficiently defined, the system described in the 1987 report entitled "Report of the Technical Panel on Missile Defense in the 1990s", prepared by the George C. Marshall Institute, should be used as a basis for determining cost.

(b) **DEADLINE FOR REPORT; CLASSIFICATION.**—The report under subsection (a) shall be submitted no later than six months after the date of the enactment of this Act and shall be submitted in unclassified form.

**SEC. 233. REPORT ON HOW ABSENCE OF THE ABM TREATY WOULD AFFECT STRATEGIC OFFENSIVE AND DEFENSIVE PROGRAMS**

(a) **REPORT ON NO ABM TREATY LIMITATIONS.**—The Secretary of Defense shall submit to Congress a report concerning what the effect would be on strategic offensive and defensive programs of the United States if there were no limitations on strategic defensive systems in force under the 1972 ABM Treaty.

(b) **MATTERS TO BE INCLUDED.**—The report shall include the following:

Research and  
development.

(1) An analysis of the ramifications of there being no limitation in force under the 1972 ABM Treaty on development under the Strategic Defense Initiative (SDI) program of strategic defenses, including comprehensive strategic defense systems and more limited defenses designed to protect vital military and command and control assets of the United States.

(2) A comparison (based on the analysis made under paragraph (1)) of the research and development programs that could be pursued under the SDI program under the limitations applicable under the restrictive interpretation of the 1972 ABM Treaty, under the less restrictive interpretation of such treaty, and under a case in which there were no such limitations, including a comparative analysis of—

(A) the overall cost of such research and development programs;

(B) the schedule of such research and development programs; and

(C) the level of confidence attained in such research and development programs with respect to supporting a decision to commence full-scale engineering development under such programs in the early-to-mid 1990s.

(3) A list of options for the SDI program, assuming that there are no limitations in force under the 1972 ABM Treaty, that meet one or more of the following objectives:

(A) Reduction of overall development cost.

(B) Advancement of the schedule for making a decision to commence full-scale engineering development.

(C) Increase in the level of confidence in the results of the research by the original scheduled date for the commencement of full-scale development.

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(4) An analysis of how rapidly, in the absence of limitations under the 1972 ABM Treaty, the Soviet Union could deploy a nationwide anti-ballistic missile defense of military and non-military targets and the consequences of such a deployment. The analysis should include an assessment of the following:

(A) The effect of such deployment on the confidence of the United States that, should deterrence that depends increasingly on defensive forces fail, the planned strategic nuclear forces of the United States would be sufficient to hold assets that the leaders of the Soviet Union value at risk following a first strike by the Soviet Union against the United States.

(B) The changes that must be made to the strategic offensive forces of the United States to hold assets that the leaders of the Soviet Union value at risk in the presence of strategic defenses. The analysis should include both the cost of those changes and the time period scale over which they could be accomplished.

(C) The consistency of the required changes to United States strategic offensive forces of the United States described under subparagraph (B) with the current United States negotiating position in the Strategic Arms Reduction (START) negotiations.

(D) The degree to which crisis stability would be affected during the transition period between the appearance of nationwide anti-ballistic missile defenses by both the United States and the Soviet Union and the completion of the changes that the United States would make to its strategic offensive forces in response to such defenses by the Soviet Union.

(5) An analysis of the effect on deterrence of nuclear conflict if both the United States and Soviet Union deploy strategic defenses of comparable capability, considering both less capable and highly capable strategic defenses, as well as appropriate transition issues (including the effect on deterrence of the potential vulnerability of strategic defenses).

(c) **DEADLINE FOR REPORT.**—The report under subsection (a) shall be submitted not later than March 1, 1988.

(d) **REPORT CLASSIFICATION.**—The report under subsection (a) shall be submitted in both classified and unclassified versions.

(e) **1972 ABM TREATY DEFINED.**—In this section, the term "1972 ABM Treaty" means the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missiles, signed at Moscow on May 26, 1972.

#### SEC. 234. REPORT ON ALLOCATION OF FY88 FUNDING

(a) **IN GENERAL.**—The Secretary of Defense shall submit to the Committees on Armed Services and on Appropriations of the Senate and the House of Representatives a report on the allocation of funds appropriated for the Strategic Defense Initiative for fiscal year 1988. The report shall set out the amount of such funds allocated for each program, project, or activity of the Strategic Defense Initiative within each appropriation account.

(b) **DEADLINE FOR REPORT.**—The report required by subsection (a) shall be submitted not later than 90 days after the date of the enactment of legislation appropriating funds for the Strategic Defense Initiative for fiscal year 1988.

## PART D—B-1B BOMBER PROGRAM

## SEC. 241. FISCAL YEAR 1988 FUNDING LIMITATION

Of the funds appropriated pursuant to section 201 for fiscal year 1988, not more than \$375,672,000 shall be available for research, development, test, and evaluation for the B-1B bomber program.

## SEC. 242. DEFENSIVE AVIONICS TEST AND EVALUATION PROGRAM

Reports.

(a) **REQUIREMENT FOR PROGRAM.**—(1) During fiscal years 1988 and 1989, the Secretary of Defense shall develop and conduct a comprehensive program for the systematic testing of the defensive avionics system of the B-1B aircraft.

(2) Not later than 30 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a detailed plan for such testing during fiscal years 1988 and 1989. Such plan shall include—

(A) the planned test schedule for each of the various components of the defensive avionics system, tested singly and in combination with other components of the defensive and offensive avionics systems;

(B) the objectives of each of the planned tests and the criteria that will be used to determine whether each such test is successful, partially-successful, or unsuccessful; and

(C) how those scheduled tests can be used to estimate the capability of the B-1B to penetrate Soviet air defenses, including both single and multiple threats.

(b) **LIMITATION ON OBLIGATION OF FUNDS.**—If the report required under subsection (a)(2) is not submitted to the congressional defense committees by the deadline stated in that subsection for the submission of such report, then none of the funds referred to in section 241 may be expended for the B-1B bomber program until the report is received by those committees.

(c) **BIMONTHLY STATUS REPORTS.**—Beginning on February 1, 1988, and every two months thereafter until October 1, 1989, the Secretary of Defense shall submit to the congressional defense committees a report on whether the tests scheduled during the period since the preceding report were carried out when and as planned, and whether each of those tests was successful, partially successful, or unsuccessful. Each such report shall address the capability of the B-1B aircraft to meet—

(1) performance objectives;

(2) technical and fiscal objectives; and

(3) significant milestones.

(d) **CONGRESSIONAL DEFENSE COMMITTEES DEFINED.**—For purposes of this section, the term “congressional defense committees” means the Committees on Armed Services and Appropriations of the Senate and House of Representatives.

## SEC. 243. ASSESSMENT OF CAPABILITIES OF B-1B TO PENETRATE ENEMY AIR DEFENSES

(a) **INDEPENDENT ASSESSMENT.**—The Secretary of Defense shall provide for an independent assessment of the capabilities of the B-1B aircraft to penetrate air defenses of potential enemies. The Secretary shall appoint a panel of experts from the private sector to conduct the assessment and shall provide the panel such resources as are necessary, including technical assistance by private contractors, to assist the panel in conducting the assessment. Individuals

appointed to the panel shall be independent of the Air Force and shall have no arrangements with the Air Force that would constitute a conflict of interest.

(b) **CONFIGURATIONS TO BE CONSIDERED.**—The panel shall estimate the air defense penetration capabilities of the B-1B aircraft in all of its mission profiles as the aircraft is estimated to be configured at each of the following times:

- (1) Initial operational capability.
- (2) The time the assessment is conducted.
- (3) The completion of the developmental test and evaluation/initial operational test and evaluation period during fiscal year 1989.
- (4) The completion of the baseline modifications program during fiscal year 1991.

(c) **THREATS TO BE CONSIDERED.**—The panel shall estimate the air defense penetration capabilities of the B-1B aircraft against the threats described—

- (1) in the 1981 joint Office of the Secretary of Defense/Air Force Bomber Alternatives Study;
- (2) in the 1986 Strategic Bomber Force Study; and
- (3) in the most current threat baseline established by the intelligence community.

(d) **COOPERATION WITH PANEL.**—The Secretary of Defense shall ensure that individuals serving on the panel receive the full cooperation of all components of the Department of Defense in carrying out the functions of the panel under this section.

(e) **REPORTS.**—The Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives—

- (1) an initial report on the assumptions that are to be used by the panel in making the assessment described in subsection (a);
- (2) periodic reports on the development and progress of the assessment; and
- (3) the final report of the panel (together with such comments as the Secretary considers appropriate) not later than March 1, 1988.

(f) **FUNDING.**—Of the amount appropriated for research, development, test, and evaluation for the Air Force for fiscal year 1988, up to \$1,000,000 of the amount available for the B-1B aircraft program shall be available only for the conduct of the assessment under this section.

#### SEC. 244. LIMITATIONS ON AIRCRAFT ENHANCEMENT AND MODERNIZATION

(a) **MODERNIZATION RESTRICTED.**—Funds described in section 241 may not be used for modernization of the B-1B bomber aircraft.

(b) **CONDITIONS FOR ENHANCEMENTS.**—The Secretary of Defense may not carry out an enhancement of the B-1B aircraft unless the enhancement is specifically authorized by law and funds are specifically appropriated for that purpose. If the Secretary submits a request for any such authorization and funds, the Secretary shall include with the request—

- (1) a description of the requested aircraft enhancement;
- (2) full justification for the enhancement;
- (3) the total program costs of the enhancement; and
- (4) the planned schedule for incorporating the enhancement into the aircraft.

**SEC. 245. EVALUATION OF FLIGHT TEST PROGRAM**

In order to ensure the adequacy of the proposed flight test program for the B-1B aircraft, the Director of Operational Test and Evaluation of the Department of Defense shall assume the responsibilities and exercise the authorities of the Director under section 138 of title 10, United States Code, with respect to the use of funds provided for fiscal year 1988 for such flight test program insofar as the use of such funds involves operational test and evaluation functions (as defined in such section).

**PART E—MISCELLANEOUS****SEC. 251. COOPERATIVE MEDICAL RESEARCH WITH THE VETERANS' ADMINISTRATION**

Of the amount appropriated pursuant to section 201 for the Defense Agencies for fiscal year 1988, \$20,000,000 shall be available only for a cooperative medical research program to be carried out by the Secretary of Defense and the Administrator of Veterans' Affairs.

**SEC. 252. LINCOLN LABORATORY IMPROVEMENT PROJECT**

Massachusetts.  
Contracts.

(a) **MODERNIZATION AND EXPANSION PROJECT.**—The Secretary of the Air Force is authorized to enter into a contract with the Massachusetts Institute of Technology for a modernization and expansion project at the Lincoln Laboratory complex at Hanscom Air Force Base, Massachusetts. The project includes construction of, and additions and modifications to, research offices, laboratory spaces, and supporting facilities necessary to carry out the activities of the Lincoln Laboratory.

(b) **PROJECT COST AND DURATION.**—The amount obligated under the contract for the modernization and expansion project may not exceed \$135,000,000. The project shall be completed in not more than 12 years. Costs incurred under the contract may include costs of financing charges (including financing charges on amounts provided by the Massachusetts Institute of Technology for the project), but may not include a fee or profit for the Massachusetts Institute of Technology or for Lincoln Laboratory.

(c) **FUNDING.**—Payments under a contract under subsection (a) for any fiscal year shall be made from appropriations for research and development made to the Air Force or to any other Federal agency.

(d) **TITLE.**—Title to the facilities, and to associated equipment, funded by such contract shall be conveyed to the United States upon completion of the project and acceptance of the facilities by the Secretary.

(e) **USE OF FACILITIES.**—The right of the Massachusetts Institute of Technology to use such facilities and equipment shall be as provided by contracts with the United States.

(f) **BUDGET ACT.**—The authority of the Secretary of the Air Force to enter into a contract under subsection (a) shall be effective only to such extent or in such amounts as are provided in advance in appropriation Acts.

**SEC. 253. EVALUATION OF NEW HIGH-SPEED PATROL BOAT**

The Secretary of the Navy is encouraged to (1) evaluate a new 80-foot reconnaissance assault and missile boat that has been designed to project power in coastal, harbor, river, and island waterways and on closed seas, and (2) consider procuring a prototype of such boat for extensive testing and evaluation. The Secretary shall submit to

Reports.



the Committees on Armed Services of the Senate and House of Representatives any report on the evaluation of any such boat.

**SEC. 254. PEGASUS ENGINE**

Section 203(b) of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661; 100 Stat. 3838) is repealed.

**SEC. 255. REPORT ON MILITARY USE OF NASA MANNED SPACE STATION**

(a) **REPORT REQUIREMENT.**—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the activities planned by the Department of Defense to be conducted on or in conjunction with the permanently manned space station to be developed and operated by the National Aeronautics and Space Administration. The report shall include a description of—

(1) those planned activities, including research projects the Department intends to conduct from the space station;

(2) the eventual applications for which the Department intends such research to be used; and

(3) the relationship of those planned activities to activities of the Department of Defense for which funds are authorized by this Act (including offensive and defensive weapons systems) and how such activities will be coordinated.

(b) **DEADLINE FOR REPORT.**—The report required by subsection (a) shall be submitted not later than March 1, 1988.

**SEC. 256. ADVANCED LAUNCH SYSTEM**

(a) **REQUIRED PROGRAM PLANS.**—The Secretary of Defense may not obligate or expend more than \$50,000,000 for research, development, test, and evaluation for any activity associated directly or indirectly with the Advanced Launch System/Heavy Lift Launch Vehicle (hereinafter in this section referred to as the "ALS") program until—

(1) the Secretary of Defense and the Administrator of the National Aeronautics and Space Administration enter into an interagency agreement (A) on the most cost-effective design approach for the ALS, and (B) on a joint management plan to implement the ALS program so as to make maximum use of the expertise and the unique testing facilities of the National Aeronautics and Space Administration, especially with respect to rocket propulsion systems;

(2) the Secretary of Defense develops a management plan for the ALS program, including identification of the specific roles and responsibilities—

(A) to be filled by the Defense Agencies, the Department of the Air Force, and other appropriate elements of the Department of Defense; and

(B) as provided in the interagency agreement described in paragraph (1), to be filled by the National Aeronautics and Space Administration;

(3) all participants in the ALS program enter into a formal cost-sharing agreement with respect to that program which—

(A) identifies the total costs of the program (stated in both current and constant dollars); and

(B) includes the budgetary resources intended to be dedicated by each participant in the program for each of the fiscal years 1988 through 1992; and

(4) the Secretary of Defense, with the concurrence of the Administrator of the National Aeronautics and Space Administration, submits to the Committees on Armed Services and Appropriations of the Senate and House of Representatives a report on the ALS program that includes—

(A) a copy of the agreement described in paragraph (1);

(B) a detailed description of the management plan described in paragraph (2); and

(C) a copy of the cost-sharing agreement described in paragraph (3).

(b) **PAYLOAD COST GOAL.**—Any request for proposals issued by the Department of Defense for the ALS program—

(1) shall include as a goal a cost per pound of payload placed in low earth orbit of \$300 or less (in constant fiscal year 1987 dollars); and

(2) may not include a request for bids or proposals for an interim capability that would have a higher cost per pound of payload than specified under paragraph (1).

#### SEC. 257. SPACE LAUNCH RECOVERY

(a) **TRANSFER OF FUNDS.**—Of the funds appropriated pursuant to section 201 for research, development, test, and evaluation, a total of up to \$50,000,000 may be transferred from the Army and the Navy to the Air Force for activities related to space launch recovery.

(b) **NOTICE TO CONGRESS.**—No transfer of funds may be made under subsection (a) until the Secretary of Defense has notified Congress of the proposed transfer and a period of 30 days has elapsed after the date on which notice of the proposed transfer is received by Congress.

#### SEC. 258. STUDIES OF NUCLEAR WARHEAD FOR ARMY TACTICAL MISSILE SYSTEM

(a) Funds available to the Department of Defense or to the Department of Energy may be obligated or expended for studies and analyses of the military utility and cost of a nuclear warhead option for the Army Tactical Missile System (ATACMS).

(b) No funds may be obligated or expended for the purpose of developing, testing, producing, or integrating nuclear warheads for the Army Tactical Missile System (ATACMS) unless—

(1) the Secretary of Defense certifies to the Committees on Armed Services of the Senate and the House of Representatives that the Army Tactical Missile System has achieved an initial operational capability with United States Army units permanently stationed in the Federal Republic of Germany;

(2) such development, testing, production, or integration has been specifically authorized by legislation enacted after the date of the enactment of this Act; and

(3) the Secretary of Defense has submitted to the Committees on Armed Services and Appropriations of the Senate and House of Representatives the comprehensive analysis required by section 1001 of the options available to the United States to preserve an adequate theater nuclear capability in Europe if a treaty with respect to intermediate-range nuclear forces (INF) is concluded between the United States and the Soviet Union.

Research and  
development.  
Federal  
Republic of  
Germany.

Union of Soviet  
Socialist  
Republics.

# SEC. 259. SELECTION OF HEAVY TRUCK SYSTEM CONFIGURED WITH PALLETIZED LOADING SYSTEM

(a) **COMPETITIVE EVALUATION.**—The Secretary of Defense shall carry out a competitive evaluation for a heavy truck system configured with a palletized loading system. The evaluation shall be based on performance specifications for nondevelopmental systems.

(b) **SOURCE SELECTION.**—After the evaluation under subsection (a) is completed, and not later than 24 months after the enactment of this Act, the Secretary shall select a heavy truck system configured with a palletized loading system. The Under Secretary of Defense for Acquisition shall be the source selection authority with respect to the selection, and the selection shall be based on a hardware competition. The evaluation criteria for such source selection shall provide for equitable consideration of total life-cycle costs, including costs of facilitization.

(c) **SITE OF MANUFACTURE AND ASSEMBLY LIMITED.**—The heavy truck system configured with the palletized loading system selected under this section (if procured) shall be manufactured and assembled in the United States.

## PART F—SEMICONDUCTOR COOPERATIVE RESEARCH PROGRAM

### SEC. 271. FINDINGS, PURPOSES, AND DEFINITIONS

(a) **FINDINGS.**—The Congress finds that it is in the national economic and security interests of the United States for the Department of Defense to provide financial assistance to the industry consortium known as Sematech for research and development activities in the field of semiconductor manufacturing technology.

(b) **PURPOSES.**—The purposes of this part are—

(1) to encourage the semiconductor industry in the United States—

(A) to conduct research on advanced semiconductor manufacturing techniques; and

(B) to develop techniques to use manufacturing expertise for the manufacture of a variety of semiconductor products; and

(2) in order to achieve the purpose set out in paragraph (1), to provide a grant program for the financial support of semiconductor research activities conducted by Sematech.

(c) **DEFINITIONS.**—In this part:

(1) The terms "Advisory Council on Federal Participation in Sematech" and "Council" mean the advisory council established by section 273.

(2) The term "Sematech" means a consortium of firms in the United States semiconductor industry established for the purposes of (A) conducting research concerning advanced semiconductor manufacturing techniques, and (B) developing techniques to adapt manufacturing expertise to a variety of semiconductor products.

### SEC. 272. GRANTS TO SEMATECH

(a) **AUTHORITY TO MAKE GRANTS.**—The Secretary of Defense shall make grants, in accordance with section 6304 of title 31, United States Code, to Sematech in order to defray expenses incurred by Sematech in conducting research on and development of semiconductor manufacturing technology. The grants shall be made in

Science and  
technology.  
Computers.  
15 USC 4601.

Grants.

15 USC 4602.  
Research and  
development.

accordance with a memorandum of understanding entered into under subsection (b).

(b) **MEMORANDUM OF UNDERSTANDING.**—The Secretary of Defense shall enter into a memorandum of understanding with Sematech for the purposes of this part. The memorandum of understanding shall require the following:

(1) That Sematech have—

(A) a charter agreed to by all representatives of the semiconductor industry that are participating members of Sematech; and

(B) an annual operating plan that is developed in consultation with the Secretary of Defense and the Advisory Council on Federal Participation in Sematech.

(2) That the total amount of funds made available to Sematech by Federal, State, and local government agencies for any fiscal year for the support of research and development activities of Sematech under this section may not exceed 50 percent of the total cost of such activities.

State and local governments.

(3) That Sematech, in conducting research and development activities pursuant to the memorandum of understanding, cooperate with and draw on the expertise of the national laboratories of the Department of Energy and of colleges and universities in the United States in the field of semiconductor manufacturing technology.

(4) That an independent, commercial auditor be retained (A) to determine the extent to which the funds made available to Sematech by the United States for the research and development activities of Sematech have been expended in a manner that is consistent with the purposes of this part, the charter of Sematech, and the annual operating plan of Sematech, and (B) to submit to the Secretary of Defense, Sematech, and the Comptroller General of the United States an annual report containing the findings and determinations of such auditor.

Reports.

(5) That (A) the Secretary of Defense be permitted to use intellectual property, trade secrets, and technical data owned and developed by Sematech in the same manner as a participant in Sematech and to transfer such intellectual property, trade secrets, and technical data to Department of Defense contractors for use in connection with Department of Defense requirements, and (B) the Secretary not be permitted to transfer such property to any person for commercial use.

Intellectual property.  
Contracts.

(6) That Sematech take all steps necessary to maximize the expeditious and timely transfer of technology developed and owned by Sematech to the participants in Sematech in accordance with the agreement between Sematech and those participants and for the purpose of improving manufacturing productivity of United States semiconductor firms.

(c) **CONSTRUCTION OF MEMORANDUM OF UNDERSTANDING.**—The memorandum of understanding entered into under subsection (b) shall not be considered to be a contract for the purpose of any law or regulation relating to the formation, content, and administration of contracts awarded by the Federal Government and subcontracts under such contracts, including section 2306a of title 10, United States Code, section 719 of the Defense Production Act of 1950 (50 U.S.C. App. 2168), and the Federal Acquisition Regulations, and such provisions of law and regulation shall not apply with respect to the memorandum of understanding.

Contracts.

(d) **FUNDING FOR FY88.**—Of the amounts appropriated to the Defense Agencies for fiscal year 1988 for research, development, test, and evaluation, \$100,000,000 may be obligated only to make grants under this section.

15 USC 4603.

**SEC. 273. ADVISORY COUNCIL**

(a) **ESTABLISHMENT.**—There is established the Advisory Council on Federal Participation in Sematech.

(b) **FUNCTIONS.**—(1) The Council shall advise Sematech and the Secretary of Defense on appropriate technology goals for the research and development activities of Sematech and a plan to achieve those goals. The plan shall provide for the development of high-quality, high-yield semiconductor manufacturing technologies that meet the national security and commercial needs of the United States.

(2) The Council shall—

(A) conduct an annual review of the activities of Sematech for the purpose of determining the extent of the progress made by Sematech in carrying out the plan referred to in paragraph (1); and

(B) on the basis of its determinations under subparagraph (A), submit to Sematech any recommendations for modification of the plan or the technological goals in the plan considered appropriate by the Council.

Reports.

(3) The Council shall review the research activities of Sematech and shall submit to the Secretary of Defense and the Committees on Armed Services of the Senate and the House of Representatives an annual report containing a description of the extent to which Sematech is achieving its research and development goals.

(c) **MEMBERSHIP.**—The Council shall be composed of 12 members as follows:

(1) The Under Secretary of Defense for Acquisition, who shall be Chairman of the Council.

(2) The Director of Energy Research of the Department of Energy.

(3) The Director of the National Science Foundation.

(4) The Under Secretary of Commerce for Economic Affairs.

(5) The Chairman of the Federal Laboratory Consortium for Technology Transfer.

President of U.S.

(6) Seven members appointed by the President as follows:

(A) Four members who are eminent individuals in the semiconductor industry and related industries.

(B) Two members who are eminent individuals in the fields of technology and defense.

(C) One member who represents small businesses.

President of U.S.

(d) **TERMS OF MEMBERSHIP.**—Each member of the Council appointed under subsection (c)(6) shall be appointed for a term of three years, except that of the members first appointed, two shall be appointed for a term of one year, two shall be appointed for a term of two years, and three shall be appointed for a term of three years, as designated by the President at the time of appointment. A member of the Council may serve after the expiration of the member's term until a successor has taken office.

(e) **VACANCIES.**—A vacancy in the Council shall not affect its powers but, in the case of a member appointed under subsection (c)(6), shall be filled in the same manner as the original appointment



was made. Any member appointed to fill a vacancy for an unexpired term shall be appointed for the remainder of such term.

(f) **QUORUM.**—Seven members of the Council shall constitute a quorum.

(g) **MEETINGS.**—The Council shall meet at the call of the Chairman or a majority of its members.

(h) **COMPENSATION.**—(1) Each member of the Council shall serve without compensation.

(2) While away from their homes or regular places of business in the performance of duties for the Council, members of the Council shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under sections 5702 and 5703 of title 5, United States Code.

(i) **FEDERAL ADVISORY COMMITTEE ACT.**—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App. 2) shall not apply to the Council.

#### SEC. 274. RESPONSIBILITIES OF THE COMPTROLLER GENERAL

15 USC 4604.

The Comptroller General of the United States shall—

Reports.

(1) review the annual reports of the auditor submitted to the Comptroller General in accordance with section 272(b)(4); and

(2) transmit to the Committees on Armed Services of the Senate and the House of Representatives his comments of the accuracy and completeness of the reports and any additional comments on the report that the Comptroller General considers appropriate.

#### SEC. 275. EXPORT OF SEMICONDUCTOR MANUFACTURING

15 USC 4605.

Any export of materials, equipment, and technology developed by Sematech in whole or in part with financial assistance provided under section 272(a) shall be subject to the Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.) and shall not be subject to the Arms Export Control Act.

#### SEC. 276. PROTECTION OF INFORMATION

15 USC 4606.

(a) **FREEDOM OF INFORMATION ACT.**—Section 552 of title 5, United States Code, shall not apply to information obtained by the Federal Government on a confidential basis under section 272(b)(5).

(b) **INTELLECTUAL PROPERTY.**—Notwithstanding any other provision of law, intellectual property, trade secrets, and technical data owned and developed by Sematech or any of the participants in Sematech may not be disclosed by any officer or employee of the Department of Defense except as provided in the provision included in the memorandum of understanding pursuant to section 272(b)(5).

### TITLE III—OPERATION AND MAINTENANCE

#### PART A—AUTHORIZATIONS OF APPROPRIATIONS

#### SEC. 301. OPERATION AND MAINTENANCE FUNDING

(a) **IN GENERAL.**—(1) Funds are hereby authorized to be appropriated for fiscal year 1988 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:

For the Army, \$21,540,728,000 (\$21,367,928,000).

For the Navy, \$24,864,027,000 (\$24,620,427,000).

For the Marine Corps, \$1,887,466,000 (\$1,875,066,000).  
 For the Air Force, \$20,730,084,000 (\$20,452,384,000).  
 For the Defense Agencies, \$7,424,906,000 (\$7,387,475,000).  
 For the Army Reserve, \$862,161,000 (\$862,161,000).  
 For the Naval Reserve, \$947,559,000 (\$940,754,000).  
 For the Marine Corps Reserve, \$70,254,000 (\$68,984,000).  
 For the Air Force Reserve, \$1,014,058,000 (\$1,013,858,000).  
 For the Army National Guard, \$1,883,609,000 (\$1,868,570,000).  
 For the Air National Guard, \$1,980,151,000 (\$1,977,414,000).  
 For the National Board for the Promotion of Rifle Practice,  
 \$4,099,000.

For Defense Claims, \$193,574,000.  
 For the Court of Military Appeals, \$3,461,000.  
 For Environmental Restoration, Defense, \$392,800,000.

(2) Funds are hereby authorized to be appropriated for fiscal year 1989 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:

For the Army, \$21,540,728,000.  
 For the Navy, \$24,864,027,000.  
 For the Marine Corps, \$1,887,466,000.  
 For the Air Force, \$20,730,084,000.  
 For the Defense Agencies, \$7,424,906,000.  
 For the Army Reserve, \$862,161,000.  
 For the Naval Reserve, \$947,559,000.  
 For the Marine Corps Reserve, \$70,254,000.  
 For the Air Force Reserve, \$1,014,058,000.  
 For the Army National Guard, \$1,883,609,000.  
 For the Air National Guard, \$1,980,151,000.  
 For the National Board for the Promotion of Rifle Practice,  
 \$4,099,000.

For Defense Claims, \$193,574,000.  
 For the Court of Military Appeals, \$3,461,000.  
 For Environmental Restoration, Defense, \$392,800,000.

(b) GENERAL AUTHORIZATION FOR CONTINGENCIES.—There are authorized to be appropriated for each of fiscal years 1988 and 1989, in addition to the amounts authorized to be appropriated in subsection (a), such sums as may be necessary—

(1) for unbudgeted increases in fuel costs; and  
 (2) for unbudgeted increases as the result of inflation in the cost of activities authorized by subsection (a).

#### SEC. 302. WORKING CAPITAL FUNDS

(a) FISCAL YEAR 1988.—Funds are hereby authorized to be appropriated for fiscal year 1988 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working-capital funds in amounts as follows:

For the Army Stock Fund, \$215,057,000 (\$193,207,000).  
 For the Navy Stock Fund, \$346,700,000 (\$329,400,000).  
 For the Air Force Stock Fund, \$259,707,000 (\$226,007,000).  
 For the Defense Stock Fund, \$159,750,000 (\$132,600,000).

(b) FISCAL YEAR 1989.—Funds are hereby authorized to be appropriated for fiscal year 1989 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working-capital funds in amounts as follows:

For the Army Stock Fund, \$215,057,000.  
 For the Navy Stock Fund, \$346,700,000.

For the Air Force Stock Fund, \$259,707,000.  
For the Defense Stock Fund, \$159,750,000.

**SEC. 303. LIMITATION ON THE USE OF OPERATION AND MAINTENANCE FUNDS TO PURCHASE INVESTMENT ITEMS**

(a) **IN GENERAL.**—Purchases of an item during fiscal year 1988, 1989, or 1990 with a unit cost equal to or in excess of the investment item unit cost (as defined in subsection (b)) for such fiscal year may not be charged to appropriations made to the Department of Defense for operation and maintenance if purchases of such item during the previous fiscal year were chargeable to appropriations made to the Department of Defense for procurement.

(b) **INVESTMENT ITEM UNIT COST.**—For purposes of subsection (a), the term “investment item unit cost” means—

- (1) with respect to fiscal year 1988 or 1989, \$15,000; and
- (2) with respect to fiscal year 1990, \$5,000.

**PART B—PROGRAM CHANGES, REQUIREMENTS, AND LIMITATIONS**

**SEC. 311. AVAILABILITY OF UNITED STATES PRODUCTS AT DEFENSE PACKAGE STORES OVERSEAS**

(a) **TREATMENT OF WINES.**—(1) Chapter 147 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 2489. Overseas package stores: treatment of United States wines 10 USC 2489.

“The Secretary of Defense shall ensure that each nonappropriated-fund activity engaged principally in selling alcoholic beverage products in a packaged form (commonly referred to as a ‘package store’) that is located at a military installation outside the United States shall give appropriate treatment with respect to wines produced in the United States to ensure that such wines are given, in general, an equitable distribution, selection, and price when compared with wines produced by the host nation.”.

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

“2489. Overseas package stores: treatment of United States wines.”.

(b) **REGULATIONS DEADLINE.**—The Secretary of Defense shall prescribe regulations to implement section 2489 of title 10, United States Code, as added by subsection (a), not later than 90 days after the date of the enactment of this Act.

10 USC 2489  
note.

**SEC. 312. NONAPPROPRIATED-FUND BEER AND WINE PURCHASES**

(a) **PURCHASES FROM SOURCES WITHIN STATE.**—Section 2488(a)(2) of title 10, United States Code, is amended by striking out “purchased for resale on a military installation located in the contiguous States”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply with respect to purchases of malt beverages and wine after the end of the 60-day period beginning on the date of the enactment of this Act.

10 USC 2488  
note.

**SEC. 313. PRICING AT COMMISSARY STORES**

(a) **IN GENERAL.**—(1) Section 2486 of title 10, United States Code, is amended by adding at the end the following new subsection:

## Regulations.

"(d) The Secretary of Defense shall prescribe regulations establishing uniform pricing policies for merchandise authorized for sale by this section. The policies in the regulations shall—

"(1) require the establishment of a sales price of each item of merchandise at a level which will recoup the actual product cost of the item (consistent with this section and sections 2484 and 2685 of this title); and

"(2) promote the lowest practical price of merchandise sold at commissary stores."

(2) The heading for section 2486 of such title is amended to read as follows:

**"§ 2486. Commissary stores: merchandise that may be sold; uniform surcharges and pricing".**

(3) The item relating to section 2486 in the table of sections at the beginning of chapter 147 of such title is amended to read as follows:

"2486. Commissary stores: merchandise that may be sold; uniform surcharges and pricing."

10 USC 2486  
note.

(b) **REGULATIONS DEADLINE.**—The Secretary of Defense shall prescribe the regulations required by section 2486(d) of title 10, United States Code, as added by subsection (a), not later than 90 days after the date of the enactment of this Act.

(c) **CONFORMING AMENDMENTS.**—(1) Sections 4621 and 9621 of such title are each amended—

(A) by striking out subsection (b); and

(B) by redesignating subsections (c), (d), (e), (f), (g), (h), and (i) as subsections (b), (c), (d), (e), (f), (g), and (h), respectively.

#### SEC. 314. LIMITATION ON ARMY DEPOT MAINTENANCE FUNDING

(a) **FUNDING REQUIRED FOR ARMY DEPOT MAINTENANCE.**—Of the funds appropriated or otherwise made available to the Department of the Army for fiscal year 1988 for depot maintenance functions, not less than 60 percent shall be available for performance of depot maintenance functions performed by military and civilian personnel of the Department of Defense.

(b) **DEVIATION AND REPORT.**—(1) If the Secretary of the Army determines that the requirement of subsection (a) cannot be met, the Secretary may authorize a deviation from such requirement. If such a deviation is authorized, the Secretary shall promptly submit to the Committees on Armed Services of the Senate and the House of Representatives a report that—

(A) fully describes and justifies the deviation from such requirement;

(B) states the level of spending that will be achieved in lieu of the 60 percent required under subsection (a); and

(C) includes a plan for meeting the same requirement with respect to funds appropriated or otherwise made available to the Department of the Army for fiscal year 1989.

(2) The report shall be submitted as soon as possible after the Secretary authorizes a deviation under paragraph (1).

#### SEC. 315. CIVILIAN PERSONNEL MANAGEMENT

(a) **PROHIBITION ON MANAGEMENT BY END-STRENGTH.**—During fiscal year 1988, the civilian personnel of the Department of Defense may not be managed on the basis of any constraint or limitation (known as an "end-strength") and the management of such personnel during that fiscal year shall not be subject to any end-strength

on the number of such personnel who may be employed on the last day of such fiscal year.

(b) **WAIVER OF CIVILIAN PERSONNEL CEILINGS.**—Section 115(b)(2) of title 10, United States Code, shall not apply with respect to fiscal year 1988 or with respect to the appropriation of funds for that year.

(c) **REPORTS.**—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives quarterly reports on the obligation of funds appropriated for civilian personnel of the Department of Defense for fiscal year 1988. Each report shall include—

(1) for each appropriation account, the amounts authorized and appropriated for such personnel for fiscal year 1988; and

(2) for each appropriation account and for the entire Department—

(A) the actual number of such personnel employed, and the amount of funds obligated for such personnel, as of the end of each fiscal year quarter described in the report; and

(B) the projected number of such personnel to be employed, and the amount of funds that will be obligated for such personnel, as of the end of fiscal year 1988.

#### SEC. 316. REPORT ON OPERATING AND SUPPORT COSTS OF MAJOR WEAPONS SYSTEMS

(a) **REPORT REQUIREMENT.**—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the operating and support costs of major weapons systems of the Department of Defense.

(b) **MATTERS TO BE INCLUDED IN REPORT.**—The Secretary shall include in the report required by subsection (a) the following:

(1) An explanation of the reasons why there is a positive correlation between the increase in dollar value of major weapons systems of the Department of Defense and the increase in operating and support costs of the Department, including—

(A) how or whether the programming and budget process has contributed to the relationship; and

(B) how the relationship applies at more detailed levels.

(2) An examination of the link between operating and support costs and readiness of the Department of Defense.

(3) An examination of the feasibility of providing Congress an annual report on the operating and support costs of each major weapon system.

(4) Identification of the specific budget accounts and appropriations which cover the operation and support costs for the major weapons systems.

(5) An examination of the feasibility of treating the operation and support costs of each major weapon system as overhead of the weapon system, to be automatically included in the budget and appropriation for such weapon system.

(c) **DEADLINE.**—The report required by subsection (a) shall be submitted no later than February 1, 1988.

#### SEC. 317. REPORT ON EFFORTS TO MEASURE READINESS

(a) **REPORT REQUIREMENT.**—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the status of Department of Defense efforts to—



(1) identify and measure readiness of the Department of Defense; and

(2) relate such identification and measurement to the budget process.

(b) DEADLINE.—The report required by subsection (a) shall be submitted no later than February 1, 1988.

Transportation.

**SEC. 318. AUTHORITY TO PROVIDE FREE SHUTTLE SERVICE FOR MEMBERS AND FAMILIES IN ISOLATED AREAS**

(a) AUTHORITY FOR TRANSPORTATION.—Subsection (a) of section 2632 of title 10, United States Code, is amended to read as follows:

“(a)(1) Whenever the Secretary of the military department concerned determines that it is necessary for the effective conduct of the affairs of his department, the Secretary may provide the transportation described in paragraph (2).

“(2) Transportation that may be provided under this subsection is assured and adequate transportation by motor vehicle or water carrier as follows:

“(A) Transportation among places on a military installation (including any subinstallation of a military installation).

“(B) Transportation to and from their places of duty or employment on a military installation for persons covered by this subsection.

“(C) Transportation to and from a military installation for persons covered by this subsection and their dependents, in the case of a military installation located in an area determined by the Secretary concerned not to be adequately served by regularly scheduled, and timely, commercial or municipal mass transit services.

“(D) Transportation to and from their places of employment for persons attached to, or employed in, a private plant that is manufacturing material for that department, but only during a war or a national emergency declared by Congress or the President.

Regulations.

“(3) Except as provided under subsection (b)(3), transportation under this subsection shall be provided at reasonable rates of fare under regulations prescribed by the Secretary of Defense.

“(4) Persons covered by this subsection, in the case of any military installation, are members of the armed forces, employees of the military department concerned, and other persons attached to that department who are assigned to or employed at that installation.”.

(b) WAIVER OF FARE REQUIREMENT.—Subsection (b) of such section is amended—

(1) by striking out “(2)(A)” and inserting in lieu thereof “(2)”;

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

“(3) In providing transportation described in subsection (a)(2)(A) at any military installation, the Secretary concerned may not require a fare for the transportation of members of the armed forces if the transportation is incident to the performance of duty. In providing transportation described in subsection (a)(2)(C) to and from any military installation, the Secretary concerned (under regulations prescribed under subsection (a)(3)) may waive any requirement for a fare.”; and

(3) by redesignating subparagraph (C) at the end of such subsection as paragraph (4).

(c) **TECHNICAL AND CONFORMING AMENDMENTS.**—Subsection (b) of such section is further amended—

(1) in paragraph (1), by striking out “Transportation may not be provided under subsection (a)(2)” and inserting in lieu thereof “Transportation described in subparagraphs (B), (C), and (D) of subsection (a)(2) may not be provided”;

(2) in paragraph (2) (as designated by subsection (b)(1)), by striking out “transportation at any military installation under subsection (a)(1)” and inserting in lieu thereof “transportation described in subsection (a)(2)(A) at any military installation”; and

(3) in paragraph (4) (as designated by subsection (b)(3)), by striking out “subsection (a)(1)” and inserting in lieu thereof “subsection (a)”.

(d) **DEADLINE FOR REGULATIONS.**—Regulations to implement the amendments to section 2632 of title 10, United States Code, made by this section shall be prescribed not later than 90 days after the date of the enactment of this Act.

10 USC 2632  
note.

#### SEC. 319. OPERATION OF UNITED STATES ARMY SCHOOL OF THE AMERICAS

(a) **IN GENERAL.**—(1) Chapter 407 of title 10, United States Code, is amended by adding at the end the following new section:

##### “§ 4415. United States Army School of the Americas

10 USC 4415.

“(a) The Secretary of the Army may operate the military education and training facility known as the United States Army School of the Americas.

“(b) The School for the Americas shall be operated for the purpose of providing military education and training to military personnel of Central and South American countries and Caribbean countries.

“(c) The fixed costs of operating and maintaining the School for the Americas may be paid from funds available for operation and maintenance of the Army.

“(d) Tuition fees charged for personnel receiving military education and training from the school may not include the fixed costs of operating and maintaining the school.”.

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

“4415. United States Army School of the Americas.”.

(b) **EFFECTIVE DATE.**—Section 4415 of title 10, United States Code, as added by subsection (a), shall take effect as of October 1, 1987.

10 USC 4415  
note.

#### SEC. 320. AUTHORITY TO REPAIR AND MAINTAIN CERTAIN MEMORIALS AND HISTORIC SITES ON THE ISLAND OF CORREGIDOR

Philippines.

(a) **AUTHORITY.**—The Secretary of Defense may repair and maintain memorial monuments and historic sites on the Island of Corregidor in the Republic of the Philippines which relate to involvement of the Armed Forces of the United States in the Philippines.

(b) **FY88 AUTHORIZATION.**—For the purpose described in subsection (a), the Secretary may use not more than \$100,000 of the funds appropriated under section 301 for operation and maintenance of the Navy.

**SEC. 321. COMPTROLLER GENERAL STUDY OF CENSORSHIP OF STARS AND STRIPES NEWSPAPER**

(a) **STUDY.**—The Comptroller General of the United States shall conduct a study of allegations of censorship by military commanders of the Department of Defense newspaper, Stars and Stripes.

(b) **REPORT.**—The Comptroller General shall transmit to Congress a report on the results of such study not later than 90 days after the date of the enactment of this Act. Such report shall include the findings of the Comptroller General regarding the validity of the allegations and any recommendation concerning those allegations which the Comptroller General considers to be appropriate.

**SEC. 322. LIMITATION ON OPERATION OF EXISTING POSEIDON-CLASS SUBMARINE USS ANDREW JACKSON**

Effective as of March 1, 1988, no funds appropriated to the Department of Defense for fiscal year 1988 or a prior year may be obligated or expended to overhaul, operate, maintain, or deploy the USS Andrew Jackson (SSBN 619).

**PART C—HUMANITARIAN AND OTHER ASSISTANCE****SEC. 331. EXTENSION OF AUTHORIZATION FOR HUMANITARIAN ASSISTANCE**

(a) **AUTHORIZATION OF FUNDS.**—There is authorized to be appropriated to the Department of Defense for fiscal year 1988 the sum of \$13,000,000 for the purpose of providing transportation for humanitarian relief for persons displaced or who are refugees because of the invasion of Afghanistan by the Soviet Union. Of this sum, not more than \$3,000,000 is authorized to be used for distribution of humanitarian relief supplies to the non-Communist resistance organizations at or near the border between Thailand and Cambodia.

(b) **AUTHORITY TO TRANSFER FUNDS.**—The Secretary of Defense is authorized to transfer to the Secretary of State not more than \$3,000,000 of the funds appropriated pursuant to the authorization in this section to provide for (1) paying for administrative costs of providing the transportation described in subsection (a), and (2) the purchase or other acquisition of transportation assets for the distribution of relief supplies in the country of destination.

(c) **TRANSPORTATION UNDER DIRECTION OF THE SECRETARY OF STATE.**—Transportation provided with funds appropriated pursuant to the authorization in this section shall be under the direction of the Secretary of State.

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

(e) **AVAILABILITY OF FUNDS.**—Amounts appropriated pursuant to the authorization in subsection (a) shall remain available until expended, to the extent provided in appropriations Acts.

(f) **REPORTS.**—The Secretary of Defense shall submit to the Committees on Armed Services and Foreign Relations of the Senate and the Committees on Armed Services and Foreign Affairs of the

House of Representatives two reports, one of which shall be submitted not later than 60 days after the date of the enactment of this Act and the other not later than June 1, 1988. Each such report shall contain (as of the date on which the report is submitted) the following information:

(1) The total amount of funds obligated for humanitarian relief under this section and section 331 of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661; 100 Stat. 3856).

(2) The number of scheduled and completed flights for purposes of providing humanitarian relief under this section and section 331 of such Act.

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

**SEC. 332. EXTENSION AND CODIFICATION OF AUTHORITY OF SECRETARY OF DEFENSE TO TRANSPORT HUMANITARIAN RELIEF SUPPLIES TO FOREIGN COUNTRIES**

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

**“§ 402. Transportation of humanitarian relief supplies to foreign countries** 10 USC 402.

“(a) Notwithstanding any other provision of law, and subject to subsection (b), the Secretary of Defense may transport to any country, without charge, supplies which have been furnished by a non-governmental source and which are intended for humanitarian assistance. Such supplies may be transported only on a space available basis.

“(b)(1) The Secretary may not transport supplies under subsection (a) unless the Secretary determines that—

“(A) the transportation of such supplies is consistent with the foreign policy of the United States;

“(B) the supplies to be transported are suitable for humanitarian purposes and are in usable condition;

“(C) there is a legitimate humanitarian need for such supplies by the people for whom they are intended;

“(D) the supplies will in fact be used for humanitarian purposes; and

“(E) adequate arrangements have been made for the distribution of such supplies in the destination country.

“(2) The President shall establish procedures for making the determinations required under paragraph (1). Such procedures shall include inspection of supplies before acceptance for transport. President of U.S.

“(3) It shall be the responsibility of the donor to ensure that supplies to be transported under this section are suitable for transport.

“(c)(1) Supplies transported under this section may be distributed by an agency of the United States Government, a foreign government, an international organization, or a private nonprofit relief organization.

“(2) Supplies transported under this section may not be distributed, directly or indirectly, to any individual, group, or organization engaged in a military or paramilitary activity.

## Reports.

"(d) At the end of each six-month period, the Secretary of State shall submit to the Committees on Armed Services and Foreign Relations of the Senate and the Committees on Armed Services and Foreign Affairs of the House of Representatives a report identifying the origin, contents, destination, and disposition of all supplies transported under this section during such six-month period."

(b) CONFORMING AMENDMENTS.—(1) Section 401 of such title is amended—

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

**"§ 401. Humanitarian and civic assistance provided in conjunction with military operations";**

(B) in subsection (a)—

(i) by inserting "(1)" after "(a)"; and

(ii) by redesignating clauses (1) and (2) as clauses (A) and (B); and

(C) by redesignating subsections (b) and (c) as paragraphs (2) and (3), respectively.

(2) Section 402 of such title (as in effect on the day before the date of the enactment of this section) is amended—

(A) by striking out the section heading; and

(B) by designating the text following such heading as subsection (b).

(3) Section 403 of such title is amended—

(A) by striking out the section heading;

(B) by redesignating subsection (a) as subsection (c)(1); and

(C) by redesignating subsection (b) as paragraph (2).

(4) Sections 404, 405, and 406 of such title are amended—

(A) by striking out the section headings; and

(B) by designating the text following such headings as subsections (d), (e), and (f), respectively.

(5) Section 401 of such title (as amended by this subsection) is further amended by striking out "chapter" each place it appears and inserting in lieu thereof "section".

(6) The chapter heading and table of sections at the beginning of such chapter are amended to read as follows:

## **"CHAPTER 20—HUMANITARIAN AND OTHER ASSISTANCE**

"Sec.

"401. Humanitarian and civic assistance provided in conjunction with military operations.

"402. Transportation of humanitarian relief supplies to foreign countries."

(c) CLERICAL AMENDMENTS.—The tables of chapters at the beginning of subtitle A of title 10, United States Code, and at the beginning of part I of such subtitle are each amended by striking out the item relating to chapter 20 and inserting in lieu thereof the following:

"20. Humanitarian and Other Assistance ..... 401".

10 USC 402 note.

(d) FIRST REPORT DEADLINE.—The first report under section 402(d) of title 10, United States Code, as added by subsection (a), shall be submitted not more than six months after the date on which the most recent report was submitted under section 1540(e) of the



Department of Defense Authorization Act, 1985 (Public Law 98-525; 98 Stat. 2638).

## TITLE IV—PERSONNEL AUTHORIZATIONS FOR FISCAL YEARS 1988 AND 1989

### PART A—ACTIVE FORCES

#### SEC. 401. END STRENGTHS FOR ACTIVE FORCES

(a) FISCAL YEAR 1988.—The Armed Forces are authorized strengths for active duty personnel as of September 30, 1988, as follows:

- (1) The Army, 780,900.
- (2) The Navy, 593,200.
- (3) The Marine Corps, 199,600.
- (4) The Air Force, 598,700.

(b) FISCAL YEAR 1989.—The Armed Forces are authorized strengths for active duty personnel as of September 30, 1989, in the same numbers as specified in subsection (a).

#### SEC. 402. STRENGTH OF ACTIVE-DUTY OFFICER CORPS

10 USC 521 note.

(a) AUTHORITY TO INCREASE FOR FISCAL YEAR 1988.—Subject to subsection (b), the Secretary of Defense may increase by not more than 1 percentage point (to not more than 98 percent) the percentage limitation prescribed in section 403(a) of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661; 100 Stat. 3859) applicable to the total number of commissioned officers of the Army, Navy, Air Force, and Marine Corps that may be serving on active duty as of September 30, 1988.

(b) CERTIFICATION AND REPORT.—The Secretary may exercise the authority under subsection (a) only if—

(1) the Secretary makes a determination that such increase is necessary in order to avoid severe personnel management problems in the Army, Navy, Air Force, and Marine Corps during fiscal year 1988 and certifies such determination to the Committees on Armed Services of the Senate and the House of Representatives; and

(2) the Secretary submits to those Committees with such certification a report providing legislative recommendations for temporary changes in chapter 36 of title 10, United States Code, and other provisions of law enacted by the Defense Officer Personnel Management Act (Public Law 96-513) that the Secretary considers necessary in order to implement the required officer reductions under such section 403 with the least possible adverse effect on the Armed Forces.

(c) REALLOCATION OF REDUCTIONS.—(1) If the Secretary exercises the authority under subsection (a)—

(A) in lieu of the total number of commissioned officers serving on active duty as prescribed in the table in section 403(a) of the National Defense Authorization Act for Fiscal Year 1987, the total number of commissioned officers serving on active duty in the Army, Navy, Air Force, and Marine Corps as of September 30, 1989, may not exceed the number equal to 96 percent of the total number of such officers serving on active duty as of September 30, 1986; and

(B) the total number of commissioned officers serving on active duty in the Army, Navy, Air Force, and Marine Corps as

of September 30, 1990, may not exceed the number equal to 94 percent of the total number of such officers serving on active duty as of September 30, 1986.

(2) In computing the authorized strength of commissioned officers under paragraph (1), officers in the categories described in section 403(b) of the National Defense Authorization Act for Fiscal Year 1987 shall be excluded.

#### SEC. 403. REDUCTION IN AUTHORIZATION BASED ON SAVINGS

Amounts authorized to be appropriated for fiscal year 1988 for military personnel of the Department of Defense are reduced, by reason of savings attributable to reductions during fiscal year 1987 in the number of commissioned officers on active duty required by section 403(a) of National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661), as follows:

- (1) For "Military Personnel, Army", \$49,438,000.
- (2) For "Military Personnel, Navy", \$46,461,000.
- (3) For "Military Personnel, Air Force", \$50,057,000.
- (4) For "Military Personnel, Marine Corps", \$9,080,000.

### PART B—RESERVE FORCES

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

(a) FISCAL YEAR 1988.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 1988, as follows:

- (1) The Army National Guard of the United States, 457,270.
- (2) The Army Reserve, 324,300.
- (3) The Naval Reserve, 152,600.
- (4) The Marine Corps Reserve, 43,600.
- (5) The Air National Guard of the United States, 115,900.
- (6) The Air Force Reserve, 82,400.
- (7) The Coast Guard Reserve, 14,000.

(b) FISCAL YEAR 1989.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 1989, in the same numbers as specified in subsection (a).

(c) WAIVER AUTHORITY.—The Secretary of Defense may vary an end strength prescribed by subsection (a) or subsection (b) by not more than 4 percent.

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

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

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

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

Within the strengths prescribed in section 411, the reserve components of the Armed Forces are authorized, as of September 30, 1988, and as of September 30, 1989, the following number of Reserves to be serving on full-time active duty or, in the case of members of the National Guard, full-time National Guard duty for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

- (1) The Army National Guard of the United States, 25,725.
- (2) The Army Reserve, 13,329.
- (3) The Naval Reserve, 21,991.
- (4) The Marine Corps Reserve, 1,945.
- (5) The Air National Guard of the United States, 7,836.
- (6) The Air Force Reserve, 669.

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

(a) **SENIOR ENLISTED MEMBERS.**—(1) The table in section 517(b) of title 10, United States Code, is amended to read as follows:

"Grade	Army	Navy	Air Force	Marine Corps
E-9.....	517	175	125	13
E-8.....	2,295	390	425	74".

(2) Effective on October 1, 1988, that table is amended to read as follows:

"Grade	Army	Navy	Air Force	Marine Corps
E-9.....	529	180	150	13
E-8.....	2,350	400	425	74".

(b) **OFFICERS.**—(1) The table in section 524(a) of such title is amended to read as follows:

"Grade	Army	Navy	Air Force	Marine Corps
Major or Lieutenant Commander .....	2,550	850	575	105
Lieutenant Colonel or Commander.....	1,152	520	322	70
Colonel or Navy Captain.....	348	185	184	25".

(2) Effective on October 1, 1988, that table is amended to read as follows: 10 USC 524 note.

"Grade	Army	Navy	Air Force	Marine Corps
Major or Lieutenant Commander .....	2,600	875	575	110
Lieutenant Colonel or Commander .....	1,250	520	322	75
Colonel or Navy Captain .....	348	185	190	25'

### PART C—MILITARY TRAINING STUDENT LOADS

#### SEC. 421. AUTHORIZATION OF TRAINING STUDENT LOADS

(a) IN GENERAL.—The components of the Armed Forces are authorized average military training student loads as follows:

(1) The Army:

(A) 82,503, for fiscal year 1988.

(B) 81,320, for fiscal year 1989.

(2) The Navy:

(A) 68,993, for fiscal year 1988.

(B) 70,044, for fiscal year 1989.

(3) The Marine Corps:

(A) 20,341, for fiscal year 1988.

(B) 19,873, for fiscal year 1989.

(4) The Air Force:

(A) 38,574, for fiscal year 1988.

(B) 39,972, for fiscal year 1989.

(5) The Army National Guard of the United States:

(A) 18,501, for fiscal year 1988.

(B) 19,707, for fiscal year 1989.

(6) The Army Reserve:

(A) 15,075, for fiscal year 1988.

(B) 15,950, for fiscal year 1989.

(7) The Naval Reserve:

(A) 2,841, for fiscal year 1988.

(B) 2,841, for fiscal year 1989.

(8) The Marine Corps Reserve:

(A) 3,970, for fiscal year 1988.

(B) 3,977, for fiscal year 1989.

(9) The Air National Guard of the United States:

(A) 2,508, for fiscal year 1988.

(B) 2,366, for fiscal year 1989.

(10) The Air Force Reserve:

(A) 1,968, for fiscal year 1988.

(B) 1,965, for fiscal year 1989.

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

### PART D—APPROPRIATION LIMITATION

#### SEC. 431. LIMITATION ON APPROPRIATIONS FOR MILITARY PERSONNEL FOR FISCAL YEAR 1988

The total amount appropriated for military personnel of the Department of Defense for fiscal year 1988 may not exceed \$77,491,000,000 (\$77,109,000,000).

## TITLE V—MILITARY PERSONNEL

## SEC. 501. EXTENSION OF AUTHORITY TO MAKE TEMPORARY PROMOTIONS OF CERTAIN NAVY LIEUTENANTS

(a) TWO-YEAR EXTENSION.—Section 5721(f) of title 10, United States Code, is amended by striking out “September 30, 1987” and inserting in lieu thereof “September 30, 1989”.

(b) SAVINGS PROVISION.—(1) The Secretary of the Navy shall provide, in the case of an officer appointed to the grade of lieutenant commander on or after the date of the enactment of this Act under an appointment described in paragraph (2), that the date of rank of such officer under that appointment shall be the date of rank that would have applied to the appointment had the authority referred to in that paragraph not lapsed.

10 USC 5721  
note.

(2) An appointment referred to in paragraph (1) is an appointment under section 5721 of title 10, United States Code, that (as determined by the Secretary of the Navy) would have been made during the period beginning on October 1, 1987, and ending on the date of the enactment of this Act had the authority to make appointments under that section not lapsed during such period.

## SEC. 502. EXTENSION OF CERTAIN RESERVE OFFICER MANAGEMENT PROGRAMS

(a) GRADE DETERMINATION AUTHORITY FOR RESERVE MEDICAL OFFICERS.—Sections 3359(b) and 8359(b) of title 10, United States Code, are amended by striking out “September 30, 1987” and inserting in lieu thereof “September 30, 1989”.

(b) PROMOTION AUTHORITY FOR CERTAIN RESERVE OFFICERS SERVING ON ACTIVE DUTY.—(1) Sections 3380(d) and 8380(d) of such title are amended by striking out “September 30, 1987” and inserting in lieu thereof “September 30, 1989”.

(2) The Secretary of the Army or the Secretary of the Air Force, as appropriate, shall provide, in the case of a Reserve officer appointed to a higher reserve grade on or after the date of the enactment of this Act under an appointment described in paragraph (3), that the date of rank of such officer under that appointment shall be the date of rank that would have applied to the appointment had the authority referred to in that paragraph not lapsed.

10 USC 3380  
note.

(3) An appointment referred to in paragraph (2) is an appointment under section 3380 or 8380 of title 10, United States Code, that (as determined by the Secretary concerned) would have been made during the period beginning on October 1, 1987, and ending on the date of the enactment of this Act had the authority to make appointments under that section not lapsed during such period.

10 USC 3380  
note.

(c) YEARS OF SERVICE FOR MANDATORY TRANSFER TO THE RETIRED RESERVE.—Effective as of October 1, 1987, section 1016(d) of the Department of Defense Authorization Act, 1984 (10 U.S.C. 3360 note), is amended by striking out “September 30, 1987” and inserting in lieu thereof “September 30, 1989”.

## SEC. 503. EXTENSION OF SINGLE-PARENT ENLISTMENT AUTHORITY IN RESERVE COMPONENTS

Section 523(d) of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661; 100 Stat. 3871) is amended by striking out “September 30, 1988” and inserting in lieu thereof “September 30, 1989”.

10 USC 510 note.



**SEC. 504. AUTHORITY TO AWARD DEGREE OF MASTER OF LAWS IN MILITARY LAW**

(a) **ARMY JUDGE ADVOCATE GENERAL'S SCHOOL.**—Chapter 401 of title 10, United States Code, is amended by adding at the end the following new section:

10 USC 4315.

**“§ 4315. The Judge Advocate General's School: master of laws in military law**

“Under regulations prescribed by the Secretary of the Army, the Commandant of the Judge Advocate General's School of the Army may, upon recommendation by the faculty of such school, confer the degree of master of laws (LL.M.) in military law upon graduates of the school who have fulfilled the requirements for that degree.”.

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

“4315. The Judge Advocate General's School: master of laws in military law.”.

**SEC. 505. WITHHOLDING OF STATE AND LOCAL INCOME TAXES FOR NATIONAL GUARD AND RESERVE DRILL PAY**

Subchapter II of chapter 55 of title 5, United States Code, is amended—

(1) by striking out “do not” in section 5517(d); and

(2) by inserting “(other than service described in section 5517(d) of this title)” in the third sentence of section 5520(a) after “Armed Forces”.

**SEC. 506. ONE-YEAR DELAY IN MINIMUM PERCENTAGE OF AIR FORCE ENLISTEES REQUIRED TO BE WOMEN**

Section 551(a) of the Department of Defense Authorization Act, 1985 (10 U.S.C. 8251 note), is amended by striking out “fiscal year 1988” and inserting in lieu thereof “fiscal year 1989”.

**SEC. 507. STUDY OF WARTIME MOBILIZATION REQUIREMENTS OF THE COAST GUARD**

(a) **10-YEAR PLAN.**—The Secretary of Transportation shall submit to Congress a plan to enable the Coast Guard to meet 95 percent of its wartime mobilization requirements by September 30, 1998. Such plan shall include recommendations with respect to—

(1) annual increases in authorized end strengths for Coast Guard Selected Reserve personnel;

(2) recruiting and training resources; and

(3) equipment and other logistic support necessary to enable the Coast Guard to meet that requirement.

(b) **DEADLINE.**—The plan required by subsection (a) shall be submitted not later than 60 days after the date of the enactment of this Act.

**SEC. 508. WEARING OF RELIGIOUS APPAREL BY MEMBERS OF THE ARMED FORCES WHILE IN UNIFORM**

(a) **IN GENERAL.**—Chapter 45 of title 10, United States Code, is amended—

(1) by redesignating section 774 as section 775; and

(2) by inserting after section 773 the following new section 774:

**"§ 774. Religious apparel: wearing while in uniform**

10 USC 774.

"(a) GENERAL RULE.—Except as provided under subsection (b), a member of the armed forces may wear an item of religious apparel while wearing the uniform of the member's armed force.

"(b) EXCEPTIONS.—The Secretary concerned may prohibit the wearing of an item of religious apparel—

"(1) in circumstances with respect to which the Secretary determines that the wearing of the item would interfere with the performance of the member's military duties; or

"(2) if the Secretary determines, under regulations under subsection (c), that the item of apparel is not neat and conservative.

"(c) REGULATIONS.—The Secretary concerned shall prescribe regulations concerning the wearing of religious apparel by members of the armed forces under the Secretary's jurisdiction while the members are wearing the uniform. Such regulations shall be consistent with subsections (a) and (b).

"(d) RELIGIOUS APPAREL DEFINED.—In this section, the term 'religious apparel' means apparel the wearing of which is part of the observance of the religious faith practiced by the member."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by striking out the item relating to section 774 and inserting in lieu thereof the following:

"774. Religious apparel: wearing while in uniform.

"775. Applicability of chapter."

(c) REGULATIONS.—The Secretary concerned shall prescribe the regulations required by section 774(c) of title 10, United States Code, as added by subsection (a), not later than the end of the 120-day period beginning on the date of the enactment of this Act.

10 USC 774 note.

**SEC. 509. MILITARY EDUCATION PROGRAM FOR ARMY NATIONAL GUARD CIVILIAN TECHNICIANS**

(a) RELATIONSHIP TO MILITARY PROMOTIONS.—A civilian technician of the Army National Guard who is unable to complete required training under the Military Education Program for civilian technicians of the Army National Guard established on August 1, 1985, may not be denied a military promotion solely by reason of the failure to complete such training if the reason for such failure was solely lack of availability of training spaces.

(b) REPORT.—Not later than February 15, 1988, the Comptroller General shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the Military Education Program referred to in subsection (a). The report shall describe—

(1) the cost effectiveness of the program;

(2) the effect of the program on readiness; and

(3) the effect of the program on the sick leave, annual leave, and other benefits of civilian technicians of the Army National Guard and any resulting effect on their morale.

**SEC. 510. REMOVAL OF STATUTORY MILITARY DEPARTMENT CEILINGS ON NUMBER OF ROTC SCHOLARSHIPS**

Subsection (h) of section 2107 of title 10, United States Code, is amended to read as follows:

"(h) Not more than 29,500 cadets and midshipmen appointed under this section may be in the financial assistance programs at

any one time. The Secretary of Defense shall determine the number of cadets and midshipmen appointed under this section who may be in the financial assistance programs at any one time in each military department."

**SEC. 511. LIMITED AUTHORITY TO TRANSFER AMONG SERVICES GRADES ABOVE MAJOR GENERAL AND REAR ADMIRAL**

(a) **IN GENERAL.**—Section 525 of title 10, United States Code, is amended by adding at the end the following new subsection:

President of U.S.

"(c)(1) Subject to paragraph (3), the President—

"(A) may make appointments in the Army, Air Force, and Marine Corps in the grade of lieutenant general and in the Army and Air Force in the grade of general in excess of the applicable numbers determined under subsection (b)(1), and may make appointments in the Marine Corps in the grade of general in addition to the Commandant and Assistant Commandant, if each such appointment is made in conjunction with an offsetting reduction under paragraph (2); and

"(B) may make appointments in the Navy in the grades of vice admiral and admiral in excess of the applicable numbers determined under subsection (b)(2) if each such appointment is made in conjunction with an offsetting reduction under paragraph (2).

"(2) For each appointment made under the authority of paragraph (1) in the Army, Air Force, or Marine Corps in the grade of lieutenant general or general or in the Navy in the grade of vice admiral or admiral, the number of appointments that may be made in the equivalent grade in one of the other armed forces (other than the Coast Guard) shall be reduced by one. When such an appointment is made, the President shall specify the armed force in which the reduction required by this paragraph is to be made.

President of U.S.

"(3)(A) The number of officers that may be serving on active duty in the grades of lieutenant general and vice admiral by reason of appointments made under the authority of paragraph (1) may not exceed the number equal to 10 percent of the total number of officers that may be serving on active duty in those grades in the Army, Navy, Air Force, and Marine Corps under subsection (b).

"(B) The number of officers that may be serving on active duty in the grades of general and admiral by reason of appointments made under the authority of paragraph (1) may not exceed the number equal to 15 percent of the total number of general officers and flag officers that may be serving on active duty in those grades in the Army, Navy, Air Force, and Marine Corps.

"(4) Upon the termination of the appointment of an officer in the grade of lieutenant general or vice admiral or general or admiral that was made in connection with an increase under paragraph (1) in the number of officers that may be serving on active duty in that armed force in that grade, the reduction made under paragraph (2) in the number of appointments permitted in such grade in another armed force by reason of that increase shall no longer be in effect."

10 USC 525 note.

(b) **SAVINGS PROVISION.**—An officer of the Armed Forces on active duty holding an appointment in the grade of lieutenant general or vice admiral or general or admiral on September 30, 1987, shall not have that appointment terminated by reason of the numerical limitations determined under section 525(b) of title 10, United States Code. In the case of an officer of the Marine Corps serving in the grade of general by reason of an appointment authorized by section

511(3) of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661; 100 Stat. 3869), that appointment shall not be terminated except as provided in section 601 of title 10, United States Code.

**SEC. 512. ADVANCE IN RETIRED GRADE AFTER 30 YEARS OF SERVICE FOR CERTAIN MEMBERS**

(a) **ARMY.**—Section 3964 of title 10, United States Code, is amended to read as follows:

**“§ 3964. Higher grade after 30 years of service: warrant officers and enlisted members**

“(a) Each retired member of the Army covered by subsection (b) who is retired with less than 30 years of active service is entitled, when his active service plus his service on the retired list totals 30 years, to be advanced on the retired list to the highest grade in which he served on active duty satisfactorily (or, in the case of a member of the National Guard, in which he served on full-time duty satisfactorily), as determined by the Secretary of the Army.

“(b) This section applies to—

“(1) warrant officers of the Army;

“(2) enlisted members of the Regular Army; and

“(3) reserve enlisted members of the Army who, at the time of retirement, are serving on active duty (or, in the case of members of the National Guard, on full-time National Guard duty).”.

(b) **NAVY AND MARINE CORPS.**—Chapter 571 of such title is amended by adding at the end the following new sections:

**“§ 6334. Higher grade after 30 years of service: warrant officers and enlisted members**

10 USC 6334.

“(a) Each member of the naval service covered by subsection (b) who, after the date of the enactment of this section, is retired with less than 30 years of active service or is transferred to the Fleet Reserve or Fleet Marine Corps Reserve is entitled, when his active service plus his service on the retired list or his service in the Fleet Reserve or the Fleet Marine Corps Reserve totals 30 years, to be advanced on the retired list to the highest grade in which he served on active duty satisfactorily, as determined by the Secretary of the Navy.

“(b) This section applies to—

“(1) warrant officers of the naval service;

“(2) enlisted members of the Regular Navy and Regular Marine Corps; and

“(3) reserve enlisted members of the Navy and Marine Corps who, at the time of retirement or transfer to the Fleet Reserve or Fleet Marine Corps Reserve, are serving on active duty.

“(c) An enlisted member of the naval service who is advanced on the retired list under this section is entitled to recompute his retired or retainer pay under formula A of the following table, and a warrant officer of the naval service so advanced is entitled to recompute his retired pay under formula B of that table. The amount recomputed, if not a multiple of \$1, shall be rounded to the next lower multiple of \$1.

"Formula	Column 1 Take	Column 2 Multiply by
A	Retired pay base as computed under section 1406(d) or 1407 of this title.	The retired pay multiplier prescribed in section 1409 of this title for the number of years creditable for his retainer or retired pay at the time of retirement. <sup>1</sup>
B	Retired pay base as computed under section 1406(d) of this title.	The retired pay multiplier prescribed in section 1409 of this title for the number of years credited to him under section 1405 of this title.

<sup>1</sup> In determining the retired pay multiplier, credit each full month of service that is in addition to the number of full years of service creditable to the member as  $\frac{1}{12}$  of a year and disregard any remaining fractional part of a month.

10 USC 6335.

**"§ 6335. Restoration to former grade: warrant officers and enlisted members**

"Each retired warrant officer or enlisted member of the naval service who has been advanced on the retired list to a higher commissioned grade under section 6334 of this title, and who applies to the Secretary of the Navy within three months after his advancement, shall, if the Secretary approves, be restored on the retired list to his former warrant officer or enlisted status, as the case may be."

(c) AIR FORCE.—Section 8964 of title 10, United States Code, is amended to read as follows:

**"§ 8964. Higher grade after 30 years of service: warrant officers and enlisted members**

"(a) Each retired member of the Air Force covered by subsection (b) who is retired with less than 30 years of active service is entitled, when his active service plus his service on the retired list totals 30 years, to be advanced on the retired list to the highest grade in which he served on active duty satisfactorily (or, in the case of a member of the National Guard, in which he served on full-time duty satisfactorily), as determined by the Secretary of the Air Force.

"(b) This section applies to—

"(1) warrant officers of the Air Force;

"(2) enlisted members of the Regular Air Force; and

"(3) reserve enlisted members of the Air Force who, at the time of retirement, are serving on active duty (or, in the case of members of the National Guard, on full-time duty)."

(d) CONFORMING AMENDMENTS.—(1) Sections 3965 and 3966(b)(2) of such title are amended by striking out "Regular".

(2) Section 1406(d) of such title is amended—

(A) by inserting "or 6334" after "6151"; and

(B) by adding at the end of the table in such section the following:

"6334 Basic pay of the grade to which the member is advanced under section 6334."

(3) Sections 8965 and 8966(b)(2) of such title are amended by striking out "Regular".



(e) **CLERICAL AMENDMENTS.**—(1) The item relating to section 3964 in the table of sections at the beginning of chapter 369 of such title is amended to read as follows:

“3964. Higher grade after 30 years of service: warrant officers and enlisted members.”.

(2) The table of sections at the beginning of chapter 571 of such title is amended by adding at the end the following new items:

“6334. Higher grade after 30 years of service: warrant officers and enlisted members.

“6335. Restoration to former grade: warrant officers and enlisted members.”.

(3) The item relating to section 8964 in the table of sections at the beginning of chapter 869 of such title is amended to read as follows:

“8964. Higher grade after 30 years of service: warrant officers and enlisted members.”.

(f) **EFFECTIVE DATE.**—The amendments made by subsections (a) and (c) shall apply to any reserve enlisted member who completes 30 years of service in the Armed Forces before, on, or after the date of the enactment of this Act. No person may be paid retired pay at a higher rate by reason of the enactment of this Act for any period before the date of the enactment of this Act.

10 USC 3964  
note.

**SEC. 513. TESTING FOR DRUG, CHEMICAL, AND ALCOHOL USE AND DEPENDENCY BEFORE ENTRY INTO THE ARMED FORCES**

(a) **MANDATORY TESTING.**—(1) Section 978 of title 10, United States Code, is amended to read as follows:

“§ 978. **Mandatory testing for drug, chemical, and alcohol abuse**

“(a) Before a person becomes a member of the armed forces, such person shall be required to undergo testing for drug, chemical, and alcohol use and dependency.

“(b) A person who refuses to consent to testing required by subsection (a) may not be accepted for an original enlistment in the armed forces or given an original appointment as an officer in the armed forces unless that person consents to such testing.

“(c) A person determined, as the result of testing conducted under subsection (a), to be dependent on drugs, chemicals, or alcohol shall be—

“(1) denied entrance into the armed forces; and

“(2) referred to a civilian treatment facility.

“(d) The testing required by subsection (a) shall be carried out under regulations prescribed by the Secretary of Defense in consultation with the Secretary of Transportation. Those regulations shall apply uniformly throughout the armed forces.”.

Regulations.

(2) The item relating to that section in the table of sections at the beginning of chapter 49 of such title is amended to read as follows:

“978. Mandatory testing for drug, chemical, and alcohol abuse.”.

(b) **IMPLEMENTATION.**—(1) The Secretary of Defense shall prescribe regulations for the implementation of section 978 of title 10, United States Code, as amended by subsection (a), not later than 45 days after the date of the enactment of this Act.

Regulations.  
10 USC 978 note.

(2) The effective date for initiation of the testing program prescribed by that section shall be no later than 180 days after the date of the enactment of this Act.

## TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

### PART A—PAY AND ALLOWANCES

#### SEC. 601. MILITARY PAY RAISE FOR FISCAL YEAR 1988

37 USC 1009  
note.

(a) **WAIVER OF SECTION 1009 ADJUSTMENT.**—Any adjustment required by section 1009 of title 37, United States Code, in elements of compensation of members of the uniformed services to become effective during fiscal year 1988 shall not be made.

37 USC 1009  
note.

(b) **THREE PERCENT INCREASE IN BASIC PAY AND BAS.**—The rates of basic pay and basic allowance for subsistence of members of the uniformed services are increased by 3 percent effective on January 1, 1988.

37 USC 403 note.

(c) **INCREASE IN BAQ.**—(1) The rates of basic allowance for quarters for members of the uniformed services are increased by 6 percent effective on January 1, 1988.

(2) If as of January 1, 1988, there has not been enacted legislation as described in section 3(c), then the percentage increase in the rates of basic allowance for quarters for members of the uniformed services to take effect on that date under paragraph (1) shall be 3 percent (rather than the percentage specified in that paragraph).

(d) **THREE PERCENT INCREASE IN CADET AND MIDSHIPMAN PAY.**—Effective January 1, 1988, section 203(c)(1) of title 37, United States Code, is amended by striking out "\$494.40" and inserting in lieu thereof "\$509.10".

#### SEC. 602. GAO REPORT ON FAIRNESS OF MILITARY HOUSING ALLOWANCES

(a) **GAO REVIEW.**—The Comptroller General shall review the following:

(1) The military housing allowance system as it pertains to dual-service couples and divorced members of the uniformed services. For purposes of the review, a dual-service couple is a married couple of which both spouses are members of a uniformed service serving on active duty.

(2) All studies previously conducted by the Department of Defense on the military housing allowance system, including the legislative history of the existing provisions of law providing for the basic allowance for quarters and the variable housing allowance (37 U.S.C. 403 and 403a).

(b) **REPORT.**—The Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the review conducted under subsection (a). The report shall include recommendations for appropriate changes in legislation and regulations to promote fairness in—

(1) the compensation for military housing of a dual-service couple in comparison to the compensation for military housing of a married couple of which one spouse is a member of a uniformed service serving on active duty and the other spouse is a civilian; and

(2) the compensation for military housing of divorced members of the uniformed services in comparison to the compensation for military housing of other unmarried members of the uniformed services.

(c) **DEADLINE.**—The report required by subsection (b) shall be submitted by March 1, 1988.

## PART B—TRAVEL AND TRANSPORTATION

## SEC. 611. ALLOWANCE FOR CIVILIAN CLOTHING

(a) **IN GENERAL.**—(1) Chapter 7 of title 37, United States Code, is amended—

(A) by redesignating sections 419 and 420 as sections 420 and 421, respectively; and

(B) by inserting after section 418 the following new section:

**“§ 419. Civilian clothing allowance**

“Under regulations prescribed by the Secretary of Defense, a member of an armed force who is assigned to a permanent duty station at a location outside the United States is entitled to a civilian clothing allowance in such amount as the Secretary shall determine under regulations if such member is required to wear civilian clothing all or a substantial portion of the time in the performance of the member’s official duties. A clothing allowance under this section is in addition to any uniform allowance to which a member is otherwise entitled under this title.”

(2) The table of sections at the beginning of such chapter is amended by striking out the items relating to sections 419 and 420 and inserting in lieu thereof the following:

“419. Civilian clothing allowance.

“420. Allowances while participating in international sports.

“421. Allowances: no increase while dependent is entitled to basic pay.”

(b) **EFFECTIVE DATE.**—Section 419 of title 37, United States Code, as added by subsection (a), shall take effect on the date of the enactment of this Act. No member may be paid a clothing allowance under such section for any period before such date.

Regulations.  
37 USC 419.

37 USC 419 note.

**SEC. 612. REIMBURSEMENT FOR ACTUAL LODGING EXPENSES PLUS PER DIEM FOR MEMBERS ENTITLED TO TRAVEL ALLOWANCES**

(a) **REPEAL.**—Section 614(b) of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661; 100 Stat. 3879) is repealed.

37 USC 404 note.

(b) **NEW EFFECTIVE DATE.**—(1) The amendments made by section 614(a) of the National Defense Authorization Act for Fiscal Year 1987 shall be implemented by the Secretaries concerned (as defined in section 101(5) of title 37, United States Code) not later than 90 days after the date of the enactment of this Act and shall apply with respect to travel performed on or after the date of implementation.

37 USC 404 note.

(2) Section 8(a) of the Defense Technical Corrections Act of 1987 (Public Law 100-26; 101 Stat. 284) is amended by striking out “, and such amendments shall be effective as provided in section 614(b) of the Defense Authorization Act”.

37 USC 404 and  
note.

**SEC. 613. AUTHORIZATION TO PAY DISLOCATION ALLOWANCE IN ADVANCE**

Section 407 of title 37, United States Code, is amended by adding at the end the following new subsection:

“(f) An allowance payable under this section may be paid in advance.”

**SEC. 614. TRANSPORTATION ALLOWANCE TO ENCOURAGE VOLUNTARY EXTENSIONS OF TOURS OF DUTY IN FOREIGN COUNTRIES**

(a) **IN GENERAL.**—(1) Chapter 7 of title 37, United States Code, is amended by inserting after section 411f the following new section:

37 USC 411g.

**"§ 411g. Travel and transportation allowances: transportation incident to voluntary extensions of overseas tours of duty**

Regulations.

"(a) Under regulations prescribed by the Secretary concerned, a member of a uniformed service who—

"(1) is stationed outside the United States; and

"(2) voluntarily agrees to extend his overseas tour of duty for a period equal to at least one-half of the overseas tour prescribed for his permanent duty station;

is entitled to the transportation allowance described in subsection (b) for himself and each dependent who is authorized to, and does, accompany him.

"(b) The transportation allowance authorized by subsection (a) is an allowance provided—

"(1) in connection with authorized leave; and

"(2) for the cost of transportation—

"(A) from a member's permanent duty station to a place approved by the Secretary concerned and from that place to his permanent duty station; or

"(B) from a member's permanent duty station to a place no farther distant than his home of record (if he is a member without dependents) and from that place to his permanent duty station.

"(c) The transportation allowance authorized by subsection (a) may not be provided to an enlisted member who, with respect to an extension of duty described in subsection (a)—

"(1) elects to receive special pay under section 314 of this title for duty performed during such extension of duty; or

"(2) elects to receive rest and recuperative absence or transportation at Government expense, or any combination thereof, under section 705 of title 10 for such extension of duty.

"(d) The authority under this section shall expire on October 1, 1989."

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 411f the following new item:

"411g. Travel and transportation allowances: transportation incident to voluntary extensions of overseas tours of duty."

37 USC 411g  
note.

(b) **EFFECTIVE DATE.**—Section 411g of title 37, United States Code, as added by subsection (a), shall apply with respect to agreements to extend overseas tours of duty made after the date of the enactment of this Act.

37 USC 411g  
note.

(c) **GAO REVIEW AND REPORT.**—(1) The Comptroller General shall review implementation of section 411g of such title after such section has been in effect for one year, for the purpose of comparing—

(A) the total cost to the Department of Defense of the transportation allowance allowed under such section; with

(B) the total cost that would have been incurred by the Department of Defense over such period if such section had not been in effect, including the costs of more frequent moves by members in connection with permanent station changes.

(2) The Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on such review no later than March 1, 1989.

(d) **CLARIFICATION OF TYPE OF LEAVE FOR WHICH CERTAIN TRANSPORTATION ALLOWANCE IS GRANTED.**—(1) Subsection (a)(2) of section 411b of such title is amended by striking out “the first time the member is granted leave.” and inserting in lieu thereof the following: “the time the member is first granted leave—

37 USC 411b.

“(A) which is to be taken away from the member’s permanent duty station; and

“(B) for which a travel and transportation allowance is not otherwise authorized.”.

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

**“§ 411b. Travel and transportation allowances: travel performed in connection with leave between consecutive overseas tours”.**

(3) The item relating to such section in the table of sections at the beginning of chapter 7 of such title is amended to read as follows:

“411b. Travel and transportation allowances: travel performed in connection with leave between consecutive overseas tours.”.

**SEC. 615. TRANSPORTATION OF FAMILY MEMBERS OF SERIOUSLY ILL OR INJURED MEMBER**

(a) **IN GENERAL.**—(1) Chapter 7 of title 37, United States Code, is amended by inserting after section 411g, as added by section 614, the following new section:

**“§ 411h. Travel and transportation allowances: transportation of family members incident to the serious illness or injury of members**

37 USC 411h.

“(a)(1) Under uniform regulations prescribed by the Secretaries concerned, transportation described in subsection (c) may be provided for not more than two family members of a member described in paragraph (2) if the attending physician or surgeon and the commander or head of the military medical facility exercising military control over the member determine that the presence of the family member is necessary for the member’s health and welfare.

“(2) A member referred to in paragraph (1) is a member of the uniformed services who—

“(A) is serving on active duty;

“(B) is seriously ill or seriously injured; and

“(C) is hospitalized in a medical facility in or outside the United States.

“(b)(1) In this section, the term ‘family member’, with respect to a member, means—

“(A) the member’s spouse;

“(B) children of the member (including stepchildren, adopted children, and illegitimate children);

“(C) parents of the member or persons in loco parentis to the member, as provided in paragraph (2); and

“(D) siblings of the member.

“(2) Parents of a member or persons in loco parentis to a member include fathers and mothers through adoption and persons who stood in loco parentis to the member for a period not less than one year immediately before the member entered the uniformed service. However, only one father and one mother or their counterparts in loco parentis may be recognized in any one case.



"(c) The transportation authorized by subsection (a) is round-trip transportation between the home of the family member and the location of the medical facility in which the member is hospitalized.

"(d)(1) The transportation authorized by subsection (a) may be provided by any of the following means:

"(A) Transportation in-kind.

"(B) A monetary allowance in place of transportation in-kind at a rate to be prescribed by the Secretaries concerned.

"(C) Reimbursement for the commercial cost of transportation.

"(2) An allowance payable under this subsection may be paid in advance.

"(3) Reimbursement payable under this subsection may not exceed the cost of government-procured commercial round-trip air travel."

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 411g (as added by section 614) the following new item:

"411h. Travel and transportation allowances: transportation of family members incident to the serious illness or injury of members."

37 USC 411h  
note.

(b) **EFFECTIVE DATE.**—The authority to provide transportation or to pay transportation expenses under section 411h of title 37, United States Code, as added by subsection (a), shall be effective only with respect to travel that occurs on or after the effective date of regulations prescribed under such section.

#### **SEC. 616. AUTHORITY TO TRANSPORT VEHICLES LEASED BY MEMBERS OF THE ARMED FORCES**

(a) **PCS MOVES.**—Section 2634 of title 10, United States Code, is amended—

(1) by inserting "or leased" after "owned" both places it appears in the matter in subsection (a) preceding paragraph (1); and

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

"(e) The Secretary of Defense (and the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy) may prescribe regulations limiting those leased motor vehicles that may be transported pursuant to this section based upon the length of the lease and other terms and conditions of the lease that the Secretary considers appropriate."

(b) **OTHER MOVES.**—Section 406(h)(1)(B) of title 37, United States Code, is amended by inserting "or leased" after "owned".

#### **SEC. 617. REIMBURSEMENT FOR TRAVEL AND TRANSPORTATION EXPENSES WHEN ACCOMPANYING MEMBERS OF CONGRESS**

(a) **MEMBERS OF THE ARMED FORCES.**—Section 404 of title 37, United States Code, is amended by adding at the end the following new subsection:

"(h)(1) Subject to paragraph (2), a member of the armed forces accompanying a Member of Congress or a congressional employee on official travel may be authorized reimbursement for actual travel and transportation expenses incurred for such travel.

"(2) The reimbursement authorized in paragraph (1) may be paid—

"(A) at a rate that does not exceed the rate approved for official congressional travel; and

“(B) only when the travel of the member is directed or approved by the Secretary of Defense or the Secretary concerned.

“(3) In this subsection:

“(A) The term ‘Member of Congress’ means a member of the Senate or the House of Representatives, a Delegate to the House of Representatives, and the Resident Commissioner from Puerto Rico.

“(B) The term ‘congressional employee’ means an employee of a Member of Congress or an employee of Congress.”.

(b) **CIVILIAN EMPLOYEES.**—(1) Chapter 81 of title 10, United States Code, is amended by adding at the end the following new section:

**“§ 1591. Reimbursement for travel and transportation expenses when accompanying Members of Congress**

10 USC 1591.

“(a) Subject to subsection (b), the Secretary concerned may authorize reimbursement to a civilian employee who is accompanying a Member of Congress or a congressional employee on official travel for actual travel and transportation expenses incurred for such travel.

“(b) The allowance provided in subsection (a) may be paid—

“(1) at a rate that does not exceed the rate approved for official congressional travel; and

“(2) only when the travel of the member is directed or approved by the Secretary concerned.

“(c) In this section:

“(1) The term ‘Member of Congress’ means a member of the Senate or the House of Representatives, a Delegate to the House of Representatives, and the Resident Commissioner from Puerto Rico.

“(2) The term ‘congressional employee’ means an employee of a Member of Congress or an employee of Congress.

“(3) The term ‘Secretary concerned’ includes the Secretary of Defense with respect to civilian employees of the Department of Defense other than a military department.”.

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

“1591. Reimbursement for travel and transportation expenses when accompanying Members of Congress.”.

(c) **EFFECTIVE DATES.**—Subsection (h) of section 404 of title 37, United States Code (as added by subsection (a)), and section 1591 of title 10, United States Code (as added by subsection (b)), shall apply with respect to travel performed after the date of the enactment of this Act.

10 USC 1591  
note.

**PART C—BONUSES AND SPECIAL AND INCENTIVE PAYS**

**SEC. 621. RESTRUCTURING OF CAREER SEA PAY**

(a) **RATES.**—Subsection (b) of section 305a of title 37, United States Code, is amended to read as follows:

“(b) The monthly rates for special pay under subsection (a) are as follows:

## "ENLISTED MEMBERS

"Pay grade	Years of sea duty						
	1 or less	Over 1	Over 2	Over 3	Over 4	Over 5	Over 6
E-4.....	\$50	\$60	\$120	\$150	\$160	\$160	\$160
E-5.....	50	60	120	150	170	315	325
E-6.....	100	100	120	150	170	315	325
E-7.....	100	100	120	175	190	350	350
E-8.....	100	100	120	175	190	350	350
E-9.....	100	100	120	175	190	350	350
	Over 7	Over 8	Over 9	Over 10	Over 11	Over 12	Over 13
E-4.....	\$160	\$160	\$160	\$160	\$160	\$160	\$160
E-5.....	350	350	350	350	350	350	350
E-6.....	350	350	365	365	365	380	395
E-7.....	375	390	400	400	410	420	450
E-8.....	375	390	400	400	410	420	450
E-9.....	375	390	400	400	410	420	450
	Over 14	Over 16	Over 18				
E-4.....	\$160	\$160	\$160				
E-5.....	350	350	350				
E-6.....	410	425	450				
E-7.....	475	500	500				
E-8.....	475	500	520				
E-9.....	475	520	520				

## "WARRANT OFFICERS

"Pay grade	Years of sea duty						
	1 or less	Over 1	Over 2	Over 3	Over 4	Over 5	Over 6
W-1.....	\$130	\$135	\$140	\$150	\$170	\$175	\$200
W-2.....	150	150	150	150	170	260	265
W-3.....	150	150	150	150	170	270	280
W-4.....	150	150	150	150	170	290	310
	Over 7	Over 8	Over 9	Over 10	Over 11	Over 12	Over 13
W-1.....	\$250	\$270	\$300	\$325	\$325	\$340	\$360
W-2.....	265	270	310	340	340	375	400
W-3.....	285	290	310	350	375	400	425
W-4.....	310	310	310	350	375	400	450
	Over 16	Over 18	Over 20				
W-1.....	\$375	\$375	\$375				
W-2.....	400	400	400				

## "WARRANT OFFICERS—Continued

"Pay grade	Years of sea duty		
	Over 16	Over 18	Over 20
W-3 .....	425	450	450
W-4 .....	450	500	500

## "OFFICERS

"Pay grade	Years of sea duty						
	Over 3	Over 4	Over 5	Over 6	Over 7	Over 8	Over 9
O-1 .....	\$150	\$160	\$185	\$190	\$195	\$205	\$215
O-2 .....	150	160	185	190	195	205	215
O-3 .....	150	160	185	190	195	205	215
O-4 .....	185	190	200	205	215	220	220
O-5 .....	225	225	225	225	230	245	250
O-6 .....	225	230	230	240	255	265	280
	Over 10	Over 11	Over 12	Over 14	Over 16	Over 18	Over 20
O-1 .....	\$225	\$225	\$240	\$250	\$260	\$270	\$280
O-2 .....	225	225	240	250	260	270	280
O-3 .....	225	225	240	260	270	280	290
O-4 .....	225	225	240	270	280	290	300
O-5 .....	260	265	265	285	300	315	340
O-6 .....	290	300	310	325	340	355	380".

(b) CAREER SEA PAY PREMIUM.—Subsection (c) of such section is amended by inserting "(other than an enlisted member in a pay grade above E-4 with more than five years of sea duty)" after "sea duty" the first place it appears.

(c) DEFINITION OF SEA DUTY.—Subsection (d) of such section is amended to read as follows:

"(d)(1) In this section, the term 'sea duty' means duty performed by a member—

"(A) while permanently or temporarily assigned to a ship, ship-based staff, or ship-based aviation unit and while serving on a ship the primary mission of which is accomplished while under way or while serving as a member of the off-crew of a two-crewed submarine; or

"(B) while permanently or temporarily assigned to a ship or ship-based staff and while serving on a ship the primary mission of which is normally accomplished while in port, but only during a period that the ship is away from its homeport.

"(2) For the purpose of determining the years of sea duty with which a member may be credited for purposes of this section, the term 'sea duty' also includes duty performed on or after the effective date specified in section 621(e)(1) of the National Defense Authorization Act for Fiscal Year 1988 by a member while permanently or

temporarily assigned to a ship or ship-based staff and while serving on a ship on which the member would be entitled, during a period that the ship is away from its homeport, to receive sea pay by reason of paragraph (1)(B).

"(3) A ship shall be considered to be away from its homeport for purposes of this subsection when it is—

"(A) at sea; or

"(B) in a port that is more than 50 miles from its homeport."

37 USC 305a  
note.

(d) **SAVE PAY.**—A member of the uniformed services who at any time during the three-month period ending on the day before the effective date applicable to that member under subsection (e) for the new rates of career sea pay is entitled to career sea pay at a rate that is higher than the rate established under such new rates for the member's pay grade and years of sea duty shall be paid such special pay, when entitled to receive it, at such higher rate until the member is permanently reassigned to duty for which the member is not entitled to such special pay. In the case of a member covered by the preceding sentence who is reduced in grade under the Uniform Code of Military Justice (chapter 47 of title 10, United States Code), the old rate of career sea pay applicable to such member under the preceding sentence which may be paid in lieu of the rate applicable to the member under the new rates of career sea pay shall be the rate under the old rates of career sea pay for the member's pay grade as so reduced and the member's years of sea duty.

37 USC 305a  
note.

(e) **EFFECTIVE DATE.**—(1) Except as provided under paragraph (2), the amendments made by this section shall take effect on the first day of the first month beginning after the date of the enactment of this Act and shall apply with respect to duty performed on or after that date.

(2) The new rates of career sea pay that are applicable to enlisted members in pay grades above pay grade E-4 who have five or more years of sea duty and the amendment made by subsection (b) shall take effect on the first day of the fourth month beginning after the effective date specified under paragraph (1). In the case of such members, the old rates of career sea pay shall remain in effect until the new rates take effect under the preceding sentence.

37 USC 305a  
note.

(f) **DEFINITIONS.**—For purposes of subsections (d) and (e):

(1) The term "career sea pay" means special pay under section 305a of title 37, United States Code.

(2) The term "old rates", with respect to career sea pay, means the rates of such pay in effect on the date of the enactment of this Act.

(3) The term "new rates", with respect to career sea pay, means the rates of such pay provided by the amendment made by subsection (a).

#### SEC. 622. SPECIAL PAY FOR AVIATION CAREER OFFICERS

(a) **IN GENERAL.**—(1) Subsection (a) of section 301b of title 37, United States Code, is amended by striking out clause (5) of the first sentence and all that follows through the second sentence and inserting in lieu thereof the following:

"(5) has not previously been paid special pay authorized by this section;

"(6) executes a written agreement to remain on active duty in aviation service for at least one year; and

"(7) is in an aviation specialty designated as critical,



may, upon the acceptance of the written agreement by the Secretary of Defense or the Secretary of Transportation, as appropriate, be paid an amount not to exceed \$4,000 for each year covered by the agreement if the officer agrees to remain on active duty for one year, two years, or three years, or an amount not to exceed \$6,000 for each year covered by the agreement if the officer agrees to remain on active duty for four years."

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

"(e)(1) During the period beginning on October 1, 1987, and ending on September 30, 1989, an agreement under this section may be accepted only—

"(A) from an officer of the Navy who meets the conditions set forth in subsection (a) and who has completed fewer than 11 years of active duty; and

"(B) if the agreement requires the officer to remain on active duty in aviation service for three years or for four years.

"(2) An agreement that requires an officer to remain on active duty in aviation service for six years may also be accepted during such period if the officer meets the conditions set forth in subsection (a) and has completed fewer than eight years of active duty. An officer from whom such an agreement is accepted may be paid an amount not to exceed \$6,000 for each year covered by the agreement."

(3) Subsection (f) of such section is amended by striking out "September 30, 1987" and inserting in lieu thereof "September 30, 1989".

(b) **EFFECTIVE DATE.**—(1) The amendments made by subsection (a) to subsections (a), (e), and (f) of section 301b of title 37, United States Code, shall apply to agreements entered into on or after October 1, 1987, and special pay may be paid as if such amendments were in effect on such date.

37 USC 301b  
note.

(2) Such amendments shall not affect an agreement entered into under such section as in effect on September 30, 1987, and the provisions of such section as in effect on such day shall continue to apply with respect to such agreement.

#### SEC. 623. SUBMARINE DUTY INCENTIVE PAY

(a) **MARINE CORPS COVERAGE.**—Subsection (a) of section 301c of title 37, United States Code, is amended by striking out "Navy" and inserting in lieu thereof "naval service".

(b) **INCREASED RATES.**—Subsection (b) of such section is amended to read as follows:

"(b) A member who meets the requirements prescribed in subsection (a) is entitled to monthly submarine duty incentive pay as follows:

"(b) The monthly rates for special pay under subsection (a) are as follows:

		"ENLISTED MEMBERS"						
		Years of service computed under section 205						
Pay grade		2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10
E-9		\$225	\$225	\$225	\$270	\$295	\$310	\$315
E-8		225	225	225	250	270	295	310

## "ENLISTED MEMBERS—Continued

"Pay grade	Years of service computed under section 205						
	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10
E-7.....	225	225	225	250	255	265	275
E-6.....	155	170	175	215	230	245	255
E-5.....	140	155	155	175	190	195	195
E-4.....	80	95	100	170	175	175	175
E-3.....	80	90	100	170	175	175	90
E-2.....	75	90	90	90	90	90	90
E-1.....	75	75	75	75	75	75	75
	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26
E-9.....	\$330	\$345	\$355	\$355	\$355	\$355	\$355
E-8.....	315	330	330	345	345	345	345
E-7.....	295	310	310	310	310	310	310
E-6.....	265	265	265	265	265	265	265
E-5.....	195	195	195	195	195	195	195
E-4.....	175	175	175	175	175	175	175
E-3.....	90	90	90	90	90	90	90
E-2.....	90	90	90	90	90	90	90
E-1.....	75	75	75	75	75	75	75

## "COMMISSIONED OFFICERS

"Pay grade	Years of service computed under section 205						
	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10
O-10.....	\$355	\$355	\$355	\$355	\$355	\$355	\$355
O-9.....	355	355	355	355	355	355	355
O-8.....	355	355	355	355	355	355	355
O-7.....	355	355	355	355	355	355	355
O-6.....	595	595	595	595	595	595	595
O-5.....	595	595	595	595	595	595	595
O-4.....	365	365	365	405	595	595	595
O-3.....	355	355	355	390	595	595	595
O-2.....	235	235	235	235	235	235	355
O-1.....	175	175	175	175	175	175	355
	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26
O-10.....	\$355	\$355	\$355	\$355	\$355	\$355	\$355
O-9.....	355	355	355	355	355	355	355
O-8.....	355	355	355	355	355	355	355
O-7.....	355	355	540	535	535	410	355
O-6.....	595	595	595	595	595	595	595
O-5.....	595	595	595	595	595	595	595
O-4.....	595	595	595	595	595	595	595
O-3.....	595	595	595	595	595	595	595
O-2.....	355	355	355	355	355	355	355
O-1.....	355	355	355	355	355	355	355

## "WARRANT OFFICERS"

"Pay grade"	Years of service computed under section 205						
	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10
W-4 .....	\$235	\$310	\$310	\$355	\$355	\$355	\$355
W-3 .....	235	310	310	355	355	355	355
W-2 .....	235	310	310	355	355	355	355
W-1 .....	235	310	310	355	355	355	355
	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26
W-4 .....	\$355	\$355	\$355	\$355	\$355	\$355	\$355
W-3 .....	355	355	355	355	355	355	355
W-2 .....	355	355	355	355	355	355	355
W-1 .....	355	355	355	355	355	355	355"

(c) **EFFECTIVE DATE.**—(1) Subject to paragraph (2), the amendments made by this section shall take effect on the first day of the first month beginning after the date of the enactment of this Act and shall apply only with respect to duty performed on or after that date.

37 USC 301c  
note.

(2) The amendments made by this section shall take effect only if legislation as described in section 3(c) is enacted.

## SEC. 624. DIVING PAY FOR MEMBERS OF RESERVE COMPONENTS

(a) **IN GENERAL.**—Section 304 of title 37, United States Code, is amended—

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

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

"(d)(1) Under regulations prescribed by the Secretary concerned and to the extent provided for by appropriations, when a member of the National Guard or a reserve component of a uniformed service who is entitled to compensation under section 206 of this title performs diving duty, pursuant to orders, such member is entitled to an increase in compensation equal to  $\frac{1}{30}$  of the monthly special pay prescribed by the Secretary concerned for the performance of diving duty by a member of comparable diving classification who is entitled to basic pay under section 204 of this title. Such member is entitled to the increase—

"(A) for each regular period of instruction, or period of appropriate duty, at which the member is engaged for at least two hours, including that performed on a Sunday or holiday; or

“(B) for the performance of such other equivalent training, instruction, duty, or appropriate duties, as the Secretary may prescribe under section 206(a) of this title.

“(2) This subsection does not apply to a member who is entitled to basic pay under section 204 of this title.”

37 USC 304 note.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect on the first day of the fourth calendar month following the month in which this Act is enacted and shall apply only with respect to diving duty performed on or after that date.

#### SEC. 625. SELECTIVE REENLISTMENT BONUSES

(a) **IN GENERAL.**—Paragraph (1) of section 308(b) of title 37, United States Code, is amended to read as follows:

“(1) Bonus payments authorized under this section may be paid in either a lump sum or in installments. If the bonus is paid in installments, the initial payment shall be not less than 50 percent of the total bonus amount.”

37 USC 308 note.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply with respect to bonuses paid for reenlistment or extension of enlistment agreements entered into after September 30, 1987.

#### SEC. 626. EXTENSION OF ENLISTMENT AND REENLISTMENT BONUS AUTHORITIES

(a) **FIVE-YEAR EXTENSION OF ACTIVE-DUTY BONUSES.**—Sections 308(g), 308a(c), and 308f(c) of title 37, United States Code, are amended by striking out “September 30, 1987” and inserting in lieu thereof “September 30, 1992”.

(b) **THREE-YEAR EXTENSION OF RESERVE COMPONENT BONUSES.**—Sections 308b(g), 308c(f), 308e(e), 308g(h), 308h(g), and 308i(i) of such title are amended by striking out “September 30, 1987” and inserting in lieu thereof “September 30, 1990”.

37 USC 308 note.

(c) **COVERAGE OF PERIOD OF LAPSED AUTHORITY.**—(1) The Secretary concerned, in the case of any person who during the period beginning on October 1, 1987, and ending on the date of the enactment of this Act would have qualified for an agreement with the Secretary described in paragraph (2) but for the fact that the authority for the payment of bonuses provided by that section had lapsed, shall pay to that person a bonus under the terms of the appropriate section specified in that paragraph (and related regulations) as in effect on September 30, 1987.

(2) An agreement referred to in paragraph (1) is an agreement with the Secretary for the payment of a bonus under section 308, 308a, 308b, 308c, 308e, 308f, 308g, 308h, or 308i of title 37, United States Code.

#### PART D—MISCELLANEOUS

#### SEC. 631. AUTHORITY FOR CERTAIN REMARRIED SURVIVOR BENEFIT PLAN PARTICIPANTS TO WITHDRAW FROM PLAN

10 USC 1448  
note.

(a) **AUTHORITY TO WITHDRAW.**—(1) An individual who is a participant in the Survivor Benefit Plan under subchapter II of chapter 73 of title 10, United States Code, and is described in paragraph (2) may, with the consent of such individual's spouse, withdraw from participation in the Plan.

(2) An individual referred to in paragraph (1) is an individual who—

(A) is providing coverage for a spouse or for a spouse and child under the Plan; and

(B) remarried before March 1, 1986, and at a time when such individual was a participant in the Plan but did not have an eligible spouse beneficiary under the Plan.

(b) **APPLICABLE PROVISIONS.**—An election under subsection (a) shall be subject to subparagraphs (B) and (D) of section 1448(a)(6) of title 10, United States Code, except that in applying such subparagraph (B) to subsection (a), the one-year period referred to in clause (ii) of such subparagraph shall extend until the end of the one-year period beginning 90 days after the date of the enactment of this Act.

(c) **TREATMENT OF PRIOR CONTRIBUTIONS.**—No refund of amounts by which the retired pay of a participant in the Survivor Benefit Plan has been reduced by reason of section 1452 of title 10, United States Code, may be made to an individual who withdraws from the Survivor Benefit Plan under subsection (a).

**SEC. 632. LAW APPLICABLE TO OCCUPANCY BY COAST GUARD PERSONNEL OF SUBSTANDARD FAMILY HOUSING UNITS**

(a) **IN GENERAL.**—Section 2830 of title 10, United States Code, is amended—

(1) by striking out “the Secretary of a military department” in subsection (a) and inserting in lieu thereof “the Secretary concerned”;

(2) by striking out “Subject to” in subsection (b) and all that follows through “military department” and inserting in lieu thereof “(1) The Secretary concerned”; and

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

“(2) The authority to enter into leases under paragraph (1) shall be exercised—

“(A) in the case of a lease by the Secretary of a military department, subject to regulations prescribed by the Secretary of Defense; and

“(B) in the case of a lease by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, subject to regulations prescribed by that Secretary.”.

(b) **CONFORMING AMENDMENTS.**—(1) Section 2801(d) of such title is amended by inserting “(other than section 2830)” after “This chapter”.

(2) Section 475 of title 14, United States Code, is amended—

(A) by striking out subsection (b); and

(B) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

**SEC. 633. COLLECTION OF AMOUNTS OWED TO SERVICE RELIEF SOCIETIES FROM FINAL PAY OF MEMBERS**

(a) **COLLECTION OF AMOUNTS OWED RELIEF SOCIETIES.**—Section 1007 of title 37, United States Code, is amended by adding at the end the following new subsection:

“(h)(1) Upon request by a service relief society and subject to paragraph (2), an amount owed by a member of the uniformed services to the relief society may be deducted from the pay on final statement of such member and paid to that relief society.

“(2) An amount may not be deducted under paragraph (1) from the pay of a member unless the Secretary concerned makes a deter-



mination of the amount owed in accordance with the regulations prescribed under subsection (c). Any amount determined to be owed to a service relief society under this paragraph shall be considered an amount that the member is administratively determined to owe the United States under subsection (c) and shall be collectible in accordance with such subsection.

"(3) The Secretaries concerned shall prescribe regulations to carry out this subsection.

"(4) In this subsection, the term 'service relief society' means the Army Emergency Relief, the Air Force Aid Society, the Navy Relief Society, or the Coast Guard Mutual Assistance."

37 USC 1007  
note.

(b) **EFFECTIVE DATE.**—Subsection (h) of section 1007 of title 37, United States Code (as added by subsection (a)), shall apply with respect to debts incurred by members of the uniformed services after the date of the enactment of this Act.

**SEC. 634. LIMITATION ON RESERVE UNIT AND INDIVIDUAL TRAINING FUNDING FOR FISCAL YEAR 1988**

During fiscal year 1988, the amount appropriated for reserve unit and individual training may not exceed \$4,644,582,000.

**SEC. 635. EXPANSION OF MILITARY SPOUSE EMPLOYMENT PREFERENCE**

Section 806(b)(2) of the Military Family Act of 1985 (10 U.S.C. 113 note), is amended by striking out "GS-4" and inserting in lieu thereof "GS-1".

**SEC. 636. REDUCTION IN AGE FOR NONTERMINATION OF SBP SURVIVING SPOUSE ANNUITY AFTER REMARRIAGE**

(a) **RESUMPTION OF ANNUITY UPON TERMINATION OF DIC FOR REMARRIAGE.**—Section 1450(k)(1) of title 10, United States Code, is amended by striking out "60" and inserting in lieu thereof "55".

10 USC 1450  
note.

(b) **APPLICABILITY.**—The amendment made by subsection (a) shall apply as if included in the amendments made by section 643(a) of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661; 100 Stat. 3886).

10 USC 1450.

10 USC 113 note.

**SEC. 637. REGULATIONS REGARDING EMPLOYMENT AND VOLUNTEER WORK OF SPOUSES OF MILITARY PERSONNEL**

Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations to establish the policy that—

(1) the decision by a spouse of a member of the Armed Forces to be employed or to voluntarily participate in activities relating to the Armed Forces should not be influenced by the preferences or requirements of the Armed Forces; and

(2) neither such decision nor the marital status of a member of the Armed Forces should have an effect on the assignment or promotion opportunities of the member.

10 USC 113 note.

**SEC. 638. TEST PROGRAM FOR REIMBURSEMENT FOR ADOPTION EXPENSES**

(a) **TEST PROGRAM.**—The Secretary of Defense shall establish a test program under which a member of the Armed Forces may be reimbursed, as provided in this section, for qualifying adoption expenses incurred by the member in the adoption of a child under 18 years of age.

(b) **ADOPTIONS COVERED.**—An adoption for which expenses may be reimbursed under this section includes an adoption by a single

person, an infant adoption, an intercountry adoption, and an adoption of a child with special needs (as defined in section 473(c) of the Social Security Act (42 U.S.C. 673(c))).

(c) **BENEFITS PAID AFTER ADOPTION IS FINAL.**—Benefits paid under this section in the case of an adoption may be paid only after the adoption is final.

(d) **TREATMENT OF OTHER BENEFITS.**—A benefit may not be paid under this section for any expense paid to or for a member of the Armed Forces under any other adoption benefits program administered by the Federal Government or under any such program administered by a State or local government.

(e) **LIMITATIONS.**—(1) Not more than \$2,000 may be paid to a member of the Armed Forces under this section for expenses incurred in the adoption of a child.

(2) Not more than \$5,000 may be paid to a member of the Armed Forces under this section for adoptions by such member in any calendar year.

(f) **REGULATIONS.**—The Secretary shall prescribe regulations to carry out this section.

(g) **DEFINITIONS.**—In this section:

(1) The term “qualifying adoption expenses” means reasonable and necessary expenses that are directly related to the legal adoption of a child, but only if such adoption is arranged—

(A) by a State or local government agency which has responsibility under State or local law for child placement through adoption;

(B) by a nonprofit, voluntary adoption agency which is authorized by State or local law to place children for adoption; or

(C) through a private placement.

(2) The term “qualifying adoption expenses” does not include any expense incurred—

(A) for any travel performed outside the United States by an adopting parent, unless such travel—

(i) is required by law as a condition of a legal adoption in the country of the child's origin, or is otherwise necessary for the purpose of qualifying for the adoption of a child;

(ii) is necessary for the purpose of assessing the health and status of the child to be adopted; or

(iii) is necessary for the purpose of escorting the child to be adopted to the United States or the place where the adopting member of the Armed Forces is stationed; or

(B) in connection with an adoption arranged in violation of Federal, State, or local law.

(3) The term “reasonable and necessary expenses” includes—

(A) public and private agency fees, including adoption fees charged by an agency in a foreign country;

(B) placement fees, including fees charged adoptive parents for counseling;

(C) legal fees, including court costs;

(D) medical expenses, including hospital expenses of a newborn infant, for medical care furnished the adopted child before the adoption, and for physical examinations for the adopting parents;

(E) expenses relating to pregnancy and childbirth for the biological mother, including counseling, transportation, and maternity home costs;

(F) temporary foster care charges when payment of such charges is required to be made immediately before the child's placement; and

(G) except as provided in paragraph (2)(A), transportation expenses relating to the adoption.

(h) **EFFECTIVE DATE AND DURATION OF TEST PROGRAM.**—The test program required under this section shall apply with respect to qualifying adoption expenses incurred for adoption proceedings initiated after September 30, 1987, and before October 1, 1989.

## TITLE VII—HEALTH CARE PROVISIONS

### SEC. 701. SHORT TITLE

This title may be cited as the "Military Health Care Amendments of 1987".

#### PART A—MEDICAL READINESS

### SEC. 711. REVISION OF RESERVE FORCES HEALTH PROFESSIONS FINANCIAL ASSISTANCE PROGRAM

(a) **IN GENERAL.**—Chapter 105 of title 10, United States Code, is amended—

(1) by striking out the chapter heading and inserting in lieu thereof the following:

#### **"CHAPTER 105—ARMED FORCES HEALTH PROFESSIONS FINANCIAL ASSISTANCE PROGRAMS"**

"Subchapter	Sec.
I. Health Professions Scholarship Program for Active Service .....	2120
II. Health Professions Stipend Program for Reserve Service .....	2128

#### **"SUBCHAPTER I—HEALTH PROFESSIONS SCHOLARSHIP PROGRAM FOR ACTIVE SERVICE";**

(2) by striking out "chapter" each place it appears in sections 2120, 2123, 2124, and 2127 and inserting in lieu thereof "subchapter"; and

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

#### **"SUBCHAPTER II—HEALTH PROFESSIONS STIPEND PROGRAM FOR RESERVE SERVICE"**

"Sec.

"2128. Financial assistance: health-care professionals in reserve components.

"2129. Reserve service: required active duty for training.

"2130. Penalties, limitations, and other administrative provisions.

10 USC 2128.

### **"§ 2128. Financial assistance: health-care professionals in reserve components"**

"(a) **ESTABLISHMENT OF PROGRAM.**—For the purpose of obtaining adequate numbers of commissioned officers in the reserve components who are qualified in health professions specialties critically

10 USC 1071  
note.  
Military Health  
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1987.

needed in wartime, the Secretary of each military department may establish and maintain a program to provide financial assistance under this subchapter to persons engaged in training in such specialties. Under such a program, the Secretary concerned may agree to pay a financial stipend to persons engaged in training in certain health care specialties in return for a commitment to subsequent service in the Ready Reserve.

“(b) PHYSICIANS IN CRITICAL SPECIALTIES.—(1) Under the stipend program under this subchapter, the Secretary of the military department concerned may enter into an agreement with a person who—

“(A) is a graduate of a medical school;

“(B) is eligible for appointment, designation, or assignment as a medical officer in the Reserve of the armed force concerned; and

“(C) is enrolled or has been accepted for enrollment in a residency program for physicians in a medical specialty designated by the Secretary concerned as a specialty critically needed by that military department in wartime.

“(2) Under the agreement—

“(A) the Secretary shall agree to pay the participant a stipend, in an amount determined under subsection (e), for the period or the remainder of the period of the residency program in which the participant enrolls or is enrolled;

“(B) the participant shall not be eligible to receive such stipend before appointment, designation, or assignment as a medical officer for service in the Ready Reserve;

“(C) the participant shall be subject to such active duty requirements as may be specified in the agreement and to active duty in time of war or national emergency as provided by law for members of the Ready Reserve; and

“(D) the participant shall agree to serve, upon successful completion of the program, two years in the Ready Reserve for each year, or part thereof, for which the stipend is provided, to be served in the Selected Reserve or in the Individual Ready Reserve as specified in the agreement.

“(c) REGISTERED NURSES IN CRITICAL SPECIALTIES.—(1) Under the stipend program under this subchapter, the Secretary of the military department concerned may enter into an agreement with a person who—

“(A) is a registered nurse;

“(B) is eligible for appointment as—

“(i) a Reserve officer for service in the Army Reserve in the Army Nurse Corps;

“(ii) a Reserve officer for service in the Naval Reserve in the Navy Nurse Corps; or

“(iii) a Reserve officer for service in the Air Force Reserve with a view to designation as an Air Force nurse under section 8067(e) of this title; and

“(C) is enrolled or has been accepted for enrollment in an accredited program in nursing in a specialty designated by the Secretary concerned as a specialty critically needed by that military department in wartime.

“(2) Under the agreement—

“(A) the Secretary shall agree to pay the participant a stipend, in an amount determined under subsection (e), for the

period or the remainder of the period of the nursing program in which the participant enrolls or is enrolled;

“(B) the participant shall not be eligible to receive such stipend before being appointed as a Reserve officer for service in the Ready Reserve—

“(i) in the Nurse Corps of the Army or Navy; or

“(ii) as an Air Force nurse of the Air Force;

“(C) the participant shall be subject to such active duty requirements as may be specified in the agreement and to active duty in time of war or national emergency as provided by law for members of the Ready Reserve; and

“(D) the participant shall agree to serve, upon successful completion of the program, two years in the Ready Reserve for each year, or part thereof, for which the stipend is provided, to be served in the Selected Reserve or in the Individual Ready Reserve as specified in the agreement.

“(d) BACCALAUREATE STUDENTS IN NURSING OR OTHER HEALTH PROFESSIONS.—(1) Under the stipend program under this subchapter, the Secretary of the military department concerned may enter into an agreement with a person who—

“(A) will, upon completion of the program, be eligible to be appointed, designated, or assigned as a Reserve officer for duty as a nurse or other health professional; and

“(B) is enrolled, or has been accepted for enrollment in the third or fourth year of—

“(i) an accredited baccalaureate nursing program; or

“(ii) any other accredited baccalaureate program leading to a degree in a health-care profession designated by the Secretary concerned as a profession critically needed by that military department in wartime.

“(2) Under the agreement—

“(A) the Secretary shall agree to pay the participant a stipend of \$100 per month for the period or the remainder of the period of the baccalaureate program in which the participant enrolls or is enrolled;

“(B) the participant shall not be eligible to receive such stipend before enlistment in the Ready Reserve;

“(C) the participant shall be subject to such active duty requirements as may be specified in the agreement and to active duty in time of war or national emergency as provided by law for members of the Ready Reserve; and

“(D) the participant shall agree to serve, upon graduation from the baccalaureate program, one year in the Ready Reserve for each year, or part thereof, for which the stipend is paid.

“(e) AMOUNT OF STIPEND.—The amount of a stipend under an agreement under subsection (b) or (c) shall be—

“(1) the stipend rate in effect for participants in the Armed Forces Health Professions Scholarship Program under section 2121(d) of this title, if the participant has agreed to serve in the Selected Reserve; or

“(2) one-half of that rate, if the participant has agreed to serve in the Individual Ready Reserve.

“(f) INDIVIDUAL READY RESERVE DEFINED.—In this subchapter, the term ‘Individual Ready Reserve’ means that element of the Ready Reserve of an armed force other than the Selected Reserve.



**"§ 2129. Reserve service: required active duty for training**

10 USC 2129.

"(a) **SELECTED RESERVE.**—A person who is required under an agreement under section 2128 of this title to serve in the Selected Reserve shall serve not less than 12 days of active duty for training each year during the period of service required by the agreement.

"(b) **IRR SERVICE.**—A person who is required under an agreement under section 2128 of this title to serve in the Individual Ready Reserve shall serve—

"(1) not less than 30 days of initial active duty for training; and

"(2) not less than five days of active duty for training each year during the period of service required by the agreement.

**"§ 2130. Penalties, limitations, and other administrative provisions**

10 USC 2130.

"(a) **FAILURE TO COMPLETE PROGRAM OF TRAINING.**—(1) A member of the program who, under regulations prescribed by the Secretary of Defense, is dropped from the program for deficiency in training, or for other reasons, shall be required, at the discretion of the Secretary concerned—

"(A) to perform one year of active duty for each year (or part thereof) for which such person was provided financial assistance under this section; or

"(B) to repay the United States an amount equal to the total amount paid to such person under the program.

"(2) The Secretary of a military department, under regulations prescribed by the Secretary of Defense, may relieve a member participating in the program who is dropped from the program from any requirement that may be imposed under paragraph (1), but such relief shall not relieve him from any military obligation imposed by any other law.

Regulations.

"(b) **PROHIBITIONS OF DUPLICATE BENEFITS.**—Financial assistance may not be provided under this section to a member receiving financial assistance under section 2107 of this title.

"(c) **REGULATIONS.**—This subchapter shall be administered under regulations prescribed by the Secretary of Defense."

(b) **CLERICAL AMENDMENTS.**—The tables of chapters at the beginning of subtitle A, and at the beginning of part III of subtitle A, of title 10, United States Code, are amended by striking out the item relating to chapter 105 and inserting in lieu thereof the following:

"105. Armed Forces Health Professions Financial Assistance Programs..... 2120".

(c) **REPEAL OF PRIOR PROGRAM.**—(1) Section 672 of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 663), is repealed.

10 USC 2121  
note, 2124 note.

(2) The repeal of section 672 of the Department of Defense Authorization Act, 1986, by paragraph (1) does not affect an agreement entered into under that section before such repeal, and the provisions of such section as in effect before such repeal shall continue to apply with respect to such agreement.

10 USC 2121  
note.

(d) **FUNDING LIMIT FOR FISCAL YEAR 1988.**—The total amount obligated during fiscal year 1988 under agreements under section 2128 of title 10, United States Code, as added by subsection (a), may not exceed \$9,000,000.

(e) **EFFECTIVE DATES.**—(1) The repeal made by subsection (c) shall take effect on the date of the enactment of this Act.

10 USC 2121  
note.

(2) An agreement entered into by the Secretary of a military department under section 2128 of title 10, United States Code, as

10 USC 2128  
note.

added by subsection (a), may not obligate the United States to make a payment for any period before the date of the enactment of this Act.

#### SEC. 712. ARMED FORCES HEALTH PROFESSIONS SCHOLARSHIP PROGRAM

(a) **CRITICALLY NEEDED WARTIME SKILLS RESIDENCY REQUIREMENT PERMITTED.**—Section 2122 of title 10, United States Code, is amended—

- (1) by inserting “(a)” before “To be eligible”; and
- (2) by adding at the end the following new subsection:

“(b) The Secretary of Defense may require, as part of the agreement under subsection (a)(2), that a person must agree to accept, if offered, residency training in a health profession skill which has been designated by the Secretary as a critically needed wartime skill.”

(b) **2,500 SCHOLARSHIPS TARGETED FOR CRITICALLY NEEDED WARTIME SKILLS.**—

(1) **IN GENERAL.**—Section 2124 of title 10, United States Code, is amended by striking out “except that” and all that follows through the end of the section and inserting in lieu thereof the following: “except that—

“(1) the total number of persons so designated in all of the programs authorized by this subchapter shall not, at any time, exceed 6,000; and

“(2) of the total number of persons so designated, at least 2,500 shall be persons—

“(A) who are in the final two years of their course of study; and

“(B) who have agreed to accept, if offered, residency training in a health profession skill which has been designated by the Secretary as a critically needed wartime skill.”

(2) **EFFECTIVE DATE.**—The amendment made by paragraph (1) shall take effect on October 1, 1989.

#### SEC. 713. EDUCATION LOAN REPAYMENT PROGRAM FOR HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED RESERVE

(a) **COVERAGE OF CERTAIN LOANS TO NURSES.**—Subsection (a)(3) of section 2172 of title 10, United States Code, is amended by inserting “or under part B of title VIII of such Act (42 U.S.C. 297 et seq.)” after “seq.”

(b) **EXTENSION OF DATE FOR INITIAL APPOINTMENT.**—Subsection (d) of such section is amended by striking out “October 1, 1988” and inserting in lieu thereof “October 1, 1990”.

#### SEC. 714. CONSTRUCTIVE SERVICE CREDIT FOR OFFICERS APPOINTED WITH HEALTH PROFESSIONS EXPERIENCE

(a) **REGULAR COMPONENTS.**—Section 533(b)(1)(B) of title 10, United States Code, is amended—

- (1) by inserting “(i)” after “(B)”; and
- (2) by adding at the end the following:

“(ii) Credit for experience in a health profession (other than medicine or dentistry), if such experience will be directly used by the armed force concerned.”

(b) **ARMY RESERVE.**—Section 3353(b)(1)(B) of such title is amended—

- (1) by inserting "(i)" after "(B)"; and
- (2) by adding at the end the following:  
"(ii) Credit for experience in a health profession (other than medicine or dentistry), if such experience will be directly used by the Army."

(c) NAVAL RESERVE AND MARINE CORPS RESERVE.—Section 5600(b)(1)(B) of such title is amended—

10 USC 5600.

- (1) by inserting "(i)" after "(B)"; and
- (2) by adding at the end the following:  
"(ii) Credit for experience in a health profession (other than medicine or dentistry), if such experience will be directly used by the Navy or Marine Corps, as appropriate."

(d) AIR FORCE RESERVE.—Section 8353(b)(1)(B) of such title is amended—

- (1) by inserting "(i)" after "(B)"; and
- (2) by adding at the end the following:  
"(ii) Credit for experience in a health profession (other than medicine or dentistry), if such experience will be directly used by the Air Force."

#### SEC. 715. STANDBY CAPABILITY FOR SELECTIVE SERVICE REGISTRATION OF HEALTH CARE PERSONNEL

Section 10(h) of the Military Selective Service Act (50 U.S.C. App. 460(h)) is amended—

- (1) by striking out "If at" and all that follows through "nevertheless," and inserting in lieu thereof "The Selective Service system shall"; and
- (2) by inserting "(including a structure for registration and classification of persons qualified for practice or employment in a health care occupation essential to the maintenance of the Armed Forces)" after "national emergency".

#### SEC. 716. LIMITED CEILING REMOVAL ON SPECIAL PAY FOR MEDICAL OFFICERS

(a) LIMITED CEILING REMOVAL.—Section 302(b) of title 37, United States Code, is amended—

- (1) by striking out "in an amount not to exceed \$8,000" in paragraph (1);
- (2) by adding at the end of paragraph (1) the following: "No payment to an officer under this subsection may exceed \$8,000 for any twelve-month period unless the Secretary concerned determines that the officer is qualified and serving in a health profession skill which has been designated by the Secretary concerned as a critically needed wartime skill."; and
- (3) by striking out paragraph (3).

(b) LIMIT ON OBLIGATIONS.—The Secretary concerned may not obligate funds during fiscal year 1988 for incentive special pay under section 302(b) of such title in an amount which is more than the amount proposed to be available for such purpose in the budget presentation materials submitted to Congress for fiscal year 1988.

#### SEC. 717. AUTHORITY TO RETAIN IN ACTIVE STATUS UNTIL AGE 67 RESERVE OFFICERS IN MEDICAL SPECIALTIES

(a) ARMY PERSONNEL.—Section 3855 of title 10, United States Code, is amended—

- (1) by inserting "(a)" before "Notwithstanding";

(2) by striking out “, but not later than the date on which he becomes 60 years of age”;

(3) by designating the second sentence as subsection (b); and

(4) by adding at the end the following:

“(c) An officer may not be retained in an active status under this section later than the date on which the officer becomes 67 years of age (or, in the case of an officer in the Chaplains, 60 years of age).”.

(b) **NAVAL PERSONNEL.**—(1) Chapter 573 of title 10, United States Code, is amended by inserting after section 6391 the following new section:

10 USC 6392.

**“§ 6392. Retention in active status of certain officers**

“(a) Notwithstanding any other section of this chapter except subsections (b), (d), and (e) of section 6383, the Secretary of the Navy may, with the officer’s consent, retain in an active status any reserve officer of the Navy who is designated as a medical officer, dental officer, veterinary officer, optometrist, podiatrist, chaplain, nurse, or biomedical sciences officer.

“(b) An officer may be retained in an active status under this section only to fill a mission-based requirement.

“(c) An officer may not be retained in an active status under this section later than the date on which the officer becomes 67 years of age (or, in the case of an officer in the Chaplain Corps, 60 years of age).”.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 6391 the following new item:

“6392. Retention in active status of certain officers.”.

(c) **AIR FORCE PERSONNEL.**—Section 8855 of title 10, United States Code, is amended—

(1) by inserting “(a)” before “Notwithstanding”;

(2) by striking out “, but not later than the date on which he becomes 60 years of age”;

(3) by designating the second sentence as subsection (b); and

(4) by adding at the end the following:

“(c) An officer may not be retained in an active status under this section later than the date on which the officer becomes 67 years of age (or, in the case of an officer who is designated as a chaplain, 60 years of age).”.

(d) **CLERICAL AMENDMENTS.**—(1)(A) The heading of section 3855 of such title is amended to read as follows:

**“§ 3855. Retention in active status of certain officers”.**

(B) The item relating to that section in the table of sections at the beginning of chapter 363 of such title is amended to read as follows:

“3855. Retention in active status of certain officers.”.

(2)(A) The heading of section 8855 of such title is amended to read as follows:

**“§ 8855. Retention in active status of certain officers”.**

(B) The item relating to that section in the table of sections at the beginning of chapter 863 of such title is amended to read as follows:

“8855. Retention in active status of certain officers.”.

**SEC. 718. AGE FOR INITIAL APPOINTMENT OF RESERVE OFFICERS IN CRITICAL MEDICAL SPECIALTIES**

(a) **MAXIMUM AGE TO BE NOT LESS THAN 47.**—Section 591 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(e) In prescribing age qualifications under subsection (b) for the appointment of persons as Reserves of the armed forces under his jurisdiction, the Secretary concerned may not prescribe a maximum age qualification of less than 47 years of age for the initial appointment of a person as a Reserve to serve in a health profession specialty which has been designated by the Secretary concerned as a specialty critically needed in wartime.”.

(b) **DEADLINE FOR REGULATIONS.**—The Secretary concerned shall prescribe regulations implementing subsection (e) of section 591 of title 10, United States Code, as added by subsection (a), not later than 90 days after the date of the enactment of this Act.

10 USC 591 note.

**SEC. 719. AUTHORITY TO DEFER MANDATORY RETIREMENT FOR AGE OF MEDICAL OFFICERS**

Section 1251 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(c)(1) The Secretary concerned may defer the retirement under subsection (a) of a health professions officer if during the period of the deferment the officer will be performing duties consisting primarily of providing patient care or performing other clinical duties.

“(2) A deferment under this subsection may not extend beyond the first day of the month following the month in which the officer becomes 67 years of age.

“(3) For purposes of this subsection, a health professions officer is—

“(A) a medical officer;

“(B) a dental officer; or

“(C) an officer in the Army Nurse Corps, an officer in the Navy Nurse Corps, or an officer in the Air Force designated as a nurse.”.

**PART B—PEACETIME HEALTH CARE****SEC. 721. CATASTROPHIC LOSS PROTECTION UNDER CHAMPUS**

(a) **ACTIVE DUTY DEPENDENTS.**—Section 1079(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(5) An individual or family group of two or more persons covered by this section may not be required by reason of this subsection to pay a total of more than \$1,000 for health care received during any fiscal year under a plan under subsection (a).”.

(b) **RETIREEES AND DEPENDENTS.**—Section 1086(b) of such title is amended by adding at the end the following new paragraph:

“(4) A member or former member of a uniformed service covered by this section by reason of section 1074(b) of this title, or an individual or family group of two or more persons covered by this section, may not be required to pay a total of more than \$10,000 for health care received during any fiscal year under a plan contracted for under section 1079(a) of this title.”.

(c) **EFFECTIVE DATE.**—Paragraph (5) of section 1079(b) of title 10, United States Code, as added by subsection (a), and paragraph (4) of

10 USC 1079 note.



section 1086(b) of such title, as added by subsection (b), shall apply with respect to fiscal years beginning after September 30, 1987.

10 USC 1074  
note.

**SEC. 722. TWO-YEAR PROHIBITION ON FEE FOR OUTPATIENT CARE AT MILITARY MEDICAL TREATMENT FACILITIES**

During fiscal years 1988 and 1989, the Secretary of Defense may not impose a fee for the receipt of outpatient medical or dental care at a military medical treatment facility.

**SEC. 723. ALLOCATION TO HEALTH PROFESSIONS OF SPECIFIED PORTION OF NAVY OFFICER ACCESSIONS AND GROWTH IN END STRENGTHS**

The Secretary of the Navy shall ensure that—

(1) not less than 25 percent of the number of original appointments made in officer grades in the Navy during each of fiscal years 1989 and 1990 shall be made in health profession specialties (or with a view to assignment of the officer to a health profession specialty); and

(2) not less than 15 percent of any increase in authorized end strength for the Navy for each of fiscal years 1989 and 1990 over the end strength of the Navy authorized for fiscal year 1988 shall be dedicated to personnel to be assigned to duty in the health professions.

**SEC. 724. REVISED DEADLINES FOR THE USE OF DIAGNOSIS-RELATED GROUPS**

Section 701(d)(4) of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661; 10 U.S.C. 1101 note) is amended—

(1) in subparagraph (A), by striking out “after September 30, 1987” and inserting in lieu thereof “not later than October 1, 1988”; and

(2) in subparagraph (B), by striking out “after September 30, 1988” and inserting in lieu thereof “not later than October 1, 1989”.

**SEC. 725. FEDERAL PREEMPTION REGARDING CONTRACTS FOR MEDICAL AND DENTAL CARE**

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

10 USC 1103.

**“§ 1103. Contracts for medical and dental care: State and local preemption**

“(a) The provisions of any contract under this chapter which relate to the nature and extent of coverage of benefits (including payments with respect to benefits) shall preempt any law of a State or local government, or any regulation issued under such a law, which relates to health insurance or plans to the extent that such law or regulation is inconsistent with such contractual provisions.

“(b) In this section, the term ‘State’ includes the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and each territory and possession of the United States.”

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

“1103. Contracts for medical and dental care: State and local preemption.”

(b) **APPLICABILITY.**—Section 1103 of such title, as added by subsection (a), shall apply with respect to any contract entered into after October 1, 1987.

10 USC 1103  
note.

**SEC. 726. CHAMPUS COVERAGE FOR SUDDEN INFANT DEATH SYNDROME MONITORING EQUIPMENT**

(a) **CHAMPUS COVERAGE ALLOWED.**—Section 1079(a) of title 10, United States Code, is amended—

(1) by striking out “and” at the end of paragraph (13);

(2) by striking out the period at the end of paragraph (14) and inserting in lieu thereof “; and”; and

(3) by adding at the end the following:

“(15) electronic cardio-respiratory home monitoring equipment (apnea monitors) for home use may be provided if a physician prescribes and supervises the use of the monitor for an infant—

“(A) who has had an apparent life-threatening event,

“(B) who is a subsequent sibling of a victim of sudden infant death syndrome,

“(C) whose birth weight was 1,500 grams or less, or

“(D) who is a pre-term infant with pathologic apnea, in which case the coverage may include the cost of the equipment, hard copy analysis of physiological alarms, professional visits, diagnostic testing, family training on how to respond to apparent life threatening events, and assistance necessary for proper use of the equipment.”.

(b) **EFFECTIVE DATE.**—Paragraph (15) of section 1079(a) of such title, as added by subsection (a), shall apply with respect to costs incurred for home monitoring equipment after the date of the enactment of this Act.

10 USC 1079  
note.

**PART C—HEALTH CARE MANAGEMENT**

**SEC. 731. DEMONSTRATION PROJECT ON MANAGEMENT OF HEALTH CARE IN CATCHMENT AREAS AND OTHER DEMONSTRATION PROJECTS**

10 USC 1092  
note.

(a) **DEMONSTRATION PROJECTS.**—The Secretary of Defense shall conduct projects designed to demonstrate the alternative health care delivery system described in subsection (b). Each military department shall carry out at least one such project. The projects—

(1) shall begin during fiscal year 1988, if feasible, and continue for not less than two years;

(2) shall each include all covered beneficiaries within one catchment area of a medical facility of the uniformed services; and

(3) shall be designed, with respect to the number and location of demonstration sites and otherwise, to ensure that the results of such projects will likely be representative of the results of a nationwide implementation.

(b) **ALTERNATIVE HEALTH CARE DELIVERY SYSTEM.**—The alternative health care delivery system referred to in subsection (a) that the projects shall demonstrate is a system under which the commander of a medical facility of the uniformed services is responsible for all funding and all medical care of the covered beneficiaries in the catchment area of the facility. The commander may use any type of health care delivery system, for any scope of coverage, he considers appropriate.

(c) **ADDITIONAL DEMONSTRATION PROJECTS REQUIRED.**—(1) The Secretary of Defense also shall conduct the projects described in paragraph (2) for the purpose of demonstrating alternatives to providing health care under the military health care system. The demonstration projects shall be carried out in accordance with this subsection.

(2) The demonstration projects are as follows:

(A) The Tidewater mental health demonstration project (Solicitation No. MDA906-86-C-0001).

(B) The Fort Drum demonstration project.

(C) The civilian-run primary care clinics known as PRIMUS and NAVCARE.

(D) The New Orleans demonstration project, if a contract is awarded as a result of the solicitation issued in fiscal year 1987 (Solicitation No. MDA903-87-R-0047).

(E) A fiscal intermediary demonstration project, to be implemented by amending one or more existing Department of Defense contracts with fiscal intermediaries in a State or region to require the intermediary to demonstrate a managed health care network with cost-containment initiatives, such as utilization review, pre-admission screening, second surgical opinions, contracting for care on a discounted basis, and other methods.

(F) Catchment area management demonstration projects described in subsection (a).

(G) A demonstration project for non-active duty beneficiaries in the catchment area of the Philadelphia Naval Hospital that demonstrates a managed health care network.

(3) Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report that provides an outline and discussion of the manner in which the Secretary intends to structure and conduct each demonstration project required under this subsection.

(4) The Secretary of Defense shall develop a methodology to be used in evaluating the results of the demonstration projects required under this subsection. The Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on such methodology no later than 30 days after the development of the methodology is completed.

(5) Each project required under this subsection shall begin during fiscal year 1988 (or shall continue in the case of a project begun before fiscal year 1988).

(6) The Secretary of Defense shall evaluate the demonstration projects required under this subsection, using the methodology developed under paragraph (4), as alternatives to methods of providing health care under the military health care system.

(d) **AUTHORITY.**—For purposes of carrying out this section, the Secretary of Defense may delegate the authority given in sections 1079, 1086, 1092, 1097, 1098, and 1099 of title 10, United States Code.

(e) **REPORTS.**—(1) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives—

(A) an interim report on each demonstration project described in this section after such project has been in effect for at least 12 months; and

(B) a final report on each such project when each project is completed.

(2) Each report shall include—

Contracts.  
State and local  
governments.

Reports.

Reports.

(1) a description of any results of the demonstration project;  
 (2) a comparison of the costs of providing health care under the system used in the demonstration project with the costs of providing health care under CHAMPUS and under other alternative health care delivery systems; and

(3) an analysis and evaluation of the benefits of incorporating the health care management techniques demonstrated by the project into the military health care system as it exists at the time of the report or into such health care system in conjunction with any other health care delivery systems which have been or are being studied under another demonstration project.

(f) DEFINITIONS.—In this section:

(1) The term "catchment area" means the area within approximately 40 miles of a medical facility of the uniformed services.

(2) The term "CHAMPUS" has the meaning given such term by section 1072(4) of title 10, United States Code.

(3) The term "covered beneficiary" means a beneficiary under chapter 55 of title 10, United States Code.

SEC. 732. ADDITIONAL REQUIREMENTS FOR CHAMPUS REFORM INITIATIVE

(a) EVALUATION METHODOLOGY REQUIRED FOR DEMONSTRATION PHASE OF CHAMPUS REFORM INITIATIVE.—(1) Section 702(a) of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661; 100 Stat. 3899) is amended by adding at the end the following new paragraph:

"(4) The Secretary of Defense shall develop a methodology to be used in evaluating the results of the demonstration project required by paragraph (1) and shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on such methodology."

(2) Clause (i) of section 702(c)(1)(C) of such Act is amended by inserting before the semicolon the following: ", evaluated in accordance with the methodology developed under subsection (a)(4)".

(b) ONE CONTRACT PER CONTRACTOR ALLOWED UNDER SOLICITATION FOR DEMONSTRATION PHASE OF CHAMPUS REFORM INITIATIVE.—No contractor may be awarded more than one contract for subregions I, II, and III under Solicitation No. MDA903-87-R-0047 (issued for the CHAMPUS reform initiative demonstration project required by section 702(a) of the National Defense Authorization Act for Fiscal Year 1987).

(c) LIMITATIONS ON ISSUANCE OF REQUESTS FOR PROPOSALS.—Section 702(c) of the National Defense Authorization Act for Fiscal Year 1987 is amended by adding at the end the following new paragraph:

"(2) The Secretary may not issue a request for proposals with respect to the second (or any subsequent) phase of the CHAMPUS reform initiative until—

"(A) all principal features of the demonstration project, including networks of providers of health care, have been in operation for not less than one year; and

"(B) the expiration of 60 days after the date on which the report described in paragraph (1)(C) has been received by the committees referred to in such paragraph."

(d) REPORT ON RISK ASSUMPTION.—No later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall

10 USC 1073  
 note.  
 Reports.

submit to the Committees on Armed Services of the Senate and House of Representatives a report on—

(1) the level of risk, as of the date of the report, to be assumed by contractors under the request for proposals for the CHAMPUS reform initiative demonstration project required by section 702(a) of the National Defense Authorization Act for Fiscal Year 1987; and

(2) whether any alteration in that level of risk has been made from the time that the original request for proposals was issued.

Contracts.  
10 USC 1073  
note.

(e) **REQUIREMENT FOR AVAILABILITY OF ADDITIONAL INSURANCE COVERAGE.**—(1) The Secretary of Defense shall make every effort to enter into an agreement, similar to the one being negotiated with a private insurer on the date of the enactment of this Act, that would provide an insurance plan that meets the requirements described in paragraph (3).

(2) If an agreement referred to in paragraph (1) is not entered into before a request for proposals with respect to the second phase of the CHAMPUS reform initiative is issued, the Secretary shall provide for an insurance plan which meets the requirements described in paragraph (3) through either of the following means:

(A) By including, in any request for proposals with respect to the second (and any subsequent) phase of the CHAMPUS reform initiative, a requirement for the contractor to offer an option to elect an insurance plan which meets the requirements described in paragraph (3).

(B) By including, in any request for proposals for a contract to process claims for CHAMPUS, a requirement for the contractor (known as a fiscal intermediary) to offer an option to elect an insurance plan which meets the requirements described in paragraph (3).

(3) The insurance plan requirements referred to in paragraphs (1) and (2) are the following:

(A) At the election of the individual, the plan shall be available to an individual losing eligibility (by reason of discharge, release from active duty, a change in family status (including divorce or annulment, or, in the case of a child, reaching age 22), or other similar reason) to be a covered beneficiary under chapter 55 of title 10, United States Code.

(B) The plan shall provide for coverage of benefits similar to the coverage of benefits available to the individual under CHAMPUS, regardless of any pre-existing condition.

(C) The plan shall provide that enrollees in the plan shall pay the full periodic charges for the benefit coverage.

Contracts.  
10 USC 1073  
note.

(f) **FUNDING LIMITATIONS.**—(1) None of the funds appropriated or otherwise made available to the Department of Defense may be obligated or expended for the purpose of entering into a contract for the demonstration phase of the CHAMPUS reform initiative required by section 702(a)(1) of the National Defense Authorization Act for Fiscal Year 1987 until the requirements of section 702(a)(4) of such Act (as added by subsection (a)) are met.

(2) None of the funds appropriated or otherwise made available to the Department of Defense may be obligated or expended for the purpose of requesting a proposal for the second (or any subsequent) phase of the CHAMPUS reform initiative as described in section 702(c) of the National Defense Authorization Act for Fiscal Year 1987 until the requirements of paragraph (2) of section 702(c) of such Act (as added by subsection (c)) are met.



(g) **CHAMPUS DEFINED.**—In this section, the term “CHAMPUS” has the meaning given such term by section 1072(4) of title 10, United States Code. 10 USC 1073 note.

### SEC. 733. MEDICAL INFORMATION SYSTEMS ACQUISITION AMENDMENTS

(a) **TEST AND EVALUATION PHASE LIMITATIONS.**—Subsection (a) of section 704 of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661; 100 Stat. 3900) is amended to read as follows:

“(a) **LIMITATION ON TEST AND EVALUATION PHASE OF COMPOSITE HEALTH CARE SYSTEM.**—With respect to the acquisition of a Department of Defense medical information system for use in all military medical treatment facilities, the Secretary may not award any contract for the operational test and evaluation phase for the Composite Health Care System referred to in subsection (b) until—

Contracts.  
Reports.

“(1) the testing required by paragraphs (1) and (2) of that subsection is completed;

“(2) the Armed Services Committees receive—

“(A) the report submitted by the Secretary under subsection (b)(3); and

“(B) the report submitted by the Comptroller General under subsection (b)(4).”

(b) **REPORTS ON TESTING.**—Subsection (b) of such section is amended by striking out paragraph (3) and inserting in lieu thereof the following new paragraphs:

“(3) Not later than the end of the 30-day period beginning on the date that the testing required by paragraphs (1) and (2) is completed, the Secretary shall—

“(A) evaluate the competing medical information systems, based on the results of the testing; and

“(B) submit to the Armed Services Committees a report on such evaluation.

“(4) Not later than the end of the 30-day period beginning on the date that the Armed Services Committees receive the report submitted by the Secretary under paragraph (3), the Comptroller General shall submit to the Armed Services Committees a report describing—

“(A) the results of the testing required by paragraphs (1) and (2); and

“(B) the competitive acquisition process that the Secretary is following in selecting vendors for the operational test and evaluation phase of the Composite Health Care System.”

(c) **VA COMPUTER PROGRAM AMENDMENTS.**—(1) Subsection (c) of such section is amended by striking out “not later than October 1, 1987” and inserting in lieu thereof “on the same date as the date on which the operational test and evaluation phase of the Composite Health Care System described in subsection (d) is completed”.

(2) Section 1203 of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 718), is amended—

(A) in subsection (c), by striking out “that are available” and all that follows through “expected to be completed” and inserting in lieu thereof “that are available and delivered in a form suitable for testing on the date on which the Secretary approves and accepts the software for the operational test and evaluation phase of the Composite Health Care System”; and

(B) in subsection (e), by striking out “, and by the Secretary of each military department,”.

(d) CONDUCT OF TEST AND EVALUATION PHASE.—Section 704 of the National Defense Authorization Act for Fiscal Year 1987 is further amended—

(1) by redesignating subsection (e) as subsection (h); and

(2) by striking out subsection (d) and inserting in lieu thereof the following new subsections:

“(d) CONDUCT OF TEST AND EVALUATION PHASE OF COMPOSITE HEALTH CARE SYSTEM.—(1) The Secretary shall conduct the operational test and evaluation phase of the Composite Health Care System at no fewer than six sites.

“(2) Of the amounts authorized to be appropriated to the Department of Defense for fiscal years 1988 and 1989 by the National Defense Authorization Act for Fiscal Years 1988 and 1989, the amounts authorized to be appropriated to carry out such operational test and evaluation phase are \$92,000,000 for fiscal year 1988 and \$88,500,000 for fiscal year 1989.

“(e) REPORT BY SECRETARY.—After the operational test and evaluation phase referred to in subsection (d) is completed, the Secretary shall submit to the Armed Services Committees a report which—

“(1) analyzes the results of the operational test and evaluation phase;

“(2) analyzes the results of the Veterans' Administration demonstration project referred to in subsection (c);

“(3) analyzes the costs and benefits of the Composite Health Care System for Levels I, II, and IID in combination and for Level III on a module by module basis, based on operational experience at the sites at which the operational test and evaluation phase is carried out; and

“(4) contains a plan for full production of a medical information system for use in all military medical treatment facilities, based on an analysis of costs and benefits within any cost limitations that may be applicable to the program at the time the report is submitted.

“(f) REPORT BY COMPTROLLER GENERAL.—The Comptroller General shall monitor the conduct of the operational test and evaluation phase referred to in subsection (d) and related Composite Health Care System acquisition activities. Not later than the end of the 30-day period beginning on the date that the Armed Services Committees receive the report submitted by the Secretary under subsection (e), the Comptroller General shall submit to the Armed Services Committees a report evaluating—

“(1) the results of the operational test and evaluation phase; and

“(2) the competitive acquisition process the Secretary is following in awarding a contract for full production of a medical information system for use in all military medical treatment facilities.

“(g) LIMITATION ON AWARDED CONTRACT FOR FULL PRODUCTION OF MEDICAL INFORMATION SYSTEM.—The Secretary may not award a contract for full production of a medical information system for use in all military medical treatment facilities until—

“(1) the Armed Services Committees receive the report submitted by the Secretary under subsection (e); and

“(2) 30 days elapse after the Armed Services Committees receive the report submitted by the Comptroller General under subsection (f).”

Contracts.

(e) **DEFINITIONS.**—Subsection (h) of such section, as redesignated by subsection (d)(1), is amended by adding at the end the following:

“(5) The term ‘Armed Services Committees’ means the Committees on Armed Services of the Senate and the House of Representatives.”.

#### SEC. 734. GAO REPORT ON PAYMENT OF CERTAIN MEDICAL EXPENSES

(a) **REVIEW.**—The Comptroller General shall review and evaluate the practices under various insurance plans with respect to payments to hospitals for charges for medical services in cases in which the hospital does not impose a legal obligation on patients to pay for such services. In the review, the Comptroller General shall—

(1) review the practices with respect to such payments of private sector insurance plans, including self-insured plans, as well as federally sponsored or funded programs, including Medicare, Medicaid, and the Federal Employees’ Health Benefit Plan; and

(2) provide an assessment and comparison of the practices with respect to such payments under regulations of the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS), together with such recommendations for changing such practices as the Comptroller General considers appropriate and an estimate of the costs involved in carrying out such recommendations.

(b) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing the results of the review and evaluation required under subsection (a).

### TITLE VIII—ACQUISITION POLICY

#### PART A—ACQUISITION PROCESS

#### SEC. 801. FUNCTIONS OF DIRECTOR OF OPERATIONAL TEST AND EVALUATION

Section 138(d) of title 10, United States Code, is amended—

(1) by inserting “(1)” after “(d)”;

(2) by adding at the end the following:

“(2) The Director may not be assigned any responsibility for developmental test and evaluation, other than the provision of advice to officials responsible for such testing.”

#### SEC. 802. SURVIVABILITY AND LETHALITY TESTING OF MAJOR SYSTEMS

(a) **INCLUSION OF SIGNIFICANT PRODUCT IMPROVEMENT PROGRAMS.**—(1) Subsection (a) of section 2366 of title 10, United States Code, is amended—

(A) by inserting “(1)” after “REQUIREMENTS.—”;

(B) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), respectively; and

(C) by adding at the end the following:

“(2) The Secretary of Defense shall provide that a covered product improvement program may not proceed beyond low-rate initial production until—

“(A) in the case of a product improvement to a covered system, realistic survivability testing is completed in accordance with this section; and

"(B) in the case of a product improvement to a major munitions program or a missile program, realistic lethality testing is completed in accordance with this section.

(2) Subsection (b)(1) of such section is amended—

(1) by inserting "(including a covered product improvement program)" after "system or program"; and

(2) by inserting "(or in the product modification or upgrade to the system, munition, or missile)" after "or missile".

(3) Subsection (c) of such section is amended by striking out "or missile program" and inserting in lieu thereof "missile program, or covered product improvement program".

(4) Subsection (e) of such section is amended—

(A) by inserting "(or a covered product improvement program for a covered system)" in paragraph (4) after "in the case of a covered system";

(B) by inserting "(or a covered product improvement program for such a program)" in paragraph (5) after "missile program"; and

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

"(8) The term 'covered product improvement program' means a program under which—

"(A) a modification or upgrade will be made to a covered system which (as determined by the Secretary of Defense) is likely to affect significantly the survivability of such system; or

"(B) a modification or upgrade will be made to a major munitions program or a missile program which (as determined by the Secretary of Defense) is likely to affect significantly the lethality of the munition or missile produced under the program."

(h) **USE OF CONTRACTOR PERSONNEL IN OPERATIONAL TEST AND EVALUATION.**—Subsection (b)(2) of such section is amended by adding at the end the following new sentence: "The limitation in the preceding sentence does not apply to the extent that the Secretary of Defense plans for persons employed by that contractor to be involved in the operation, maintenance, and support of the system being tested when the system is deployed in combat."

(c) **EXPLANATION FOR WAIVERS BY SECRETARY OF DEFENSE.**—Subsection (c) of such section is amended by adding at the end the following new sentence: "The Secretary shall include with any such certification a report explaining how the Secretary plans to evaluate the survivability or the lethality of the system or program and assessing possible alternatives to realistic survivability testing of the system or program."

(d) **REPORTING TO CONGRESS.**—Such section is further amended—

(1) by inserting "(1)" in subsection (c) before "The Secretary";

(2) by striking out "(d)" and all that follows through "In time of war" and inserting in lieu thereof "(2) In time of war"; and

(3) by inserting before subsection (e) the following new subsection (d):

"(d) **REPORTING TO CONGRESS.**—At the conclusion of survivability or lethality testing under subsection (a), the Secretary of Defense shall submit a report on the testing to the defense committees of Congress (as defined in section 2362(e)(3) of this title)."

(e) **DEFINITION OF REALISTIC SURVIVABILITY TESTING.**—Subsection (e)(4) of such section is amended—

(1) by striking out "and survivability"; and

Reports.

(2) by striking out "operational requirements" and inserting in lieu thereof "susceptibility to attack".

**SEC. 803. OVERSIGHT OF COST OR SCHEDULE VARIANCES IN CERTAIN MAJOR ACQUISITION PROGRAMS**

(a) **ENHANCED PROGRAM STABILITY.**—Section 2435(b)(2) of title 10, United States Code, is amended by striking out "under paragraph (1)" and inserting in lieu thereof the following: "under paragraph (1), and for which the total cost of completion of the stage will exceed by 15 percent or more, in the case of a development stage, or by 5 percent or more, in the case of a production stage, the amount specified in the baseline description established under subsection (a) for such stage; or any milestone specified in such baseline description will be missed by more than 90 days".

(b) **MILESTONE AUTHORIZATION.**—Section 2437 of such title is amended by redesignating paragraph (1) as paragraph (1)(A) and by adding at the end of such paragraph the following new subparagraph:

"(B) Notwithstanding the Secretary's failure to designate a program to be considered for milestone authorization under subparagraph (A), the Committees on Armed Services of the Senate and the House of Representatives may consider such program to have been designated as a defense enterprise program under this section. If the Secretary of Defense is not otherwise required to submit a baseline description for the program, the Secretary shall submit such a baseline description upon the written request of either such Committee."

(c) **DEFENSE ENTERPRISE PROGRAM.**—Section 2436(d)(1) of such title is amended by inserting after "concerned" the following: "with the approval of the Under Secretary of Defense for Acquisition".

**SEC. 804. TRUTH-IN-NEGOTIATIONS ACT AMENDMENTS**

Contracts.

(a) **DEFINITION OF COST OR PRICING DATA.**—Subsection (g) of section 2306a of title 10, United States Code, is amended to read as follows:

"(g) **COST OR PRICING DATA DEFINED.**—In this section, the term 'cost or pricing data' means all facts that, as of the date of agreement on the price of a contract (or the price of a contract modification), a prudent buyer or seller would reasonably expect to affect price negotiations significantly. Such term does not include information that is judgmental, but does include the factual information from which a judgment was derived."

(b) **TECHNICAL AMENDMENTS.**—(1) Subsection (a)(5) of such section is amended—

(A) by striking out the first sentence; and

(B) by striking out "such a waiver" and inserting in lieu thereof "a waiver under subsection (b)(2)".

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

"(2) Any liability under this subsection of a contractor that submits cost or pricing data but refuses to submit the certification required by subsection (a)(2) with respect to the cost or pricing data shall not be affected by the refusal to submit such certification."

(c) **EFFECTIVE DATES.**—(1) Subsection (a) shall apply to any contract, or modification of a contract, entered into after the end of the 30-day period beginning on the date of the enactment of this Act.

10 USC 2306a  
note.



(2) The amendments made by subsection (b) shall apply with respect to contracts, or modifications of contracts, entered into after the end of the 120-day period beginning on October 18, 1986.

Contracts.

**SEC. 805. ALLOWABLE COSTS NOT TO INCLUDE GOLDEN PARACHUTE PAYMENTS**

(a) **IN GENERAL.**—Section 2324(e)(1) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

“(K) Costs incurred in making any payment (commonly known as a ‘golden parachute payment’) which is—

“(i) in an amount in excess of the normal severance pay paid by the contractor to an employee upon termination of employment; and

“(ii) is paid to the employee contingent upon, and following, a change in management control over, or ownership of, the contractor or a substantial portion of the contractor’s assets.”.

10 USC 2324  
note.

(b) **EFFECTIVE DATE.**—Subparagraph (K) of section 2324(e)(1) of title 10, United States Code, as added by subsection (a), shall apply to any contract entered into after the end of the 120-day period beginning on the date of the enactment of this Act.

10 USC 2301  
note.

**SEC. 806. REQUIREMENT FOR SUBSTANTIAL PROGRESS ON MINORITY AND SMALL BUSINESS CONTRACT AWARDS**

(a) **REQUIREMENT FOR SUBSTANTIAL PROGRESS.**—The Secretary of Defense shall ensure that substantial progress is made in increasing awards of Department of Defense contracts to section 1207(a) entities.

(b) **REGULATIONS.**—The Secretary shall carry out the requirement of subsection (a) through the issuance of regulations which provide for the following:

(1) Guidance to contracting officers for making advance payments to section 1207(a) entities under section 2307 of title 10, United States Code.

(2) Procedures or guidelines for contracting officers to—

(A) set goals which Department of Defense prime contractors that are required to submit subcontracting plans under section 8(d)(4)(B) of the Small Business Act (15 U.S.C. 637(d)(4)(B)) in furtherance of the Department’s program to meet the 5 percent goal established under section 1207 of the National Defense Authorization Act for Fiscal Year 1987 should meet in awarding subcontracts, including subcontracts to minority-owned media, to section 1207(a) entities; and

(B) provide incentives for such prime contractors to increase subcontractor awards to section 1207(a) entities.

(3) A requirement that contracting officers emphasize the award of contracts to section 1207(a) entities in all industry categories, including those categories in which section 1207(a) entities have not traditionally dominated.

(4) Guidance to Department of Defense personnel on the relationship among the following programs:

(A) The program implementing section 1207 of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661; 100 Stat. 3973).

(B) The program established under section 8(a) of the Small Business Act (15 U.S.C. 637(a)).

(C) The small business set-aside program established under section 15(a) of the Small Business Act (15 U.S.C. 644(a)).

(5) A requirement that a business which represents itself as a section 1207(a) entity and is seeking a Department of Defense contract maintain its status as such an entity at the time of contract award.

(6) With respect to a Department of Defense procurement which is reasonably likely to be set aside for section 1207(a) entities, a requirement that (to the maximum extent practicable) the procurement be designated as such a set-aside before the solicitation for the procurement is issued.

(7) Policies and procedures which, to the maximum extent practicable, will ensure that current levels in the number or dollar value of contracts awarded under the program established under section 8(a) of the Small Business Act and under the small business set-aside program established under section 15(a) of the Small Business Act are maintained and that every effort is made to provide new opportunities for contract awards to eligible entities, in order to meet the goal of section 1207 of the National Defense Authorization Act for Fiscal Year 1987.

(8) Implementation of section 1207 of the National Defense Authorization Act for Fiscal Year 1987 in a manner which will not alter the procurement process under the program established under section 8(a) of the Small Business Act.

(9) A requirement that one factor used in evaluating the performance of contracting officers be the ability of the officer to increase contract awards to section 1207(a) entities.

(10) Partial set-asides for section 1207(a) entities.

(11) Increased technical assistance to section 1207(a) entities.

(12) A prohibition of the award of a contract under section 1207 of the National Defense Authorization Act for Fiscal Year 1987 to a section 1207(a) entity unless the entity agrees to comply with the requirements of section 15(o)(1) of the Small Business Act.

(c) **DEFINITION OF SECTION 1207(a) ENTITIES.**—For purposes of this section, the term “section 1207(a) entities” means the small business concerns, historically Black colleges and universities, and minority institutions described in section 1207(a) of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661; 100 Stat. 3973), as amended by subsection (d).

(d) **CLARIFICATION OF COVERAGE OF SECTION 1207 (a) ENTITIES.**—Section 1207(a) of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661; 100 Stat. 3973) is amended—

(1) by striking out “or” at the end of paragraph (2) and inserting in lieu thereof “and”;

(2) by striking out “(as defined by the Secretary of Education pursuant to the General Education Provisions Act (20 U.S.C. 1221 et seq.))” in paragraph (3) and inserting in lieu thereof “(as defined in paragraphs (3), (4), and (5) of section 312(b) of the Higher Education Act of 1965 (20 U.S.C. 1058))”; and

(3) by striking out the period at the end of paragraph (3) and inserting in lieu thereof “, including any nonprofit research institution that was an integral part of a historically Black college or university before November 14, 1986.”.

10 USC 2301  
note.

**SEC. 807. AMENDMENTS TO PROCUREMENT TECHNICAL ASSISTANCE COOPERATIVE AGREEMENT PROGRAM**

(a) **FUNDING.**—(1) Of the amounts appropriated for operation and maintenance for the Defense Agencies, \$7,000,000 is available for each of fiscal years 1988 and 1989 only for the purpose of carrying out cooperative agreements entered into by the Secretary of Defense under chapter 142 of title 10, United States Code, to furnish procurement technical assistance to business entities.

(2) Of the amount provided under paragraph (1) for fiscal year 1988, \$500,000 shall be available only for the purpose of carrying out programs sponsored by eligible entities defined in subparagraph (D) of section 2411(1) of title 10, United States Code (as amended by subsection (b)), that provide procurement technical assistance in distressed areas as defined in subparagraph (B) of section 2411(2) of such title (as amended by subsection (b)). If there is an insufficient number of satisfactory proposals for cooperative agreements in such distressed areas to allow effective use of the funds authorized under this paragraph in such areas, the funds shall be allocated among the Defense Contract Administration Services regions in accordance with section 2415(c) of such title.

(b) **AMENDMENTS TO DEFINITIONS OF ELIGIBLE ENTITY AND DISTRESSED AREA.**—(1) Paragraph (1) of section 2411 of title 10, United States Code, is amended by adding at the end the following new subparagraph:

“(D) A tribal organization, as defined in section 4(c) of the Indian Self-Determination and Education Assistance Act (Public Law 93-638; 25 U.S.C. 450(c)), or an economic enterprise, as defined in section 3(e) of the Indian Financing Act of 1974 (Public Law 93-262; 25 U.S.C. 1452(e)).”

(2) Paragraph (2) of such section is amended—

(A) by striking out “means” and inserting in lieu thereof “means—”,

(B) by designating the text beginning with “the area of a unit” as subparagraph (A) and indenting such text two additional ems;

(C) by redesignating subparagraphs (A) and (B) in such text as clauses (i) and (ii) and indenting such clauses (as redesignated) two additional ems;

(D) by striking out the period at the end of such subparagraph (A) (as redesignated) and inserting in lieu thereof “; or”; and

(E) by adding at the end the following new subparagraph:

“(B) a reservation, as defined in section 3(d) of the Indian Financing Act of 1974 (Public Law 93-262; 25 U.S.C. 1452(d)).”

(c) **TECHNICAL REVISION OF FUND DISTRIBUTION METHOD.**—Section 2415 of title 10, United States Code, is amended—

(1) by striking out subsections (a) and (b); and

(2) by striking out “(c) For any amount” and all that follows through “\$3,000,000, the” and inserting in lieu thereof “The”.

Contracts.

**SEC. 808. RIGHTS IN TECHNICAL DATA**

(a) **IN GENERAL.**—(1) Section 2320(a) of title 10, United States Code, is amended by adding at the end of paragraph (1) the following: “Such regulations also may not impair the right of a contractor or subcontractor to receive from a third party a fee or royalty for the use of technical data pertaining to an item or process developed

exclusively at private expense by the contractor or subcontractor, except as otherwise specifically provided by law.”.

(2) Paragraph (2)(E) of such section is amended—

(A) by striking out “agreed upon” and inserting in lieu thereof “established”;

(B) by striking out the comma after “negotiations)” and inserting in lieu thereof the following: “and shall be based upon negotiations between the United States and the contractor, except in any case in which the Secretary of Defense determines, on the basis of criteria established in the regulations, that negotiations would not be practicable. The establishment of such rights shall be”; and

(C) by adding at the end the following new clause:

“(iv) Such other factors as the Secretary of Defense may prescribe.”

(3) Paragraph (2)(F) of such section is amended to read as follows:

“(F) A contractor or subcontractor (or a prospective contractor or subcontractor) may not be required, as a condition of being responsive to a solicitation or as a condition for the award of a contract—

“(i) to sell or otherwise relinquish to the United States any rights in technical data except—

“(I) rights in technical data described in subparagraph (C); or

“(II) under the conditions described in subparagraph (D); or

“(ii) to refrain from offering to use, or from using, an item or process to which the contractor is entitled to restrict rights in data under subparagraph (B).”.

(4) Paragraph (2)(G) of such section is amended—

(A) in clause (i)—

(i) by striking out “pertaining” and all that follows through “private expense” and inserting in lieu thereof “not otherwise provided under subparagraph (C) or (D).”; and

(ii) by striking out “or” at the end of such clause;

(B) in clause (ii)—

(i) by striking out “such regulations” and inserting in lieu thereof “this section”; and

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

(C) by adding at the end of such paragraph the following new clause:

“(iii) permit a contractor or subcontractor to license directly to a third party the use of technical data which the contractor is otherwise allowed to restrict, if necessary to develop alternative sources of supply and manufacture.”.

(5) Paragraph (3) of such section is amended—

(A) by striking out “and ‘private expense’” and inserting in lieu thereof “, ‘exclusively with Federal funds’, and ‘exclusively at private expense’”; and

(B) by adding at the end the following: “In defining such terms, the Secretary shall specify the manner in which indirect costs shall be treated and shall specify that amounts spent for independent research and development and bid and proposal costs shall not be considered to be Federal funds for the purposes of definitions under this paragraph.”.

(b) CONDUCT OF NEGOTIATIONS.—Section 2320(c) of such title is amended—

(1) by striking out “from” and inserting in lieu thereof “from—”;

(2) by designating the text beginning with “prescribing standards” as paragraph (1) and indenting such text two ems;

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

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

“(2) prescribing reasonable and flexible guidelines, including negotiation objectives, for the conduct of negotiations regarding the respective rights in technical data of the United States and the contractor.”.

10 USC 2320  
note.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the earlier of—

(1) the last day of the 120-day period beginning on the date of the enactment of this Act; or

(2) the date on which regulations are prescribed and made effective to implement such amendments.

#### SEC. 809. SMALL BUSINESS SET-ASIDE PROGRAM AMENDMENTS

(a) SMALL BUSINESS SMALL PURCHASE RESERVE EXCLUDED FROM ANNUAL GOALS.—(1) Section 15(g) of the Small Business Act (15 U.S.C. 644(g)) is amended by inserting “having a value of \$25,000 or more” after “procurement contracts of such agency” in the first sentence. Such amendment shall be in effect until September 30, 1988.

(2) Such section is amended, effective October 1, 1988, by striking out “having a value of \$25,000 or more” after “procurement contracts of such agency”.

(b) SUBCONTRACTING LIMITATIONS.—(1) Section 15(o) of the Small Business Act (15 U.S.C. 644(o)) is amended by striking out “this subsection” and inserting in lieu thereof “subsection (a)”.

(c) REPEAL.—Section 15(p) of the Small Business Act (15 U.S.C. 644(p)) is repealed.

15 USC 632 note.

Regulations.  
Federal  
Register,  
publication.

(d) INITIAL REVIEW OF SIZE STANDARDS.—Paragraph (3) of section 921(h) of the Defense Acquisition Improvement Act of 1986 (as contained in title IX of Public Law 99-661) is amended by striking out the second and third sentences and inserting in lieu thereof the following: “The Administrator shall publish proposed regulations, including any revised size standards, in the Federal Register by November 30, 1987, or the date of enactment of the National Defense Authorization Act for Fiscal Years 1988 and 1989, whichever is later. The proposed regulations shall provide not less than 60 days for public comment. The Administrator shall issue final regulations not later than May 31, 1988.”.

#### SEC. 810. CONTRACT TERMS AND CONDITIONS RELATING TO CONTRACTOR COSTS FOR PRODUCTION SPECIAL TOOLING AND PRODUCTION SPECIAL TEST EQUIPMENT

(a) IN GENERAL.—(1) Chapter 137 of title 10, United States Code, is amended by adding at the end the following new section:

10 USC 2329.

“§ 2329. Production special tooling and production special test equipment: contract terms and conditions

“(a) REGULATIONS.—The Secretary of Defense (acting through the Under Secretary of Defense for Acquisition) shall prescribe regula-



tions providing for payment to contractors for production special tooling and production special test equipment acquired or fabricated in the performance of contracts described in subsection (b). Such regulations shall establish a uniform policy for the Department of Defense.

“(b) **CONTRACTS TO WHICH REGULATIONS APPLY.**—(1) Except as provided in paragraph (2), regulations under this section shall apply in the case of any contract for production of an item that is awarded by the Secretary of a military department and under which the contractor, in order to perform the contract, is required to acquire or fabricate items of production special tooling or items of production special test equipment.

“(2) Such regulation shall not apply to a contract in which the cost to the contractor of the special production tooling and special production test equipment used in the performance of the contract is less than \$1,000,000.

“(c) **REQUIREMENTS.**—Regulations under subsection (a) shall include the following:

Regulations.

“(1) A requirement that the terms and conditions for the acquisition or fabrication of production special test equipment and production special tooling by a contractor under a contract described in subsection (b) (including specification of the maximum amount for which the contractor may be paid for such tooling and equipment)—

“(A) shall be specified in the contract, and

“(B) shall be determined by the Secretary concerned and the contractor through negotiations.

“(2) A requirement that if the Secretary concerned, at the time a contract described in subsection (b) is entered into, reasonably anticipates that the United States will later contract with the same contractor for the same or similar items for which the contractor would be able to use the special production tooling or special production test equipment that the contractor was required to acquire or fabricate for performance of the contract, and if that tooling and equipment will not be used by the contractor solely for final production acceptance testing under the contract, the contractor—

“(A) shall be paid for such tooling and equipment in accordance with the terms and conditions of the contract, but in a total amount not less than a percentage (determined under paragraph (3)) of the maximum amount for such payment agreed to under paragraph (1); and

“(B) shall be paid for the balance of such amount subject to the availability of appropriations and in accordance with an amortization schedule determined by the Secretary concerned and the contractor through negotiations.

“(3) The percentage to be used under paragraph (2)(A) shall be specified in the contract based upon negotiations between the Secretary concerned and the contractor and may not be less than 50 percent, except that a lower percentage may be specified in the case of any contract if the Secretary concerned, before the contract is entered into, approves the use of that lower percentage with respect to that contract. Any such approval by the Secretary concerned shall be made under criteria established by the Secretary of Defense, acting through the Under Secretary of Defense for Acquisition.

"(4) A requirement that a contract described in subsection (b) include provisions, determined on the basis of negotiations between the Secretary concerned and the contractor, which ensure that if the contract, or the program with respect to which such contract is awarded, is terminated before the maximum amount specified under paragraph (1) has been paid to the contractor, and the termination is not for a reason that reflects a failure of the contractor to perform the contract, the Secretary concerned, subject to the availability of appropriations, shall pay the contractor the balance of such maximum amount in accordance with the terms and conditions of the contract.

"(5) A requirement that, except as provided in paragraph (2), a contractor under a contract described in subsection (b) shall be paid for the special production tooling or special production test equipment that the contractor was required to acquire or fabricate for performance under the contract in the maximum amount provided in the contract and in accordance with the terms and conditions of the contract.

"(d) Costs incurred by a contractor under a contract described in subsection (b) for the acquisition and fabrication of production special tooling and production special test equipment for which reimbursement is made under this section shall be considered to be direct costs incurred by the contractor."

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

"2329. Production special tooling and production special test equipment: contract terms and conditions."

10 USC 2329  
note.

(b) **EFFECTIVE DATE.**—Section 2329 of title 10, United States Code, as added by subsection (a), shall apply with respect to contracts entered into pursuant to solicitations issued after the end of the 120-day period beginning on the date of the enactment of this Act.

## **PART B—OTHER ACQUISITION MATTERS**

### **SEC. 821. CONFLICT OF INTEREST IN DEFENSE PROCUREMENT**

Section 2397b(a)(1)(C) of title 10, United States Code, is amended by striking out "acted as a primary representative" and inserting in lieu thereof "acted as one of the primary representatives".

### **SEC. 822. RESTATEMENT AND MODIFICATION OF RESTRICTIONS ON RETIRED MILITARY OFFICERS REGARDING CERTAIN MATTERS AFFECTING THE GOVERNMENT**

(a) **REPEAL OF PRIOR LAW.**—Sections 281 and 283 of title 18, United States Code, to the extent that such sections were not repealed by section 2 of Public Law 87-849 (76 Stat. 1126; approved October 23, 1962), are repealed.

(b) **RESTATEMENT AND MODIFICATION OF LAW.**—(1) Chapter 15 of title 18, United States Code, is amended by inserting after the table of sections the following new section:

#### **"§ 281. Restrictions on retired military officers regarding certain matters affecting the Government**

"(a)(1) A retired officer of the Armed Forces who, while not on active duty and within two years after release from active duty, directly or indirectly receives (or agrees to receive) any compensation for representation of any person in the sale of anything to the

Law  
enforcement  
and crime.  
18 USC 281.

United States through the military department in which the officer is retired (in the case of an officer of the Army, Navy, Air Force, or Marine Corps) or through the Department of Transportation (in the case of an officer of the Coast Guard) shall be fined under this title or imprisoned not more than two years, or both.

"(2) Any person convicted under paragraph (1) shall be incapable of holding any office of honor, trust, or profit under the United States.

"(b) A retired officer of the Armed Forces who, while not on active duty and within two years after release from active duty, acts as agent or attorney for prosecuting or assisting in the prosecution of any claim against the United States—

"(1) involving the military department in which the officer is retired (in the case of an officer of the Army, Navy, Air Force, or Marine Corps) or the Department of Transportation (in the case of an officer of the Coast Guard); or

"(2) involving any subject matter with which the officer was directly connected while in an active-duty status; shall be fined under this title or imprisoned not more than one year, or both.

"(c) This section does not apply—

"(1) to any person because of the person's membership in the National Guard of the District of Columbia; or

District of  
Columbia.

"(2) to any person specifically excepted by law."

(2) The table of sections at the beginning of such chapter is amended by striking out the items relating to sections 281 through 284 and inserting in lieu thereof the following new item:

"281. Restrictions on retired military officers regarding certain matters affecting the Government."

#### SEC. 823. RESTRICTION ON PURCHASE OF FOREIGN-MADE ADMINISTRATIVE MOTOR VEHICLES

Contracts.

(a) **VEHICLES FOR USE INSIDE THE UNITED STATES.**—Neither the Secretary of Defense nor the Secretary of a military department may enter into a contract during the period beginning on the date of the enactment of this Act and ending on September 30, 1989, for the procurement of administrative motor vehicles that are manufactured in a country other than the United States or Canada and are for use inside the United States unless the type of motor vehicle proposed to be procured is not available in sufficient and reasonably available quantities and satisfactory quality from a manufacturer in the United States or Canada.

(b) **VEHICLES FOR USE OVERSEAS.**—(1) Neither the Secretary of Defense nor the Secretary of a military department may enter into a contract during the period beginning on the date of the enactment of this Act and ending on September 30, 1989, for the procurement of administrative motor vehicles that are manufactured in a country other than the United States or Canada and are for use outside the United States (other than motor vehicles intended for use in security, intelligence, and criminal investigative operations) unless firms which manufacture similar vehicles in the United States or Canada are afforded a fair opportunity to compete for the contract.

(2) In awarding any contract subject to paragraph (1), the Secretary of Defense or the Secretary of the military department concerned may take into consideration the cost and availability of maintenance and other logistic services and supplies required for the operation of such vehicles.

(c) **EXCEPTIONS.**—This section shall not apply to the procurement of administrative motor vehicles in the case of a contract—

- (1) for an amount less than \$50,000; or
- (2) that is specifically authorized by law.

(d) **APPLICABILITY.**—(1) Except as provided in paragraph (2)(B), subsection (b) shall not apply in the case of a contract authorized or required to be entered into as provided under the terms of a country-to-country agreement for the support of United States Armed Forces in Europe if the agreement is in existence on the date of the enactment of this Act.

(2)(A) After the date of the enactment of this Act, the Secretary of Defense may not enter into a country-to-country agreement for the support of United States Armed Forces in Europe that is inconsistent with the limitations on the procurement of administrative motor vehicles under this section applicable during the period beginning on the date of the enactment of this Act and ending on September 30, 1989.

(B) If an agreement described in paragraph (1) is renewed or extended after the date of the enactment of this Act, the Secretary shall ensure that such agreement, as renewed or extended, is not inconsistent with the limitations on the procurement of administrative motor vehicles under this section applicable during the period beginning on the date of the enactment of this Act and ending on September 30, 1989.

#### **SEC. 824. PROCUREMENT OF MANUAL TYPEWRITERS FROM WARSAW PACT COUNTRIES**

(a) **MOST-FAVORED-NATION COUNTRIES.**—Section 2400 of title 10, United States Code, as amended by section 124, is amended by adding at the end the following:

“(c) **MANUAL TYPEWRITERS FROM WARSAW PACT COUNTRIES.**—Funds appropriated to or for the use of the Department of Defense may not be used for the procurement of manual typewriters which contain one or more components manufactured in a country which is a member of the Warsaw Pact unless the products of that country are accorded nondiscriminatory treatment (most-favored-nation treatment).”.

(b) **CONFORMING REPEAL.**—Section 1262 of the Department of Defense Authorization Act, 1984 (Public Law 98-94; 97 Stat. 703), is repealed.

#### **SEC. 825. SENSE OF CONGRESS ON PREPARATION OF CERTAIN ECONOMIC IMPACT AND EMPLOYMENT INFORMATION CONCERNING NEW ACQUISITION PROGRAMS**

It is the sense of Congress that the Secretary of Defense should not, before an acquisition program is approved to proceed into full-scale development, prepare any material, report, list, or analysis with respect to economic benefits or the employment impact of that program in a particular State or congressional district.

### **TITLE IX—MATTERS RELATING TO ARMS CONTROL**

#### **SEC. 901. MISSILE TECHNOLOGY CONTROL REGIME**

(a) **FINDINGS.**—The Congress finds that—

- (1) the proliferation of nuclear weapons and of missiles capable of the delivery of nuclear weapons is a threat to international peace and security;

10 USC 2432  
note.

Union of Soviet  
Socialist  
Republics.

(2) in the early 1980's, the danger of the proliferation of such weapons and missiles was formally recognized in discussions among the governments of the United States, Canada, France, the Federal Republic of Germany, Italy, Japan, and the United Kingdom; and

(3) these seven governments, after four years of negotiations, on April 7, 1987, concluded an agreement known as the Missile Technology Control Regime, for the purpose of limiting the proliferation of missiles capable of the delivery of nuclear weapons (and hardware and technology related to such missiles) throughout the world.

International  
agreements.

(b) **EXPRESSIONS OF CONGRESS.—The Congress—**

(1) expresses its firm support for the Missile Technology Control Regime as a means of enhancing international peace and security;

(2) expresses its strong hope that all nations of the world will adhere to the Guidelines of the Missile Technology Control Regime; and

(3) expresses its expectation that all relevant agencies of the United States Government will ensure the fully effective implementation of this regime.

(c) **REPORT ON MANPOWER REQUIRED TO IMPLEMENT THE MISSILE TECHNOLOGY CONTROL REGIME.—**(1) Not later than February 1, 1988, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report—

(A) identifying the functional responsibilities of the Department of Defense for implementing the Missile Technology Control Regime;

(B) describing the number and skills of personnel currently available in the Department of Defense to perform these functions; and

(C) assessing the adequacy of these resources for the effective performance of these responsibilities.

(2) The report required by paragraph (1) shall identify the total number of current Department of Defense full-time employees or military personnel and the grades of such personnel and the special knowledge, experience, and expertise of such personnel, required to carry out each of the following responsibilities of the Department under the regime:

(A) Review of private-sector export license applications and government-to-government cooperative activities.

(B) Intelligence analysis and activities.

(C) Policy coordination.

(D) International liaison activity.

(E) Enforcement and technology security operations.

(F) Technical review.

(3) The report shall include the Secretary's assessment of the adequacy of staffing in each of the categories specified in subparagraphs (A) through (F) of paragraph (2) and shall make recommendations concerning measures, including legislation if necessary, to eliminate any identified staffing deficiencies and to improve interagency coordination with respect to the regime.

**SEC. 902. SENSE OF CONGRESS ON THE KRASNOYARSK RADAR**

(a) **FINDINGS.—The Congress finds the following:**

(1) The 1972 Anti-Ballistic Missile Treaty prohibits each party to the Treaty from deploying ballistic missile early warning

International  
agreements.



radars except at locations along the periphery of its national territory and oriented outward.

(2) The 1972 Anti-Ballistic Missile Treaty prohibits each party to the Treaty from deploying an anti-ballistic missile system to defend its national territory and from providing a base for any such nationwide defense.

(3) Large phased-array radars were recognized during negotiation of the 1972 Anti-Ballistic Missile Treaty as the critical long lead-time element of a nationwide defense against ballistic missiles.

(4) In 1983 the United States discovered the construction, in the interior of the Soviet Union near the town of Krasnoyarsk, of a large phased-array radar that has subsequently been judged to be for ballistic missile early warning and tracking.

(5) The Krasnoyarsk radar is more than 700 kilometers from the Soviet-Mongolian border and is not directed outward but instead, faces the northeast Soviet border more than 4,500 kilometers away.

(6) The Krasnoyarsk radar is identical to other Soviet ballistic missile early warning radars and is ideally situated to fill the gap that would otherwise exist in a nationwide Soviet ballistic missile early warning radar network.

(7) The President has certified that the Krasnoyarsk radar is an unequivocal violation of the 1972 Anti-Ballistic Missile Treaty.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the Soviet Union is in violation of its legal obligation under the 1972 Anti-Ballistic Missile Treaty.

International  
agreements.

President of U.S.

#### SEC. 903. REPORT ON COMPLIANCE BY THE SOVIET UNION WITH THRESHOLD TEST BAN TREATY

(a) IN GENERAL.—The President shall submit to Congress, not later than 30 days after the date of the enactment of this Act, a report discussing the use of the current official United States method of estimating the yield of Soviet underground nuclear tests to determine the extent to which the Soviet Union is complying with the 150 kiloton limit on underground nuclear tests contained in the Threshold Test Ban Treaty.

(b) FORM AND CONTENT OF REPORT.—The report shall be submitted in both classified form and (if possible) unclassified form and shall include the following matters:

(1) A discussion of whether past assessments made by the United States of the extent of Soviet compliance with the 150 kiloton limit contained in the Threshold Test Ban Treaty would have been different if the United States, in making those assessments, had used the current official United States method of estimating the yield of underground nuclear tests conducted by the Soviet Union.

(2) The number of nuclear tests conducted by the Soviet Union after March 31, 1976, that have a central value exceeding 150 kilotons yield (estimated on the basis of the current official method used by the United States in estimating underground nuclear test yields), the central value of those tests (estimated on such basis), and the dates on which those tests were conducted.

(3) The number, dates, and estimated central values of tests, if any, conducted by the United States after March 31, 1976,

which, if measured on the basis of the current official method used by the United States in estimating Soviet underground nuclear test yields (taking into account the differences between the United States and Soviet test sites), would have an indicated central value exceeding 150 kilotons yield.

(4) The number of tests conducted by the United States after March 31, 1976, if any, which actually had yields exceeding 150 kilotons, the estimated central value of each such test, and the date on which each such test was conducted.

(5) A description of all nuclear testing activities of the Soviet Union which the President has found to be likely violations of the legal obligations under the Threshold Test Ban Treaty, the dates on which those activities took place, and the specific legal obligations under the Threshold Test Ban Treaty likely to have been violated by the Soviet Union in conducting such activities.

(6) A discussion of whether and, if so, the extent to which, the President, in arriving at his finding that several nuclear tests conducted by the Soviet Union constituted a likely violation of legal obligations under the Threshold Test Ban Treaty, considered the mutual agreement contained in the Threshold Test Ban Treaty which permits one or two minor, unintended breaches of the 150 kiloton limit per year to be considered nonviolations of the Treaty.

(7) A detailed comparison of the current official method used by the United States Government in estimating Soviet underground nuclear test yields with the method replaced by the current method, and the date on which the current official method was adopted by the United States.

#### SEC. 904. CONGRESSIONAL FINDINGS AND DECLARATIONS CONCERNING ARMS CONTROL NEGOTIATIONS

(a) CONGRESSIONAL FINDINGS.—The Congress makes the following findings:

(1) The United States and the Soviet Union are currently engaged in negotiations to conclude a treaty on intermediate-range nuclear forces (INF) and are continuing serious negotiations on other issues of vital importance to the national security of the United States.

(2) The current negotiations, which reflect delicate compromises on both sides, are a culmination of years of detailed and complex negotiations in which the negotiators for the United States have been pursuing a policy consistently advocated by the past two Presidents regarding nuclear arms control in the European theater.

(3) While recognizing fully that the President, under clause 2, section 2, article II of the Constitution, has the power, by and with the advice and consent of the Senate, to make treaties, the Congress also recognizes the special responsibility conferred by the Founding Fathers on the Senate in requiring that it give its advice and consent before a treaty may be ratified by the United States and that in carrying out this responsibility the Senate is accountable to the people of the United States and has a duty to ensure that no treaty is ratified which would be detrimental to the welfare and security of the United States.

(4) In recognition of this responsibility, the Senate has established a special continuing oversight body, the Arms Control Observer Group, which over the last two and one-half years has

President of U.S.

Arms Control  
Observer  
Group,  
establishment.

President of U.S.

functioned to provide advice and counsel to the President and his negotiators, when appropriate, on a continuing basis during the course of the negotiations to achieve an INF treaty.

(5) The Senate and the President both have a role under the Constitution in the making of treaties and Congress as a whole has a role under the Constitution in the regulating of expenditures, including expenditures for weapons systems that may be the subject of treaty negotiations.

(b) CONGRESSIONAL DECLARATIONS.—In light of the findings in subsection (a), Congress—

(1) fully supports the efforts of the President to negotiate stabilizing, equitable, and verifiable arms reduction treaties with the Soviet Union;

(2) endorses the principle of mutuality and reciprocity in arms control negotiations with the Soviet Union and cautions that neither the Congress nor the President should take actions which are unilateral concessions to the Soviet Union; and

(3) urges the President to take care that no provision is agreed to in those negotiations that would be harmful to the security of the United States or its allies and friends.

(c) DECLARATION OF THE SENATE.—The Senate declares that it will reserve judgment regarding the approval of any arms control treaty until it has conducted a thorough examination of the provisions of the treaty and has assured itself that those provisions—

(1) are effectively verifiable; and

(2) serve to enhance the strength and security of the United States and its allies and friends.

#### SEC. 905. REPORT ON MILITARY CONSEQUENCES OF THE ELIMINATION OF BALLISTIC MISSILES

(a) REPORT REQUIREMENT.—Not later than 30 days after the date of the enactment of this Act, the Chairman of the Joint Chiefs of Staff shall submit to the Committees on Armed Services of the Senate and House of Representatives a report examining the military consequences of any arms control agreement between the United States and the Soviet Union that would provide for the elimination of all strategic ballistic missiles of the United States and the Soviet Union.

(b) MATTERS TO BE DISCUSSED.—Such report shall be submitted in both classified and unclassified form and shall include a discussion of the strategic, budgetary, and force structure implications of an agreement described in subsection (a) for—

(1) conventional defenses of the United States and its allies in Europe, the Far East, and other regions vital to the national security of the United States;

(2) tactical nuclear deterrence by the United States in those regions;

(3) strategic offensive retaliatory systems of the United States that would not be affected by such an agreement, including bomber forces and cruise missiles;

(4) air defenses of the United States needed to counter bomber forces and cruise missiles of the Soviet Union;

(5) Strategic Defense Initiative programs designed to provide possible defenses against strategic ballistic missiles; and

(6) any new programs which the Chairman of the Joint Chiefs of Staff may consider necessary in order for the United States to protect its national security interests in light of the relative

advantage conferred by such an agreement on other nations possessing nuclear weapons whose strategic ballistic missile forces would not be affected by the agreement.

#### SEC. 906. REPORT ON IMPLICATIONS OF CERTAIN ARMS CONTROL POSITIONS

Not later than June 30, 1988, the Secretary of Defense shall submit to Congress a report, in both classified and unclassified versions, containing the following:

(1) A description of the quantitative and qualitative implications for the strategic modernization program of the United States of the publicly-announced position of the United States at the Strategic Arms Reduction Talks in Geneva, giving special, but not exclusive, attention to the implications of such position for the Trident SSBN program, the rail-garrison Peacekeeper program, and the small intercontinental ballistic missile ("Midgetman") program.

(2) A description of the advantages and drawbacks of following the recommendations made in 1983 in the report of the President's Commission on Strategic Forces with regard to research on smaller ballistic-missile carrying submarines, each carrying fewer missiles than the Trident, as a potential follow-on to the Trident submarine force.

(3) The recommendations of the Secretary of Defense with regard to paragraphs (1) and (2) on United States force modernization policy and arms control policy.

#### SEC. 907. SUPPORT FOR NUCLEAR RISK REDUCTION CENTERS

(a) Congress applauds the recent signing of an agreement between the United States and the Soviet Union on the establishment of nuclear risk reduction centers. Congress regards this agreement as an important and practical first step in reducing the threat of nuclear war due to accident, misinterpretation, or miscalculation. Congress notes that the agreement calls for centers to be established in each nation's respective capital for the routine exchange of information and advanced notification of nuclear and missile testing.

International agreements.

(b) It is the hope of Congress that this first step in nuclear risk reduction will increase the confidence and mutual trust of both parties to the agreement and lead to an expansion in functions to reduce further the chances of accidental war. Such functions may include joint discussions on crisis prevention and the development of strategies to deal with incidents or threats of nuclear terrorism, nuclear proliferation, or other mutually agreed upon issues of concern in reducing nuclear risk.

### TITLE X—MATTERS RELATING TO NATO COUNTRIES AND OTHER ALLIES

#### PART A—NATO DETERRENCE

#### SEC. 1001. REPORT ON REQUIREMENTS FOR MAINTAINING NATO'S STRATEGY OF DETERRENCE

(a) REQUIREMENT.—The Secretary of Defense shall submit to Congress a report regarding the ability of the North Atlantic Treaty Organization (NATO) to maintain its strategy of deterrence through the 1990s. The report shall include a specific discussion of the

implications for such deterrence if the United States and the Soviet Union agree to a treaty which requires the elimination of all intermediate-range nuclear force (INF) missiles having a range between 500 and 5,500 kilometers. The report shall be prepared in consultation with the Supreme Allied Commander, Europe, and the Chairman of the Joint Chiefs of Staff.

(b) **FORM AND CONTENT OF REPORT.**—The Secretary shall submit the report required by subsection (a) in both classified and unclassified forms and shall include in the report the following:

(1) A discussion of the effect that the elimination under an INF treaty of intermediate range missiles deployed by the United States and the Soviet Union would likely have on the ability of NATO to maintain an effective flexible response strategy and credible deterrence.

(2) The appropriate numbers and types of nuclear weapons and nuclear-capable delivery systems of the United States not limited by the proposed INF treaty which the Secretary of Defense recommends for deployment in or redeployment to the European theater if an INF treaty is ratified and enters into force, including a description of any nuclear modernization program the Secretary has recommended or proposes to recommend as necessary to ensure that NATO will be able to maintain a credible and effective military strategy.

(3) A discussion of the balance between the nonnuclear forces of NATO and the Warsaw Pact in the European theater, the likelihood of NATO making significant improvements in that balance over the next few years, the potential effect of conventional force balance alternatives currently under consideration by the United States Government, and the likelihood and potential effect of a new agreement between NATO and the Warsaw Pact limiting nonnuclear forces on that balance.

(4) A discussion of the feasibility and cost effectiveness of substituting advanced conventional munitions for nuclear weapons currently deployed by NATO, including a discussion of the costs of such weapons and prospects for sharing such costs among NATO allies.

(5) A description of nonnuclear forces that would be needed to support the operational concept of Follow-on Forces Attack (FOFA).

(6) The status of improvements being made in the air defenses of NATO in Europe.

(7) A discussion of the views of the leaders of member nations of NATO (other than the United States) and of the Supreme Allied Commander, Europe (SACEUR), on the matters described in paragraphs (1) through (5).

(c) **DEADLINE OF REPORT.**—The report required by subsection (a) shall be submitted not later than the earlier of—

(1) 90 days after the date of the enactment of this Act; or

(2) the date on which the President submits to the Senate for its advice and consent a treaty described in subsection (a).

**SEC. 1002. SENSE OF CONGRESS ON LEVEL OF UNITED STATES FORCES PERMANENTLY STATIONED IN EUROPE IN SUPPORT OF NATO**

(a) **FINDINGS.**—The Congress makes the following findings with respect to the level of United States military forces permanently stationed in Europe:



(1) The agreement in principle between the United States and the Soviet Union to eliminate all intermediate-range nuclear missiles has important implications for the defense posture of the North Atlantic Treaty Organization alliance.

(2) The presence of United States forces in Europe constitutes the most visible and meaningful evidence of the continuing strong commitment of the United States to the integrity of the alliance.

(3) NATO Defense Ministers stated in May 1987 that the "continued presence of United States forces at existing levels in Europe plays an irreplaceable role in the defense of North America as well as Europe".

(b) SENSE OF CONGRESS.—(1) In light of the findings in subsection (a), it is the sense of Congress that—

(A) the stationing in Europe of United States military forces in support of NATO at the level of military personnel permanently stationed in Europe in support of NATO on the date of the enactment of this Act plays an indispensable role for peace and deterrence; and

(B) the commitment of United States forces should be continued at that level (assuming all existing basing agreements remain in effect).

(2) It is further the sense of Congress that it would not be inconsistent with the sense of Congress expressed in paragraph (1) if the actual number of United States military personnel permanently stationed in Europe in support of NATO at any time falls below the level of such personnel on the date of the enactment of this Act because of administrative fluctuations or if such level is reduced following a determination by the President that national security considerations require such a reduction.

#### SEC. 1003. STUDY OF FUTURE OF NATO

The Secretary of Defense shall contribute, from funds appropriated for fiscal year 1988 for operation and maintenance of Defense Agencies, the amount of \$50,000 to the North Atlantic Assembly for a study on the future of the North Atlantic Treaty Organization.

### PART B—BURDEN SHARING

#### SEC. 1011. STUDY OF DEFENSE EXPENDITURES IN JAPAN

Far East.

(a) IN GENERAL.—The Secretary of Defense shall conduct a study of the ways in which the United States may further its national security interests in the Far East.

(b) REPORT.—Within 90 days after the date of the enactment of this Act, the Secretary shall transmit to Congress a report on such study. The report shall contain—

(1) the plans of the Department of Defense in the current five-year defense plan for defense expenditures for each fiscal year covered by the plan to be made in support of United States security interests in the Far East and, of such planned expenditures in each such fiscal year, how much is attributable to projected increases in defense outlays for that fiscal year;

(2) the projections for national defense expenditures by Japan for each such fiscal year;

(3) the projections for national defense expenditures by the United States directly in support of United States forces, facili-

ties, and equipment stationed or located in Japan for each such fiscal year; and

(4) the projections for national defense expenditures by Japan directly in support of United States forces stationed in Japan for each such fiscal year.

**SEC. 1012. SENSE OF CONGRESS REGARDING JAPAN'S CONTRIBUTIONS TO GLOBAL STABILITY**

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

(1) The alliance of the United States and Japan is the foundation for the security of Japan and peace in the Far East and is a major contributing factor to the democratic freedoms and economic prosperity enjoyed by both the United States and Japan.

(2) Threats to the security of both the United States and Japan have increased significantly since 1976, principally as the result of—

(A) the occupation of Afghanistan by the Soviet Union;

(B) the continued expansion and buildup of military forces of the Soviet Union (particularly the expansionist efforts by the Soviet Union in the South Pacific and the buildup of the Soviet Pacific fleet);

(C) the occupation of Cambodia by Vietnam; and

(D) instability in the Persian Gulf region (from which Japan receives 60 percent of its petroleum and one-third of its total energy requirements).

(3) In keeping with the declaration made at the 1983 meeting in Williamsburg, Virginia, of the leaders of the leading industrialized democracies that “the security of our countries is indivisible and must be approached on a global basis”, the government of Japan—

(A) has raised its defense spending by an average of 5 percent per year since 1981;

(B) has rescinded a limit on annual expenditures for defense of 1 percent of the gross national product of Japan; and

(C) is fulfilling the pledge of Prime Minister Suzuki to defend the territory, airspace, and sea lanes of Japan to a distance of 1,000 miles by 1990.

(4) While recognizing and applauding the actions by the government of Japan referred to in paragraph (3), Congress notes that Japan has the second largest gross national product in the world, is a major creditor nation, and has a large private savings rate, but nevertheless lags far behind other industrialized democracies in terms of the percentage of its gross national product that it spends for national defense and programs to promote global security and stability.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that the United States would welcome an initiative by Japan to assume a politically acceptable and significant global security role consistent with its economic status by taking the following actions:

(1) Increasing spending for its Official Development Assistance program and its defense programs so that, by 1992, the level of spending by Japan on those programs (stated as a percentage of gross national product) will approximate the average of the levels of spending by the member nations of the North Atlantic Treaty Organization on official development

Afghanistan.  
Union of Soviet  
Socialist  
Republics.  
South Pacific.  
Cambodia.  
Vietnam.  
Persian Gulf.

Seigo Suzuki.

assistance and defense programs (stated as a percentage of their respective gross national products).

(2) Devoting increased spending for its Official Development Assistance program primarily to the Republic of the Philippines and regions of importance to global stability outside of East Asia, particularly Oceania, Latin America, and the Caribbean and Mediterranean nations.

Philippines.  
Oceania.  
Latin America.  
Caribbean  
nations.  
Mediterranean  
nations.

(3) Devoting any increase in spending for that program primarily to concessional, untied grants and increasing the portion of total expenditures made for that program for those multilateral financial institutions of which Japan is a member.

(4) Designating those nations that are to be recipients of increased development assistance as described in paragraphs (1) through (3) through consultation with its security partners.

(5) Completing its five-year defense program for fiscal years 1986 through 1990 and, at the earliest possible date after the completion of that program, further enhancing the fulfillment of the pledge of Prime Minister Suzuki referred to in subsection (a)(3).

#### PART C—PROCUREMENT MATTERS

##### SEC. 1021. OVERSEAS WORKLOAD PROGRAM

(a) **IN GENERAL.**—A firm of any member nation of the North Atlantic Treaty Organization (NATO) or of any major non-NATO ally shall be eligible to bid on any contract for the maintenance, repair, or overhaul of equipment of the Department of Defense to be awarded under competitive procedures as part of the program of the Department of Defense known as the Overseas Workload Program.

10 USC 2341  
note.  
Contracts.

(b) **SITE FOR PERFORMANCE OF WORK.**—A contract awarded during fiscal year 1988 or 1989 to a firm described in subsection (a) may be performed in the theater in which the equipment is normally located or in the country in which the firm is located.

(c) **EXCEPTIONS.**—The Secretary of a military department may restrict the geographic region in which a contract referred to in subsection (a) may be performed if the Secretary determines that performance of the contract outside that specific region—

(1) could adversely affect the military preparedness of the Armed Forces of the United States; or

(2) would violate the terms of an international agreement to which the United States is a party.

(d) **REPORT REQUIREMENT.**—(1) Not later than December 1, 1988, the Secretary of Defense shall submit to Congress a report on the nature of the maintenance, repair, and overhaul work of the Department of Defense performed under the program of the Department of Defense known as the Overseas Workload Program.

(2) The report shall include the following:

(A) A description of the categories of work performed under that program and the costs associated with those categories of work.

(B) A description of the capabilities of facilities that United States firms have established in Europe to perform work under that program.

(C) A description of the capabilities to perform work under that program by firms in the United States, Canada, and countries that are major non-NATO allies of the United States.

Canada.

Canada.

(D) A description of the maintenance, repair, and overhaul work under that program that could be performed in the United States or Canada, or in a country that is a major non-NATO ally, on a cost-effective basis and without a significant adverse effect on the readiness of the Armed Forces of the United States.

(E) A list and detailed explanation of each of the instances, through October 31, 1988, in which the Secretary of a military department exercised the authority provided in subsection (c).

(e) **DEFINITION.**—For purposes of this section, the term “major non-NATO ally” has the meaning given that term by section 1105(g)(1) of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661).

#### SEC. 1022. NATO COOPERATIVE PROJECT AGREEMENTS

Clause (C) of section 27(b)(1) of the Arms Export Control Act (22 U.S.C. 2767(b)(1)(C)) is amended by inserting “or for procurement by the United States of munitions from the North Atlantic Treaty Organization or a subsidiary of such organization” after “member country”.

#### SEC. 1023. REPORT ON CO-PRODUCTION OR CO-ASSEMBLY OF M1A1 TANK

(a) **IN GENERAL.**—The Secretary of Defense shall submit to Congress a detailed report on any plans of the Department of Defense as of the time of the submission of the report regarding co-production or co-assembly of the M1 or M1A1 Abrams tank with a foreign country. The Secretary shall include in such report the following:

(1) The status of any current negotiations by the Secretary of Defense with any foreign country regarding the co-production or co-assembly of the M1 or M1A1 tank by the United States and that country.

(2) A comparison of the long-term effects on the United States mobilization base of production of such tank under a co-production or co-assembly arrangement with a foreign country.

(3) The effect an arrangement with a foreign country for the co-production or co-assembly of such tank would have on the national security of the United States.

(b) **DEADLINE FOR REPORT.**—The Secretary shall submit the report required under subsection (a) not later than 90 days after the date of the enactment of this Act.

(c) **CLASSIFICATION OF REPORT.**—The Secretary shall submit the report required under subsection (a) in both classified and unclassified form.

#### SEC. 1024. WEAPONS STORAGE AND SECURITY SYSTEMS

(a) **LIMITATION ON INSTALLATION.**—Funds appropriated or otherwise made available to the Department of Defense for fiscal years 1988 and 1989 may not be expended for installation of Weapons Storage and Security Systems (WSSS) in the territory of any European member nation of the North Atlantic Treaty Organization until the Secretary of Defense certifies to Congress that the construction program with respect to such systems is eligible for common financing under the NATO Infrastructure program.

(b) **EFFECT OF INF TREATY.**—If a treaty on Intermediate Range Nuclear Forces (INF) is ratified before the certification under subsection (a) is made, the Secretary shall submit with the certifi-

cation a plan for revising the installation of those systems in order to reflect any additional requirements resulting from that treaty.

(c) **MILESTONES.**—The Secretary shall submit with the certification under subsection (a) a description of the key milestones for entering into contracts under the program and for reaching an agreement concerning NATO financing and shall include a certification that all available steps are being taken to accelerate agreement with NATO on a final plan for recoupment of advance funding by the United States for the installation of such systems.

Reports.

## TITLE XI—DEPARTMENT OF DEFENSE MANAGEMENT

### PART A—CONSTRUCTION AND MAINTENANCE OF NAVAL VESSELS

#### SEC. 1101. CLARIFICATION OF LIMITATION ON CONTRACTING FOR SHORT-TERM NAVAL VESSEL REPAIR WORK

Subsection (d) of section 7299a of title 10, United States Code, is amended to read as follows:

Rivers and  
harbors.

“(d)(1) Before issuing a solicitation for a contract for short-term work for the overhaul, repair, or maintenance of a naval vessel, the Secretary of the Navy shall determine if there is adequate competition available among firms able to perform the work at the homeport of the vessel. If the Secretary determines that there is adequate competition among such firms, the Secretary—

“(A) shall issue such a solicitation only to firms able to perform the work at the homeport of the vessel; and

“(B) may not award such contract to a firm other than a firm that will perform the work at the homeport of the vessel.

“(2) Paragraph (1) applies notwithstanding subsection (b) or any other provision of law.

“(3) Paragraph (1) does not apply—

“(A) in the case of voyage repairs; or

“(B) in the case of a vessel that is assigned to the Naval Reserve force and homeported on the West Coast of the United States.

“(4) In this subsection, the term ‘short-term work’ means work that will be for a period of six months or less.”

#### SEC. 1102. RATES FOR PROGRESS PAYMENTS ON CERTAIN NAVAL SHIP REPAIR CONTRACTS

(a) **IN GENERAL.**—(1) Chapter 633 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 7312. **Repair or maintenance of naval vessels: progress payments under certain contracts**

10 USC 7312.

“(a) The Secretary of the Navy shall provide that the rate for progress payments on naval ship contracts to which this section applies shall be—

“(1) 90 percent, in the case of firms considered to be small businesses, and

Small business.

“(2) 85 percent, in the case of all other firms.

“(b) This section applies to any contract awarded by the Secretary of the Navy for repair, maintenance, or overhaul of a naval vessel (other than a nuclear-powered vessel) for work required to be performed in one year or less.”

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



"7312. Repair or maintenance of naval vessels: progress payments under certain contracts."

Contracts.  
10 USC 7312  
note.

(b) **TRANSITION.**—The amendment made by subsection (a) does not apply to a contract awarded pursuant to a solicitation issued before the date of the enactment of this Act.

#### SEC. 1103. DOMESTIC CONSTRUCTION OF CERTAIN VESSELS

Section 7309(a) of title 10, United States Code, is amended by striking out "no naval vessel, and no vessel of any other military department," and inserting in lieu thereof "no vessel to be constructed for any of the armed forces".

#### SEC. 1104. CONTRACTS FOR THE OVERHAUL, REPAIR, AND MAINTENANCE OF NAVAL VESSELS

Funds appropriated pursuant to authorizations in this Act may not be obligated or expended for the overhaul, repair, or maintenance of any naval vessel unless, in the evaluation of bids or proposals for such activity, the Secretary of the Navy complies with the requirement of section 7299a of title 10, United States Code.

### PART B—CONTRACTING OUT

10 USC 2304  
note.  
Regulations.

#### SEC. 1111. AUTHORITY OF BASE COMMANDERS OVER CONTRACTING FOR COMMERCIAL ACTIVITIES

(a) **AUTHORITY.**—The Secretary of Defense shall direct that the commander of each military installation (under regulations prescribed by the Secretary of Defense and subject to the authority, direction, and control of the Secretary) shall have the authority and the responsibility to carry out the following:

(1) Prepare an inventory each fiscal year of commercial activities carried out by Government personnel on the military installation.

(2) Decide which commercial activities shall be reviewed under the procedures and requirements of Office of Management and Budget Circular A-76 (or any successor administrative regulation or policy).

(3) Conduct a solicitation for contracts for those commercial activities selected for conversion to contractor performance under the Circular A-76 process.

(4) To the maximum extent practicable, assist in finding suitable employment for any employee of the Department of Defense who is displaced because of a contract entered into with a contractor for performance of a commercial activity on the military installation.

(b) **DEADLINE FOR REGULATIONS.**—The Secretary shall prescribe the regulations required by subsection (a) no later than 60 days after the date of the enactment of this Act.

(c) **DEFINITION.**—In this section, the term "military installation" means a base, camp, post, station, yard, center, or other activity under the jurisdiction of the Secretary of a military department which is located within any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, or Guam.

(d) **TERMINATION OF AUTHORITY.**—The authority provided for commanders of military installations by subsection (a) shall terminate on October 1, 1989.

**SEC. 1112. PROHIBITION ON CONTRACTS FOR PERFORMANCE OF SECURITY-GUARD FUNCTIONS**

(a) **IN GENERAL.**—Subsection (a) of section 2693 of title 10, United States Code, is amended by inserting “or security-guard” after “firefighting”.

(b) **CLERICAL AND CONFORMING AMENDMENTS.**—

(1) Subsection (b) of such section is amended by striking out “the function” and inserting in lieu thereof “a function”.

(2) The heading for such section is amended to read as follows:

**“§ 2693. Prohibition on contracts for performance of firefighting or security-guard functions”.**

(3) The item relating to section 2693 in the table of sections at the beginning of chapter 159 of such title is amended to read as follows:

“2693. Prohibition on contracts for performance of firefighting or security-guard functions.”.

**PART C—SECURITY AND COUNTERINTELLIGENCE MATTERS****SEC. 1121. COUNTERINTELLIGENCE POLYGRAPH PROGRAM**

10 USC 113 note.

(a) **AUTHORITY FOR PROGRAM.**—The Secretary of Defense may carry out a program for the administration of counterintelligence polygraph examinations to persons described in subsection (b). The program shall be based on Department of Defense Directive 5210.48, dated December 24, 1984.

(b) **PERSONS COVERED.**—Except as provided in subsection (d), the following persons whose duties involve access to information that has been classified at the level of top secret or designated as being within a special access program under section 4.2(a) of Executive Order 12356 (or a successor Executive order) are subject to this section:

Classified  
information.

(1) Military and civilian personnel of the Department of Defense.

(2) Personnel of defense contractors.

(c) **LIMITATION ON NUMBER OF EXAMINATIONS.**—The number of counterintelligence polygraph examinations that may be administered under this section—

(1) may not exceed 10,000 during each of fiscal years 1988, 1989, and 1990; and

(2) may not exceed 5,000 during any fiscal year after fiscal year 1990 for which a specific number is not otherwise provided by law.

(d) **EXCEPTIONS FROM COVERAGE FOR CERTAIN INTELLIGENCE AGENCIES AND FUNCTIONS.**—This section does not apply—

(1) to a person assigned or detailed to the Central Intelligence Agency or to an expert or consultant under a contract with the Central Intelligence Agency;

(2) to (A) a person employed by or assigned or detailed to the National Security Agency, (B) an expert or consultant under contract to the National Security Agency, (C) an employee of a contractor of the National Security Agency, or (D) a person applying for a position in the National Security Agency;

(3) to a person assigned to a space where sensitive cryptographic information is produced, processed, or stored; or

(4) to a person employed by, or assigned or detailed to, an office within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs or a contractor of such an office.

(e) **POLYGRAPH RESEARCH PROGRAM.**—The Secretary of Defense shall carry out a continuing research program to support the polygraph activities of the Department of Defense. The program shall include—

(1) an on-going evaluation of the validity of polygraph techniques used by the Department;

(2) research on polygraph countermeasures and anti-countermeasures; and

(3) developmental research on polygraph techniques, instrumentation, and analytic methods.

(f) **ANNUAL REPORT ON POLYGRAPH PROGRAMS.**—(1) Not later than January 15 of each year, the Secretary of Defense shall submit to Congress a report on polygraph examinations administered by or for the Department of Defense during the previous fiscal year (whether administered under this section or any other authority).

(2) Each such report shall include the following with regard to the program authorized by subsection (a):

(A) A statement of the number of polygraph examinations administered by or for the Department of Defense during such fiscal year.

(B) A description of the purposes and results of such examinations.

(C) A description of the criteria used for selecting programs and persons for such examination.

(D) A statement of the number of persons who refused to submit to such an examination and a description of the actions taken as a result of the refusals.

(E) A statement of the number of persons for which such an examination indicated deception and the action taken as a result of the examinations.

(F) A detailed accounting of those cases in which more than two such examinations were needed to attempt to resolve discrepancies and those cases in which the examination of a person extended over more than one day.

(3) Each such report shall also include the following:

(A) A description of any plans to expand the use of polygraph examinations in the Department of Defense.

(B) A discussion of any plans of the Secretary for recruiting and training additional polygraph operators together with statistical data on the employment turnover of Department of Defense polygraph operators.

(C) A description of the results during the preceding fiscal year of the research program under subsection (e).

(D) A statement of the number of polygraph examinations administered to persons described in subsection (d) (which number may be set forth in a classified annex to the report).

(g) **REPEAL.**—Section 1221 of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 726), is repealed.

(h) **EFFECTIVE DATE.**—This section shall take effect as of October 1, 1987.

## SEC. 1122. ASSESSMENT OF SOVIET ELECTRONIC ESPIONAGE CAPABILITY FROM MOUNT ALTO EMBASSY SITE

District of Columbia.

(a) **REVIEW AND ASSESSMENT.**—The Secretary of Defense shall review and assess the present and potential capabilities of the Government of the Soviet Union to intercept United States communications involving diplomatic, military, and intelligence matters from facilities on Mount Alto in the District of Columbia. The Secretary shall submit to Congress a report on such review and assessment not later than 90 days after the date of the enactment of this Act.

Communications and telecommunications.

Reports.

(b) **DETERMINATION OF CONSISTENCY WITH NATIONAL SECURITY.**—The report required by subsection (a) shall include a determination by the Secretary of Defense as to whether or not the present and proposed occupation of facilities on Mount Alto by the Government of the Soviet Union is consistent with the national security of the United States.

(c) **CLASSIFICATION OF REPORT.**—The report required by subsection (a) shall be submitted in both a classified and unclassified form, except that the determination required by subsection (b) shall be submitted in an unclassified form.

(d) **LIMITATION ON DELEGATION.**—The Secretary of Defense may not delegate the duty to make the determination required by subsection (b).

## SEC. 1123. DISSEMINATION OF UNCLASSIFIED INFORMATION CONCERNING PHYSICAL PROTECTION OF SPECIAL NUCLEAR MATERIAL

(a) **IN GENERAL.**—Chapter 3 of title 10, United States Code, is amended by inserting after section 127 the following new section:

**“§ 128. Physical protection of special nuclear material: limitation on dissemination of unclassified information**

10 USC 128.

“(a)(1) In addition to any other authority or requirement regarding protection from dissemination of information, and subject to section 552(b)(3) of title 5, the Secretary of Defense, with respect to special nuclear materials, shall prescribe such regulations, after notice and opportunity for public comment thereon, or issue such orders as may be necessary to prohibit the unauthorized dissemination of unclassified information pertaining to security measures, including security plans, procedures, and equipment for the physical protection of special nuclear material.

Regulations.

“(2) The Secretary may prescribe regulations or issue orders under paragraph (1) to prohibit the dissemination of any information described in such paragraph only if and to the extent that the Secretary determines that the unauthorized dissemination of such information could reasonably be expected to have a significant adverse effect on the health and safety of the public or the common defense and security by significantly increasing the likelihood of—

Regulations. Safety.

“(A) illegal production of nuclear weapons, or

“(B) theft, diversion, or sabotage of special nuclear materials, equipment, or facilities.

“(3) In making a determination under paragraph (2), the Secretary may consider what the likelihood of an illegal production, theft, diversion, or sabotage referred to in such paragraph would be if the information proposed to be prohibited from dissemination under this section were at no time available for dissemination.

"(4) The Secretary shall exercise his authority under this subsection to prohibit the dissemination of any information described in paragraph (1)—

"(A) so as to apply the minimum restrictions needed to protect the health and safety of the public or the common defense and security; and

"(B) upon a determination that the unauthorized dissemination of such information could reasonably be expected to result in a significant adverse effect on the health and safety of the public or the common defense and security by significantly increasing the likelihood of—

"(i) illegal production of nuclear weapons, or

"(ii) theft, diversion, or sabotage of nuclear materials, equipment, or facilities.

"(b) Nothing in this section shall be construed to authorize the Secretary to withhold, or to authorize the withholding of, information from the appropriate committees of the Congress.

"(c) Any determination by the Secretary concerning the applicability of this section shall be subject to judicial review pursuant to section 552(a)(4)(B) of title 5.

Reports.

"(d) The Secretary shall prepare on a quarterly basis a report to be made available upon the request of any interested person, detailing the Secretary's application during that period of each regulation or order prescribed or issued under this section. In particular, such report shall—

"(1) identify any information protected from disclosure pursuant to such regulation or order;

"(2) specifically state the Secretary's justification for determining that unauthorized dissemination of the information protected from disclosure under such regulation or order could reasonably be expected to have a significant adverse effect on the health and safety of the public or the common defense and security by significantly increasing the likelihood of illegal production of nuclear weapons or the theft, diversion, or sabotage of special nuclear materials, equipment, or facilities, as specified under subsection (a); and

"(3) provide justification that the Secretary has applied such regulation or order so as to protect from disclosure only the minimum amount of information necessary to protect the health and safety of the public or the common defense and security."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 127 the following new item:

"128. Physical protection of special nuclear material: limitation on dissemination of unclassified information."

#### PART D—SPECIAL ACCESS PROGRAMS

#### SEC. 1131. SENSE OF CONGRESS WITH RESPECT TO DISCLOSURE OF CERTAIN BUDGET AND SCHEDULE INFORMATION ABOUT SPECIFIED SPECIAL ACCESS PROGRAMS

It is the sense of Congress that—

Research and development.

(1) the Advanced Technology Bomber program, the Advanced Cruise Missile program, and the Advanced Tactical Aircraft program involve the development and production of new ad-



vanced technologies that are critical to United States national security;

(2) it is appropriate and necessary that certain information involving the technological characteristics and performance of the systems referred to in paragraph (1) remain appropriately classified in conjunction with the national security interest; and

(3) it would be consistent with the public interest and would not jeopardize the national security for the Secretary of Defense to disclose, in a nonclassified form, information about each of the systems referred to in paragraph (1) with respect to total program cost, the amount of the annual program budget request, and a general description of program schedule.

Classified  
information.

Public  
information.

#### SEC. 1132. CONGRESSIONAL OVERSIGHT OF SPECIAL ACCESS PROGRAMS

Reports.

(a) SUBMISSION OF CERTAIN BUDGET INFORMATION TO CONGRESS.—

(1) Chapter 2 of title 10, United States Code, is amended by adding at the end the following new section:

#### “§ 119. Special access programs: congressional oversight

10 USC 119.

“(a)(1) Not later than February 1 of each year, the Secretary of Defense shall submit to the defense committees a report on special access programs.

“(2) Each such report shall set forth—

“(A) the total amount requested for special access programs of the Department of Defense in the President's budget for the next fiscal year submitted under section 1105 of title 31; and

“(B) for each program in that budget that is a special access program—

“(i) a brief description of the program;

“(ii) a brief discussion of the major milestones established for the program;

“(iii) the actual cost of the program for each fiscal year during which the program has been conducted before the fiscal year during which that budget is submitted; and

“(iv) the estimated total cost of the program and the estimated cost of the program for (I) the current fiscal year, (II) the fiscal year for which the budget is submitted, and (III) each of the four succeeding fiscal years during which the program is expected to be conducted.

“(3) In the case of a report under paragraph (1) submitted in a year during which the President's budget for the next fiscal year, because of multiyear budgeting for the Department of Defense, does not include a full budget request for the Department of Defense, the report required by paragraph (1) shall set forth—

“(A) the total amount already appropriated for the next fiscal year for special access programs of the Department of Defense and any additional amount requested in that budget for such programs for such fiscal year; and

“(B) for each program of the Department of Defense that is a special access program, the information specified in paragraph (2)(B).

“(b)(1) Not later than February 1 of each year, the Secretary of Defense shall submit to the defense committees a report that, with respect to each new special access program, provides—

“(A) notice of the designation of the program as a special access program; and

“(B) justification for such designation.

"(2) A report under paragraph (1) with respect to a program shall include—

"(A) the current estimate of the total program cost for the program; and

"(B) an identification of existing programs or technologies that are similar to the technology, or that have a mission similar to the mission, of the program that is the subject of the notice.

"(3) In this subsection, the term 'new special access program' means a special access program that has not previously been covered in a notice and justification under this subsection.

"(c) Whenever a change is made in the status of a program of the Department of Defense as a special access program, the Secretary of Defense shall submit to the defense committees a report describing the change. Any such report shall be submitted not later than 30 days after the date on which the change takes effect.

"(d) Whenever there is a modification or termination of the policy and criteria used for designating a program of the Department of Defense as a special access program, the Secretary of Defense shall promptly notify the defense committees of such modification or termination. Any such notification shall contain the reasons for the modification or termination and, in the case of a modification, the provisions of the policy as modified.

"(e)(1) The Secretary of Defense may waive any requirement under subsection (a), (b), or (c) that certain information be included in a report under that subsection if the Secretary determines that inclusion of that information in the report would adversely affect the national security. Any such waiver shall be made on a case-by-case basis.

"(2) If the Secretary exercises the authority provided under paragraph (1), the Secretary shall provide the information described in that subsection with respect to the special access program concerned, and the justification for the waiver, jointly to the chairman and ranking minority member of each of the defense committees.

"(f) In this section, the term 'defense committees' means—

"(1) the Committees on Armed Services of the Senate and House of Representatives; and

"(2) the Defense Subcommittees of the Committees on Appropriations of the Senate and House of Representatives."

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

"119. Special access programs: congressional oversight."

10 USC 119 note.

(b) **FIVE-YEAR REFERENCE AMOUNTS.**—The first report under subsection (a) of section 119 of title 10, United States Code (as added by subsection (a)), shall set forth—

(1) the total amount requested in the President's budget for each of the five previous fiscal years for special access programs of the Department of Defense that were included in the budget; and

(2) the total amount appropriated for each such year for such programs.

10 USC 119 note.

(c) **INITIAL REPORT ON SPECIAL ACCESS PROGRAM DESIGNATIONS.**—The first report under subsection (b) of section 119 of title 10, United States Code (as added by subsection (a)), shall cover each existing special access program.

**SEC. 1133. REPORTS ON CRITERIA FOR DESIGNATING SPECIAL ACCESS PROGRAMS**

(a) **DOD REPORT.**—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the defense committees a report on the management of special access programs, including the policy and criteria used for designating a program of the Department of Defense as a special access program.

(b) **GAO REPORT.**—The Comptroller General of the United States shall study the criteria used by the Secretary of Defense in determining whether to designate a program as a special access program, as set forth in the report under subsection (a), and shall submit to the defense committees a report on the results of that study not later than April 1, 1988.

(c) **DEFINITION.**—In this section, the term “defense committees” has the meaning given that term in section 119(f) of title 10, United States Code (as added by section 1132(a)).

**TITLE XII—GENERAL PROVISIONS****PART A—FINANCIAL AND BUDGET MATTERS****SEC. 1201. TRANSFER AUTHORITY**

(a) **AUTHORITY TO TRANSFER AUTHORIZATIONS.**—(1) Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in title I, II, or III for any fiscal year between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) The total amount of authorizations for any fiscal year that the Secretary of Defense may transfer under the authority of this section may not exceed \$2,000,000,000.

(b) **LIMITATIONS.**—The authority provided by this section to transfer authorizations—

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

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) **EFFECT ON OBLIGATION LIMITATIONS.**—A transfer made under the authority of this section increases by the amount of the transfer the obligation limitation provided on the account (or other amount) to which the transfer is made.

(d) **NOTICE TO CONGRESS.**—The Secretary of Defense shall promptly notify Congress of transfers made under the authority of this section.

**SEC. 1202. LIMITATION ON AVAILABILITY OF FUNDS**

Section 2202 of title 10, United States Code, is amended—

(1) by inserting “(a)” before “Notwithstanding”; and

(2) by adding at the end the following:

“(b) Except as otherwise provided by law, the availability for obligation of funds appropriated for any program, project, or activity of the Department of Defense expires at the end of the three-year period beginning on the date that such funds initially become

available for obligation unless before the end of such period the Secretary of Defense enters into a contract for such program, project, or activity.”.

**SEC. 1203. REQUIREMENT FOR CONSISTENCY IN THE BUDGET PRESENTATIONS OF THE DEPARTMENT OF DEFENSE**

Section 114 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(f) The amounts of the estimated expenditures and proposed appropriations necessary to support programs, projects, and activities of the Department of Defense included pursuant to paragraph (5) of section 1105(a) of title 31 in the budget submitted to Congress by the President under such section for any fiscal year or years and the amounts specified in all program and budget information submitted to Congress by the Department of Defense in support of such estimates and proposed appropriations shall be mutually consistent unless, in the case of each inconsistency, there is included detailed reasons for the inconsistency.

“(g) The Secretary of Defense shall submit to Congress not later than April 1 of each year, the five-year defense program (including associated annexes) used by the Secretary in formulating the estimated expenditures and proposed appropriations included in such budget to support programs, projects, and activities of the Department of Defense.”.

**PART B—FORCE STRUCTURE AND POLICY**

**SEC. 1211. IMPLEMENTATION OF SPECIAL OPERATIONS FORCES REORGANIZATION**

(a) **ASSISTANT SECRETARY OF DEFENSE.**—(1) Section 136(b)(4) of title 10, United States Code, is amended by adding at the end the following new sentence: “The Assistant Secretary is the principal civilian adviser to the Secretary of Defense on special operations and low intensity conflict matters and (after the Secretary and Deputy Secretary) is the principal special operations and low intensity conflict official within the senior management of the Department of Defense.”.

10 USC 136 note.

(2) The Secretary of Defense shall publish a directive setting forth the charter of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict not later than 30 days after the date of the enactment of this Act. The directive shall set forth—

(A) the duties and responsibilities of the Assistant Secretary;

(B) the relationships between the Assistant Secretary and other Department of Defense officials;

(C) any delegation of authority from the Secretary of Defense to the Assistant Secretary; and

(D) such other matters as the Secretary considers appropriate.

(3) On the date that such directive is published, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives—

(A) a copy of the directive; and

(B) a report explaining how the charter of the Assistant Secretary fulfills the provisions of section 136(b)(4) of title 10, United States Code (as amended by paragraph (1)), that provide that the Assistant Secretary—

Reports.

(i) exercises overall supervision of special operations activities and low intensity conflict activities of the Department of Defense;

(ii) is the principal civilian adviser to the Secretary of Defense on special operations and low intensity conflict matters; and

(iii) is the principal special operations and low intensity conflict official (after the Secretary and Deputy Secretary) within the senior management of the Department of Defense.

(4)(A) Until the office of Assistant Secretary of Defense for Special Operations and Low Intensity Conflict is filled for the first time by a person appointed from civilian life by the President, by and with the advice and consent of the Senate, the Secretary of the Army shall carry out the duties and responsibilities of that office.

(B) Throughout the period of time during which the Secretary of the Army is carrying out the duties and responsibilities of that office, he shall submit to the Committees on Armed Services of the Senate and House of Representatives a monthly report on the administrative actions that he has taken and the policy guidance that he has issued to carry out such duties and responsibilities. Each such report shall also describe the actions that he intends to take and the guidance that he intends to issue to fulfill the provisions of section 136(b)(4) of title 10, United States Code (as amended by paragraph (1)), along with a timetable for completion of such actions and issuance of such guidance. The first such report shall be submitted not later than 30 days after the date of the enactment of this Act.

Reports.

(5) Until the first individual appointed to the position of Assistant Secretary of Defense for Special Operations and Low Intensity Conflict by the President, by and with the advice and consent of the Senate, leaves that office, that Assistant Secretary (and the Secretary of the Army when carrying out the duties and responsibilities of the Assistant Secretary) shall, with respect to the duties and responsibilities of that office, report directly, without intervening review or approval, to the Secretary of Defense personally or, as designated by the Secretary, to the Deputy Secretary of Defense personally.

(b) **RESOURCES FOR CINCSOF.**—The Secretary of Defense shall provide sufficient resources for the commander of the unified combatant command for special operations forces established pursuant to section 167 of title 10, United States Code, to carry out his duties and responsibilities, including particularly his duties and responsibilities relating to the following functions:

10 USC 167 note.

(1) Developing and acquiring special operations-peculiar equipment and acquiring special operations-peculiar material, supplies, and services.

(2) Providing advice and assistance to the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict in the Assistant Secretary's overall supervision of the preparation and justification of the program recommendations and budget proposals for special operations forces.

(3) Managing assigned resources from the major force program category for special operations forces of the Five-Year Defense Plan of the Department of Defense (as required to be created pursuant to subsection (e)).



(c) **PERSONNEL ASSIGNED TO COMBATANT COMMAND STAFF.**—(1) On September 30, 1988, the total number of members of the Armed Forces and civilian employees of the Department of Defense assigned or detailed to permanent duty on the staff of the unified combatant command for special operations forces may not be less than 450.

(2) Of the personnel assigned or detailed pursuant to paragraph (1), the number of civilian employees shall be 111 unless otherwise directed by the commander of the command or the Secretary of Defense.

(d) **ACQUISITION AUTHORITY.**—Subsection (e) of section 167 of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(3) Subject to the authority, direction, and control of the Secretary of Defense, the commander of the command, in carrying out his functions under paragraph (1)(G), shall have authority to exercise the functions of the head of an agency under chapter 137 of this title. The staff of the commander shall include an inspector general who shall conduct internal audits and inspections of purchasing and contracting actions through the special operations command and such other inspector general functions as may be assigned.”

10 USC 167 note.

(e) **RESOURCES AND PROGRAMMING.**—(1) The major force program category for special operations forces of the Five-Year Defense Plan of the Department of Defense, to be created pursuant to section 1311(c) of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661), shall be created not later than 30 days after the date of the enactment of this Act.

(2) On the date that such major force program category is created, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives—

(A) a certification that all program recommendations and budget proposals for special operations forces are included in such category; and

Reports.

(B) a report explaining the program recommendations and budget proposals that have been included in such category.

Reports.

#### SEC. 1212. CONVENTIONAL DEFENSE ADVISORY BOARD

(a) **CONVENTIONAL DEFENSE ADVISORY BOARD.**—(1) The Secretary of Defense shall appoint within the Department of Defense a Conventional Defense Advisory Board for the purpose of reviewing the report of the Conventional Defense Study Group submitted to the Secretary under subsection (b). The advisory board shall submit to the Secretary of Defense a report on such review, including any recommendations for the implementation of the report of the study group, not later than 75 days after the date on which that report is received by the Secretary.

(2) Not later than 90 days after the date on which the report of the study group is received by the Secretary, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a copy of the report of the advisory board under paragraph (1), together with any comments the Secretary has on such report. The report of the advisory board shall be submitted to the committees in exactly the same form and with the same content as submitted to the Secretary under paragraph (1).

(b) **CONVENTIONAL DEFENSE STUDY GROUP.**—The Comptroller General of the United States shall convene and chair a Conventional Defense Study Group composed of representatives of the Library of

Congress, the Office of Technology Assessment, and the Congressional Budget Office. The study group shall assess the balance of conventional forces in Europe between forces of the North Atlantic Treaty Organization and forces of the Warsaw Pact and shall submit a report on such assessment to the Secretary of Defense and the Committees on Armed Services of the Senate and House of Representatives. The report shall be submitted not later than April 15, 1988, and shall provide—

- (1) the study group's assessment of that balance of forces; and
- (2) recommendations for improving that balance so as to provide for a more adequate conventional defense for NATO.

#### SEC. 1213. REPORT ON COMPETITIVE STRATEGIES

(a) **IN GENERAL.**—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on Competitive Strategies. Such report shall be provided in classified and unclassified versions and shall include the following:

- (1) A discussion of the Competitive Strategy concept.
- (2) An assessment of Soviet and Warsaw Pact weaknesses, including military, political, and systemic weaknesses that could be candidates for exploitation through competitive strategies.

Union of Soviet  
Socialist  
Republics.

(3) A discussion of the initial areas selected for examination in the Competitive Strategy initiative, including a discussion of the rationale for the areas selected.

(4) A discussion of the initial findings resulting from the Competitive Strategy process.

(b) **DEADLINE FOR REPORT.**—The report described in subsection (a) shall be submitted not later than January 15, 1988.

#### SEC. 1214. PUBLICATION OF ANNUAL UNITED STATES-SOVIET NET ASSESSMENT

Section 113 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(j) The Secretary of Defense shall transmit to Congress each year a report that contains a comprehensive net assessment of the defense capabilities and programs of the armed forces of the United States and its allies as compared with those of their potential adversaries. Each such report shall be transmitted in both a classified and an unclassified form.”.

### PART C—MISCELLANEOUS REPORTS

#### SEC. 1221. STUDY OF SPACE OPERATIONS CENTER, COLORADO

(a) **IN GENERAL.**—The Secretary of Defense shall carry out a study of the requirements necessary to establish and conduct a centralized manned and unmanned military space operation which would be part of the Consolidated Space Operations Center near Colorado Springs, Colorado.

Reports.

(b) **REPORT.**—Within 60 days after the date of the enactment of this Act, the Secretary shall transmit to the Committee on Armed Services of the Senate and House of Representatives a report containing the findings and conclusions of the study carried out under subsection (a).

Energy.

**SEC. 1222. REPORT ON CONTINGENCY PLANS TO DEAL WITH DISRUPTIONS IN PERSIAN GULF CRUDE OIL SUPPLY**

(a) **REPORT REQUIREMENT.**—(1) Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Energy shall submit to Congress a joint report on contingency plans of the Department of Defense and the Department of Energy for dealing with significant disruptions in the supply to the United States of crude oil produced by the nations of the Persian Gulf region. The report shall be prepared with the assistance of the Secretary of State.

(2) If the Secretary of Defense and the Secretary of Energy find it necessary to classify the report (or any portion of the report), a nonclassified version containing all energy policy recommendations made by the two Secretaries shall be transmitted with the report.

(b) **MATTERS TO BE STUDIED.**—In preparing the report required by this section, and any periodic update to that report, the Secretaries shall—

(1) ascertain the extent to which the Armed Forces of the United States, the civilian economy of the United States, and the nations of the free world (with specific reference to the NATO allies and to other strategic allies of the United States) currently depend on crude oil produced in the Persian Gulf region;

(2) prepare a range of estimates on the types of disruptions that could occur in the supply of crude oil from the Persian Gulf region and the effect of each such disruption (including duration) on reduced availability of crude oil supply from the oil producing nations of the Persian Gulf;

(3) develop a range of plans for dealing with supply disruptions and shortages of crude oil from the Persian Gulf region, including—

(A) the role and use of existing domestic crude oil production, other non-Persian Gulf sources of the world supply of crude oil, and the Strategic Petroleum Reserve; and

(B) the use of any emergency power or authority provided for by existing law; and

(4) identify and review any bilateral or multilateral agreement (including the International Energy Agreement) which commits or obligates the United States to furnish crude oil or petroleum products to other nations.

(c) **RECOMMENDATIONS.**—The report under subsection (a) shall set forth the policy and legislative recommendations of the Secretaries for improving the ability of the United States to respond effectively to problems created by significant disruptions in the production, transportation, and supply of crude oil in the Persian Gulf region.

(d) **COST ESTIMATES.**—The report under subsection (a) shall include estimates of the total annual and per barrel cost of Persian Gulf crude oil to the world economy and to the United States economy.

International agreements.

U.S.S. George Washington.

**SEC. 1223. STUDY OF EARLY DECOMMISSIONING OF TWO AIRCRAFT CARRIERS**

(a) **REQUIREMENT FOR STUDY.**—The Secretary of Defense shall conduct a comprehensive study comparing—

(1) the current plan of the Department of Defense under which one existing aircraft carrier would be decommissioned when the U.S.S. George Washington (CVN73) is commissioned in fiscal year 1992 and a second existing aircraft carrier would

U.S.S. Abraham Lincoln.

be decommissioned when the next aircraft carrier (CVN74) is commissioned in fiscal year 1997, with

(2) an alternative plan under which one existing aircraft carrier would be decommissioned and one existing Navy air wing would be deactivated when the aircraft carrier U.S.S. Abraham Lincoln (CVN72) is commissioned in fiscal year 1990 and a second existing aircraft carrier would be decommissioned when the aircraft carrier U.S.S. George Washington (CVN73) is commissioned in fiscal year 1992.

(b) MATTERS TO BE INCLUDED.—In conducting the study under subsection (a), the Secretary of Defense shall determine the implications of adopting the alternative plan described in subsection (a)(2) for aircraft carrier retirements, as compared to the implications of the current plan described in subsection (a)(1), with respect to each of the following:

(1) Total direct and indirect costs in outlays and in budget authority (stated in constant fiscal year 1988 dollars) through fiscal year 1997.

(2) Requirements of the Navy for naval aircraft through fiscal year 1997 (assuming that the aircraft from the deactivated naval air wing are reassigned in the active force).

(3) Requirements of the Navy for active-duty and Reserve personnel (stated in terms of fiscal year end strengths) through fiscal year 1997.

(4) Requirements for naval surface ship combatants and support ships through fiscal year 1997.

(5) The cost and feasibility of making available to the active fleet for operation during a time of national emergency—

(A) an aircraft carrier that is in the Service Life Extension Program (SLEP); and

(B) an aircraft carrier that has been decommissioned but is still under the jurisdiction of the Navy.

(c) PEACETIME DEPLOYMENT COMMITMENTS.—(1) The Secretary of Defense shall direct the Chairman of the Joint Chiefs of Staff to assess the implications that accelerated aircraft carrier retirements in accordance with the alternative plan described in subsection (a)(2) would have on the ability of the United States to meet both peacetime aircraft carrier deployment commitments and the wartime requirements for aircraft carriers set forth by the commanders of the unified combatant commands and to report to the Secretary the results of that assessment.

(2) Insofar as the report required by paragraph (1) notes a deficiency between peacetime aircraft carrier deployment requirements and the number of deployable aircraft carriers, the report shall also include an assessment regarding—

(A) how aircraft carrier deployment strategies could be adjusted or changed to cover commitments while maintaining an equitable distant deployment rotation for personnel and equipment considerations;

(B) what alternative combinations of ships and aircraft might be deployed to substitute for an aircraft carrier, either permanently or temporarily, in all situations in which aircraft carriers are currently deployed; and

(C) what special considerations will accompany the eventual removal of the U.S.S. Midway from her homeport in Japan.

(d) REPORT.—The Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report

Reports.

U.S.S. Midway.  
Japan.

containing the results of the study conducted by the Secretary under subsection (a) and a copy of the report submitted to the Secretary under subsection (c). The Secretary's report shall include such comments and recommendations as the Secretary considers appropriate and shall be submitted not later than 30 days after the date of the enactment of this Act.

#### PART D—TECHNICAL AND CLERICAL AMENDMENTS

##### SEC. 1231. AMENDMENTS TO TITLE 10, UNITED STATES CODE

Title 10, United States Code, is amended as follows:

- (1) Section 101(14) is amended by inserting "a" after "means".
- (2) Section 179 is amended by realigning subsection (e) so as to appear flush to the left margin.
- (3) The table of sections at the beginning of chapter 21 is amended by striking out the item relating to section 423 and inserting in lieu thereof the following:

"423. Authority to use proceeds from counterintelligence operations of the military departments."
- (4) The table of sections at the beginning of chapter 39 is amended by transferring the item relating to section 686 from the end of such table to appear immediately below the item relating to section 685.
- (5) Section 1102(c)(2) is amended by striking out ", United States Code" in the second sentence.
- (6) Section 2321 is amended—
  - (A) in subsection (d)(4)(A), by striking out "paragraph" and inserting in lieu thereof "subsection"; and
  - (B) in subsection (i), by inserting "or subcontractor" after "contractor".
- (7) Section 2322(b) is amended by inserting a period at the end.
- (8) Section 2327(d) is amended by inserting "(1)" after "APPLICABILITY.—".
- (9) The heading of section 2342 is amended by inserting a hyphen between the first and second words.
- (10)(A) Section 2364 is amended by striking out "milestone O, I, and II decisions" in subsection (b)(5) and inserting in lieu thereof "milestone O, milestone I, and milestone II decisions".
  - (B) The heading of such section is amended by revising the fifth word so that the first letter is lower case.
  - (C) The item relating to that section in the table of sections at the beginning of chapter 139 is amended to conform to the amendment made by subparagraph (B).
- (11) Section 2366(e)(1)(B) is amended by striking out "section 2303(5)" and inserting in lieu thereof "section 2302(5)".
- (12) The item relating to section 2367 in the table of sections at the beginning of chapter 139 is amended so that the initial letter of the third word is lower case.
- (13) Section 2406(f)(2)(A) is amended by inserting "section" after "is defined in".
- (14) Section 2436(c)(5) is amended by inserting "law," after "auditing,".
- (15) Section 2801(c)(3) is amended by striking out "defense agencies" and inserting in lieu thereof "Defense Agencies".



(16) Section 3723 is amended by striking out the comma after "disease".

(17) Sections 801, 1447, 2005(e), 2101, 2147(d), 2393(c), 2687(e), and 9511 are amended—

(A) by inserting "The term" in each paragraph (other than paragraph (2) of section 801) after the paragraph designation; and

(B) by revising the first word after the first quotation marks in each paragraph (other than paragraph (2) of section 801, paragraph (1) of section 1447, and paragraphs (7) and (11) of section 9511) so that the initial letter of such word is lower case.

(18)(A) Sections 1089(g), 2002(b), 2141(c), 2143(c), and 2145(b) are amended by inserting "the term" after "In this section,".

(B) Section 2356(b) is amended by inserting ", the term" after "In this section".

(19)(A) Sections 3251 and 8251 are amended by inserting ", the term" after "In this chapter".

(B) Sections 4801, 8368(a), and 9801 are amended by inserting "the term" after "In this chapter,".

(20) Section 101(20) is amended by striking out "Rate" at the beginning of the second sentence and inserting in lieu thereof "The term 'rate'".

(21) Section 1401a(a) is amended by striking out "pay" after "retired pay".

#### SEC. 1232. AMENDMENTS TO TITLE 37, UNITED STATES CODE

Section 303(2) of title 37, United States Code, is amended—

(1) by striking out the comma at the end of subparagraph (A) and inserting in lieu thereof a semicolon; and

(2) by striking out ", or" at the end of subparagraph (B) and inserting in lieu thereof "; or".

#### SEC. 1233. MISCELLANEOUS AMENDMENTS

(a) AMENDMENTS TO PUBLIC LAW 100-26.—Public Law 100-26 is amended—

(1) in section 7(b)(3)(A), by inserting "in subsection (a)," before "by";

(2) in section 7(k)(1)(C), by inserting "(2)" after "paragraphs (1),"; and

(3) in section 8(d)(7), by striking out "Section 406" and inserting in lieu thereof "Section 406b".

(b) CORRECTION OF AMBIGUOUS REFERENCE.—Section 956(b)(1) of the Defense Acquisition Improvement Act of 1986 (as contained in title IX of Public Law 99-661 and in title X of section 101(c) of Public Laws 99-500 and 99-591) is amended by inserting "the first place it appears" before the semicolon.

(c) EFFECTIVE DATES.—The amendments made by subsection (a) shall apply as if included in the enactment of the Defense Technical Corrections Act of 1987 (Public Law 100-26).

(2) The amendment made by subsection (b) shall apply as if included in the enactment of Public Laws 99-500, 99-591, and 99-661.

*Ante*, p. 273.  
10 USC 2432.

10 USC 101.

37 USC 406.

10 USC 2413.

100 Stat. 3954,  
1783-174,  
3341-174.  
10 USC 101 note.  
10 USC 2413  
note.

100 Stat. 1783,  
3341, 3816.

## PART E—MISCELLANEOUS MATTERS

## 21 USC 801 note. SEC. 1241. GAO STUDY OF THE CAPABILITIES OF THE UNITED STATES TO CONTROL DRUG SMUGGLING INTO THE UNITED STATES

(a) **STUDY REQUIREMENT.**—The Comptroller General of the United States shall conduct a comprehensive study regarding smuggling of illegal drugs into the United States and the current capabilities of the United States to deter such smuggling. In carrying out such study, the Comptroller General shall—

(1) assess the national security implications of the smuggling of illegal drugs into the United States;

(2) assess the magnitude, nature, and operational impact that current resource limitations have on the drug smuggling interdiction efforts of Federal law enforcement agencies and the capability of the Department of Defense to respond to requests for assistance from those law enforcement agencies;

(3) assess the effect on military readiness, the costs that would be incurred, the operational effects on military and civilian agencies, the potential for improving drug interdiction operations, and the methods for implementing increased drug law enforcement assistance by the Department of Defense under section 825 of H.R. 1748 as passed the House of Representatives on May 20, 1987, as if such section were enacted into law and were to become effective on January 1, 1988;

(4) assess results of a cooperative drug enforcement operation between the United States Customs Service and National Guard units from the States of Arizona, Utah, Missouri, and Wisconsin conducted along the United States-Mexico border beginning on August 29, 1987, and include in the assessment information relating to the cost of conducting the operation, the personnel and equipment used in such operation, the command and control relationships in such operation, and the legal issues involved in such operation;

(5) determine whether giving the Armed Forces a more direct, active role in drug interdiction activities would enhance the morale and readiness of the Armed Forces;

(6) determine what assets are currently available to and under consideration for the Department of Defense, the Department of Transportation, the Department of Justice, and the Department of the Treasury for the detection of airborne drug smugglers;

(7) assess the current plan of the Customs Service for the coordinated use of such assets;

(8) determine the cost effectiveness and the capability of the Customs Service to use effectively the information generated by the systems employed by or planned for the Department of Defense, the Coast Guard, and the Customs Service, respectively, to detect airborne drug smugglers;

(9) determine the availability of current and anticipated tracking, pursuit, and apprehension resources to use the capabilities of such systems; and

(10) at a minimum, assess the detection capabilities of the Over-the-Horizon Backscatter radar (OTH-B), ROTH-R, aerostats, airships, and the E-3A, E-2C, P-3, and P-3 Airborne Early Warning aircraft (including any variant of the P-3 Airborne Early Warning aircraft).

National  
Guard.  
Arizona.  
Utah.  
Missouri.  
Wisconsin.

(b) **REPORTS.**—(1) Not later than April 30, 1988, the Comptroller General shall, as provided in paragraph (3), submit a report on the results of the study required by subsection (a) with respect to the elements of the study specified in paragraphs (1) through (5) of that subsection.

(2) As soon as practicable after the report under paragraph (1) is submitted, and not later than March 31, 1989, the Comptroller General shall, as provided in paragraph (3), submit a report on the results of the study required by subsection (a) with respect to the elements of the study specified in paragraphs (6) through (10) of that subsection.

(3) The reports under paragraphs (1) and (2) shall be submitted to—

(A) the Committees on Armed Services, the Judiciary, Foreign Relations, and Appropriations of the Senate;

(B) the Committees on Armed Services, the Judiciary, Foreign Affairs, and Appropriations of the House of Representatives;

(C) the members of the Senate Caucus on International Narcotics Control; and

(D) the Select Committee on Narcotics Abuse and Control of the House of Representatives.

(4) The reports under this subsection shall be submitted in both classified and unclassified forms and shall include such comments and recommendations as the Comptroller General considers appropriate.

#### SEC. 1242. TRANSFER OF FUNDS TO THE COAST GUARD

Of the amounts appropriated to the Department of Defense for fiscal years 1988 and 1989, the Secretary of Defense shall transfer to the Secretary of Transportation funds to assist in providing for the Law Enforcement Detachment program of the Coast Guard as follows:

(1) \$3,000,000 from amounts appropriated for fiscal year 1988.

(2) \$6,000,000 from amounts appropriated for fiscal year 1989.

#### SEC. 1243. ANNUAL PLAN ON DEPARTMENT OF DEFENSE ASSISTANCE FOR CIVILIAN DRUG LAW ENFORCEMENT

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

“§ 380. Department of Defense drug law enforcement assistance: annual plan

10 USC 380.

“(a)(1) At the same time as the President submits the budget to Congress each year under section 1105(a) of title 31, the Secretary of Defense shall submit to Congress a report containing the following:

Reports.

“(A) A detailed list of all forms of assistance under this chapter that is proposed to be made available by the Department of Defense to civilian drug law enforcement and drug interdiction agencies (including the United States Customs Service, the Coast Guard, the Drug Enforcement Administration, and the Immigration and Naturalization Service) during the fiscal year for which the budget is submitted.

“(B) A detailed plan for lending equipment and rendering other drug interdiction-related assistance included on such list during such fiscal year.

“(2) The list required by paragraph (1)(A) shall include a description of the following:

Communications  
and tele-  
communications.

"(A) Surveillance equipment suitable for detecting drug smuggling activities by air, by land, and by sea.

"(B) Communications equipment, including secure communications.

"(C) Support available from the reserve components for drug interdiction operations of civilian drug law enforcement agencies.

"(D) Intelligence on the production, processing, and shipment of drugs in countries that are the source of illegal drugs in the United States and the transshipment of drugs between those countries and the United States.

"(E) Support from the Southern Command and other unified and specified commands that is available to assist in drug interdiction.

Aircraft and  
air carriers.

"(F) Aircraft suitable for use in air-to-air detection, interception, tracking, and seizure by civilian drug interdiction agencies.

Maritime  
affairs.

"(G) Vessels suitable for use in maritime detection, interception, tracking, and seizure by civilian drug interdiction agencies.

Motor vehicles.

"(H) Such land vehicles as may be appropriate for support activities relating to drug interdiction operations by civilian drug law enforcement agencies.

"(b) The Secretary of Defense, not earlier than 30 days and not later than 45 days after the date on which Congress receives a report submitted under subsection (a), shall convene a conference of the heads of all Federal law enforcement agencies having jurisdiction over drug law enforcement (including the Customs Service, the Coast Guard, and the Drug Enforcement Administration) and of the Secretary of State to determine the appropriate distribution of the assets, items of support, and other assistance to be made available by the Department of Defense under this chapter to those agencies during the fiscal year for which the report is submitted. Not later than 60 days after the date on which such conference convenes, the Secretary of Defense and the heads of such agencies shall enter into appropriate memoranda of agreement specifying the distribution of such assistance.

Reports.

"(c) The Comptroller General of the United States shall monitor the compliance of the Department of Defense with subsections (a) and (b). Not later than 90 days after the date on which a conference is convened under subsection (b), the Comptroller General shall transmit to Congress a written report containing the Comptroller General's findings regarding the compliance of the Department of Defense with such subsections. The report shall include a review of the memoranda of agreement entered into under subsection (b)."

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

"380. Department of Defense drug law enforcement assistance: annual plan."

Florida.

#### SEC. 1244. PROVISION OF COMMAND AND CONTROL DATA FROM TYNDALL AIR FORCE BASE FOR DRUG INTERDICTION ASSISTANCE

Whenever the Secretary of the Air Force provides assistance to a civilian law enforcement agency for drug interdiction purposes as authorized by chapter 18 of title 10, United States Code, through the provision of command and control data (including voice and digital information) from the Sector Operations Control Center at Tyndall

Air Force Base, Florida, to the civilian agency, reimbursement that is otherwise required under that chapter shall not be required to the extent that such data are provided to a facility of the civilian law enforcement agency that is located adjacent to such Sector Operations Control Center.

**SEC. 1245. ASSISTANT TO THE SECRETARY OF DEFENSE FOR ATOMIC ENERGY**

(a) **STATUTORY ESTABLISHMENT OF POSITION OF ASSISTANT TO THE SECRETARY OF DEFENSE FOR ATOMIC ENERGY.**—(1) Chapter 4 of title 10, United States Code, is amended by adding at the end the following new section:

**“§ 141. Assistant to the Secretary of Defense for Atomic Energy** 10 USC 141.

“(a) There is an Assistant to the Secretary of Defense for Atomic Energy, appointed by the President, by and with the advice and consent of the Senate.

“(b) The Assistant to the Secretary shall advise the Secretary of Defense and the Nuclear Weapons Council on nuclear energy and nuclear weapons matters.”

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

“141. Assistant to the Secretary of Defense for Atomic Energy”.

(b) **EXCEPTION TO SENATE CONFIRMATION.**—The person serving as Chairman of the Military Liaison Committee, Department of Defense, under section 27 of the Atomic Energy Act of 1946 (42 U.S.C. 2037) on October 16, 1986, may be appointed as the Assistant to the Secretary of Defense for Atomic Energy under section 141 of title 10, United States Code (as added by subsection (a)), without the advice and consent of the Senate. 10 USC 141 note.

(c) **AMENDMENT TO TITLE 5, UNITED STATES CODE.**—Section 5316 of title 5, United States Code, is amended by striking out “Chairman of the Military Liaison Committee to the Atomic Energy Commission, Department of Defense” and inserting in lieu thereof “Assistant to the Secretary of Defense for Atomic Energy, Department of Defense”.

**SEC. 1246. OIL SHIPMENTS FOR USE BY MILITARY FACILITIES OVERSEAS**

Section 7 of the Export Administration Act of 1979 (50 U.S.C. App. 2406) is amended by adding at the end the following:

“(k) **OIL EXPORTS FOR USE BY UNITED STATES MILITARY FACILITIES.**—For purposes of subsection (d) of this section, and for purposes of any export controls imposed under this Act, shipments of crude oil, refined petroleum products, or partially refined petroleum products from the United States for use by the Department of Defense or United States-supported installations or facilities shall not be considered to be exports.”.

**SEC. 1247. PAYMENT OF CLAIM**

Alabama.

(a) **PAYMENT OF CLAIM.**—The Secretary of the Treasury shall pay, out of any money in the Treasury not otherwise appropriated, the sum of \$809,609, to the Merchants National Bank of Mobile, Alabama, for compensation for losses sustained during the period beginning on January 1, 1976, and ending on December 31, 1978, concerning the issuance and cancellation of a Government loan guarantee and the subsequent issuance of a second loan guarantee on reduced terms, resulting from actions of the Defense Logistics



Agency of the Department of Defense and its fiscal agent, the Federal Reserve Bank of Atlanta.

(b) **FULL SETTLEMENT OF CLAIM.**—The payment made pursuant to subsection (a) shall constitute full settlement of the legal and equitable claims by the Merchants National Bank of Mobile, Alabama, against the United States, covered by that subsection.

(c) **LIMITATION ON ATTORNEYS' FEES.**—No part of the amount appropriated in this section in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with such claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Violation of the provisions of this subsection is a misdemeanor punishable by a fine not to exceed \$1,000.

Drugs and drug  
abuse.  
Law  
enforcement and  
crime.  
10 USC 912.

#### SEC. 1248. PROCEDURES FOR FORENSIC EXAMINATION OF CERTAIN PHYSIOLOGICAL EVIDENCE

(a) **ESTABLISHMENT OF PROCEDURES.**—The Secretary of Defense shall establish procedures to ensure that whenever, in connection with a criminal investigation conducted by or for a military department, a physiological specimen is obtained from a person for the purpose of determining whether that person has used a controlled substance—

(1) the specimen is in a condition that is suitable for forensic examination when delivered to a forensic laboratory; and

(2) the investigative agency that submits the specimen to the laboratory receives a written statement of the results of the forensic examination from the laboratory within such period as is necessary to use such results in a court-martial or other criminal proceeding resulting from the investigation.

(b) **TRANSPORTATION OF SPECIMENS.**—The procedures prescribed under subsection (a)—

(1) shall ensure that physiological specimens are preserved and transported in accordance with valid medical and forensic practices; and

(2) insofar as practicable, shall require transportation of the specimen to an appropriate laboratory by the most expeditious means necessary to carry out the requirement in subsection (a)(1).

(c) **TESTS FOR USE OF LSD.**—Procedures established under subsection (a) shall ensure that whenever the controlled substance with respect to which a physiological specimen is to be examined is lysergic acid diethylamide (LSD), the specimen is submitted to a forensic laboratory that is capable of determining with a reasonable degree of scientific certainty, on the basis of the examination of that specimen, whether the person providing the specimen has used lysergic acid diethylamide (LSD).

(d) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed as providing a basis, that is not otherwise available in law, for a defense to a charge or a motion for exclusion of evidence or other appropriate relief in any criminal or administrative proceeding.

(e) **CONTROLLED SUBSTANCES COVERED.**—For purposes of this section, a controlled substance is a substance described in section 912a(b) of title 10, United States Code.

(f) **REPORT.**—Not later than March 1, 1988, the Secretary of Defense shall submit to the Committees on Armed Services of the

Senate and the House of Representatives, a report describing the procedures established under this section.

**SEC. 1249. ADJUDICATION OF INELIGIBILITY FOR A JOB WITH THE FEDERAL GOVERNMENT ON THE BASIS OF FAILURE TO REGISTER UNDER THE MILITARY SELECTIVE SERVICE ACT**

Section 3328(b) of title 5, United States Code, is amended—

(1) by striking out “within the Office” in the second sentence; and

(2) by inserting after the third sentence the following: “Such procedures may provide that determinations of eligibility under the requirements of this section shall be adjudicated by the Executive agency making the appointment for which the eligibility is determined.”.

**SEC. 1250. TRANSPORTATION ON DEPARTMENT OF DEFENSE AEROMEDICAL EVACUATION AIRCRAFT OF CERTAIN VETERANS' ADMINISTRATION BENEFICIARIES**

(a) **IN GENERAL.**—(1) Chapter 157 of title 10, United States Code, is amended by adding at the end the following new section:

**“§ 2641. Transportation of certain veterans on Department of Defense aeromedical evacuation aircraft** 10 USC 2641.

“(a) The Secretary of Defense may provide transportation on an aircraft operating under the aeromedical evacuation system of the Department of Defense for the purpose of transporting a veteran to or from a Veterans' Administration medical facility.

“(b) Transportation under this section shall be provided in accordance with an agreement entered into between the Secretary of Defense and the Administrator of Veterans' Affairs. Such an agreement shall provide that transportation may be furnished to a veteran on an aircraft referred to in subsection (a) only if—

“(1) the Administrator of Veterans' Affairs notifies the Secretary of Defense that the veteran needs or has been furnished medical care or services in a Veterans' Administration facility and the Administrator requests such transportation in connection with the travel of such veteran to or from the Veterans' Administration facility where the care or services are to be furnished or were furnished to such veteran;

“(2) there is space available for the veteran on the aircraft; and

“(3) there is an adequate number of medical and other service attendants to care for all persons being transported on the aircraft.

“(c) A veteran is not eligible for transportation under this section unless the veteran is a primary beneficiary within the meaning of clause (A) of section 5011(g)(5) of title 38.

“(d)(1) A charge may not be imposed on a veteran for transportation provided to the veteran under this section.

“(2) An agreement under subsection (b) shall provide that the Veterans' Administration shall reimburse the Department of Defense for any costs incurred in providing transportation to veterans under this section that would not otherwise have been incurred by the Department of Defense.

“(e) In this section, the term ‘veteran’ has the meaning given that term in section 101(2) of title 38.”.

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

"2641. Transportation of certain veterans on Department of Defense aeromedical evacuation aircraft."

10 USC 2641  
note.

(b) **IMPLEMENTATION DEADLINE.**—The Secretary of Defense and the Administrator of Veterans' Affairs shall enter into an agreement required by section 2641 of title 10, United States Code (as added by subsection (a)), not later than 60 days after the date of the enactment of this Act.

### **TITLE XIII—AMENDMENTS RELATED TO GOLDWATER-NICHOLS REORGANIZATION ACT**

#### **PART A—JOINT OFFICER PERSONNEL POLICY**

##### **SEC. 1301. NOMINATION AND SELECTION OF OFFICERS FOR THE JOINT SPECIALTY**

(a) **SELECTION AUTHORITY.**—(1) Subsection (b) of section 661 of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(3) The authority of the Secretary of Defense under paragraph (2) to select officers for the joint specialty may be delegated only to the Deputy Secretary of Defense."

(b) **EDUCATION AND EXPERIENCE REQUIREMENTS.**—Subsection (c) of such section is amended—

(1) in paragraph (1)(B), by inserting "(as described in section 664 (f)(1) or (f)(3) of this title)" after "joint duty assignment";

(2) in paragraph (2)—

(A) by striking out "An officer who has" and inserting in lieu thereof "(A) An officer (other than a general or flag officer) who has a military occupational specialty that is";

(B) by striking out "joint duty assignment of not less than two years" and inserting in lieu thereof "full tour of duty in a joint duty assignment (as described in section 664(f)(2) of this title)";

(C) by striking out the second sentence; and

(D) by adding at the end the following:

"(B) The Secretary may not for the purposes of this paragraph designate a military occupational specialty as a critical occupational specialty involving combat operations unless that occupational specialty is within the combat arms, in the case of the Army, or the equivalent, in the case of the Navy, Air Force, and Marine Corps. In determining for the purposes of this paragraph what military occupational specialties within the combat arms (or the equivalent) are critical, the Secretary shall designate as critical any military occupational specialty experiencing severe shortages of trained officers."; and

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

"(3)(A) In the case of an officer who has completed both a program of education referred to in paragraph (1)(A) and a full tour of duty in a joint duty assignment (as described in section 664 (f)(1) or (f)(3) of this title) and is subsequently nominated for the joint specialty, the Secretary of Defense may waive the requirement in paragraph (1)(B) that the tour of duty in a joint duty assignment be performed after the officer completes the program of education if the Secretary

determines that the waiver is necessary in the interests of sound personnel management.

"(B) In the case of an officer who has completed two full tours of duty in a joint duty assignment (as described in section 664(f) of this title) and is subsequently nominated for the joint specialty, the Secretary may waive the requirement that the officer have successfully completed a program of education referred to in paragraph (1)(A) if the Secretary determines that—

"(i) it would be impractical to require the officer to complete such a program at the current stage of the officer's career; and

"(ii) the types of joint duty assignments completed by the officer have been of sufficient breadth to prepare the officer adequately for the joint specialty.

"(C) A waiver under subparagraph (A) or (B) may be made only under unusual circumstances justifying deviation from the conditions established in paragraph (1) for selection of an officer for the joint specialty.

"(D) The authority of the Secretary of Defense to grant a waiver under this paragraph may be delegated only to the Deputy Secretary of Defense. Such a waiver may be granted only on a case-by-case basis in the case of an individual officer and in the case of a general or flag officer only under exceptional circumstances in which the waiver is necessary to meet a critical need of the armed forces, as determined by the Chairman of the Joint Chiefs of Staff. The total number of waivers granted under this paragraph during any fiscal year may not exceed 5 percent of the total number of officers selected for the joint specialty during that fiscal year."

#### SEC. 1302. JOINT DUTY ASSIGNMENT POSITIONS

(a) MINIMUM ASSIGNMENT REQUIREMENTS.—Paragraph (1) of section 661(d) of title 10, United States Code, is amended—

(1) by striking out "by officers who have" and all that follows and inserting in lieu thereof "by officers who—

"(A) have the joint specialty; or

"(B) have been nominated for the joint specialty and—

"(i) have successfully completed a program of education referred to in subsection (c)(1)(A); or

"(ii) have a military occupational specialty that is designated under subsection (c)(2)(A) as a critical occupational specialty involving combat operations."

(b) DESIGNATION OF CRITICAL JOINT DUTY ASSIGNMENT POSITIONS.—Section 661(d) of such title is further amended by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) The Secretary shall designate not fewer than 1,000 joint duty assignment positions as critical joint duty assignment positions. Such designation shall be made by examining each joint duty assignment position and designating under the preceding sentence those positions for which, considering the duties and responsibilities of the position, it is highly important that the occupant be particularly trained in, and oriented toward, joint matters. Each position so designated may be held only by an officer who has the joint specialty.

"(3)(A) The Secretary shall ensure that, of those joint duty assignment positions that are filled by general or flag officers, a substantial portion are among those positions that are designated under paragraph (2) as critical joint duty assignment positions.

"(B) The Secretary shall ensure that, of those positions designated under paragraph (2) as critical joint duty assignment positions, an appropriate portion are filled by officers with the joint specialty who were selected for the joint specialty under subsection (c)(2).

"(4) Of the officers serving in joint duty assignment positions covered by paragraph (1) who are described in subparagraph (A) or (B) of that paragraph, not more than one-third at any time may be officers described in subparagraph (B)(ii) of that paragraph."

(c) REVISION OF JDA LIST.—(1) Section 668(b)(2) of such title is amended by inserting "and, of those positions, those that are positions held by general or flag officers and the number of such positions" immediately before the semicolon in subparagraph (A) and immediately before the period in subparagraph (B).

(2) The Secretary of Defense shall publish a revised list under section 668(b)(2) of title 10, United States Code, taking into account the amendments made by this section, not later than six months after the date of the enactment of this Act.

10 USC 668 note.

#### SEC. 1303. LENGTH OF JOINT DUTY ASSIGNMENTS

(a) REVISION AND CLARIFICATION.—Section 664 of title 10, United States Code, is amended by striking out subsections (b), (c), and (d) and inserting in lieu thereof the following:

"(b) WAIVER AUTHORITY.—The Secretary of Defense may waive subsection (a) in the case of any officer.

"(c) INITIAL ASSIGNMENT OF OFFICERS WITH CRITICAL OCCUPATIONAL SPECIALTIES.—The Secretary may for purposes of section 661(c)(2) of this title authorize a joint duty assignment of less than the period prescribed by subsection (a), but not less than two years, without the requirement for a waiver under subsection (b) in the case of an officer—

"(1) who has been nominated for the joint specialty before such assignment begins;

"(2) who has a military occupational specialty designated under section 661(c)(2) of this title as a critical occupational specialty; and

"(3) for whom such joint duty assignment is the initial joint duty assignment.

"(d) EXCLUSIONS FROM TOUR LENGTH.—The Secretary of Defense may exclude the following service from the standards prescribed in subsection (a):

"(1) Service in a joint duty assignment in which the full tour of duty in the assignment is not completed by the officer because of—

"(A) retirement;

"(B) release from active duty;

"(C) suspension from duty under section 155(f)(2) or 164(g) of this title; or

"(D) a qualifying reassignment (as described in subsection (g)(4)).

"(2) Service in a joint duty assignment outside the United States or in Alaska or Hawaii.

"(3) Service in a joint duty assignment in a case in which—

"(A) the officer's tour of duty in that assignment brings the officer's cumulative service for purposes of subsection (f)(3) to the applicable standard prescribed in subsection (a); and

Alaska.  
Hawaii.



“(B) the length of time served in that assignment (in any case other than an assignment which is described in subsection (g)(4)(B)) was not less than two years.

“(e) AVERAGE TOUR LENGTHS.—(1) The Secretary shall ensure that the average length of joint duty assignments during any fiscal year (after fiscal year 1990), measured by the lengths of the joint duty assignments ending during that fiscal year, meets the standards prescribed in subsection (a).

“(2) In computing the average length of joint duty assignments for purposes of paragraph (1), the Secretary may exclude the following service:

“(A) Service described in subsection (c), except that not more than 10 percent of all joint duty assignments shown on the list published pursuant to section 668(b)(2)(A) of this title may be so excluded in any year.

“(B) Service described in subsection (d).

“(f) FULL TOUR OF DUTY.—An officer shall be considered to have completed a full tour of duty in a joint duty assignment upon completion of—

“(1) a joint duty assignment that meets the standards prescribed in subsection (a);

“(2) a joint duty assignment under the circumstances described in subsection (c); or

“(3) cumulative service in joint duty assignments as described in subsection (g).

“(g) CUMULATIVE CREDIT.—(1) Cumulative service for purposes of subsection (f)(3) is service in joint duty assignments which totals in length not less than the applicable standard prescribed in subsection (a) and which includes at least one tour of duty in a joint duty assignment that—

“(A) was performed outside the United States or in Alaska or Hawaii; or

Alaska.  
Hawaii.

“(B) was terminated because of a qualifying reassignment (as described in paragraph (4)).

“(2) In computing cumulative service of an officer in joint duty assignments for purposes of paragraph (1), a tour of duty of the officer in a joint duty assignment other than a tour of duty specified in subparagraph (A) or (B) of paragraph (1) may not be counted unless the officer served at least two years in the assignment. The prohibition on counting certain tours of duty in the preceding sentence does not apply to a joint duty assignment which follows a reassignment described in paragraph (4)(B).

“(3) In computing the cumulative service of an officer in joint duty assignments for purposes of paragraph (1), a tour of duty in a joint duty assignment shall be excluded—

“(A) if the officer served less than 10 months in that assignment; and

“(B) to the extent that the assignment was served more than eight years before the date of computation of the cumulative service.

“(4) For purposes of paragraph (1)(B), a qualifying reassignment is a reassignment of an officer from a joint duty assignment—

“(A) for unusual personal reasons (including extreme hardship and medical conditions) beyond the control of the officer or the armed forces; or

“(B) to another joint duty assignment immediately after—

“(i) the officer was promoted to a higher grade if the reassignment was made because no joint duty assignment was available within the same organization that was commensurate with the officer’s new grade; or

“(ii) the officer’s position was eliminated in a reorganization.”.

(b) CONSECUTIVE ASSIGNMENTS WITHIN SAME ORGANIZATION.—Section 668 of such title is amended by adding at the end the following new subsection:

“(f) CLARIFICATION OF ‘TOUR OF DUTY’.—For purposes of this chapter, a tour of duty in which an officer serves in more than one joint duty assignment within the same organization without a break between such assignments shall be considered to be a single tour of duty in a joint duty assignment.”.

SEC. 1304. NOTICE TO CONGRESS OF USE OF WAIVER AUTHORITIES AND EXCLUSIONS WITH RESPECT TO OFFICER MANAGEMENT

(a) ADDITIONS TO ANNUAL JOINT OFFICER REPORT.—Section 667 of title 10, United States Code, is amended—

(1) by redesignating paragraphs (2) through (10) as paragraphs (5), (6), (7), (8), (10), (11), (13), (14), and (16), respectively;

(2) by inserting after paragraph (1) the following new paragraphs (2), (3), and (4):

“(2) The military occupational specialties within each of the armed forces that have been designated as critical occupational specialties under section 661(c)(2) of this title, separately identifying those specialties for which there is a severe shortage of trained officers, together with an explanation of how those specialties meet the criteria for that designation in section 661(c)(2)(B) of this title.

“(3) The number of officers on the active-duty list with a military occupational specialty designated under section 661(c)(2) of this title as a critical occupational specialty who—

“(A) have been nominated for the joint specialty;

“(B) have been nominated for the joint specialty and are serving in a joint duty assignment;

“(C) have completed a joint duty assignment and are attending an appropriate program at a joint professional military education school;

“(D) have completed an appropriate program at a joint professional military education school;

“(E) have been selected for the joint specialty; and

“(F) have served, or are serving in, a second joint duty assignment after being selected for the joint specialty, with the number of such officers who have served, or are serving, in a critical joint duty assignment shown separately for general and flag officers, and for all other officers.

“(4) For each fiscal year—

“(A) the number of officers nominated for the joint specialty and, of those, the number who have a military occupational specialty designated as a critical occupational specialty; and

“(B) a comparison of the number of officers who have the joint specialty who qualified for the joint specialty under section 661(c)(1) of this title with the number of officers who have the joint specialty who were selected for the joint specialty under section 661(c)(2) of this title.”;

Schools and colleges.

Schools and colleges.

(3) by striking out "paragraph (2)" in paragraphs (6), (7), and (8) (as redesignated by paragraph (1)) and inserting in lieu thereof "paragraph (5)";

(4) by inserting after paragraph (8) (as redesignated by paragraph (1)) the following new paragraph:

"(9) The promotion rate for officers considered for promotion from above the promotion zone, shown for officers serving on the Joint Staff, officers with the joint specialty, and other officers serving in joint duty assignments, compared in the same manner as specified in paragraph (5).";

(5) by inserting after paragraph (11) (as redesignated by paragraph (1)) the following new paragraph:

"(12) The number of times, in the case of each category of exclusion, that service in a joint duty assignment was excluded in computing the average length of joint duty assignments.";

(6) by striking out "paragraphs (2) through (5)" in paragraph (13) (as redesignated by paragraph (1)) and inserting in lieu thereof "paragraphs (5) through (9)"; and

(7) by inserting after paragraph (14) (as redesignated by paragraph (1)) the following new paragraph:

"(15) The number of times a waiver authority was exercised under this chapter (or under any other provision of law which permits the waiver of any requirement relating to joint duty assignments) and in the case of each such authority—

"(A) whether the authority was exercised for a general or flag officer;

"(B) an analysis of the reasons for exercising the authority; and

"(C) the number of times in which action was taken without exercise of the waiver authority compared with the number of times waiver authority was exercised (in the case of each waiver authority under this chapter or under any other provision of law which permits the waiver of any requirement relating to joint duty assignments)."

(b) **APPLICABILITY.**—Paragraphs (3) and (4) of section 667 of title 10, United States Code, as added by subsection (a), shall apply with respect to fiscal years after fiscal year 1987.

10 USC 667 note.

#### SEC. 1305. SPECIAL TRANSITION RULES FOR NUCLEAR PROPULSION OFFICERS

(a) **JOINT DUTY ASSIGNMENT REQUIREMENT FOR PROMOTION TO FLAG RANK.**—Paragraph (1) of section 619(e) of title 10, United States Code, is amended to read as follows:

"(1) An officer may not be appointed to the grade of brigadier general or rear admiral (lower half) unless the officer has completed a full tour of duty in a joint duty assignment (as described in section 664(f) of this title). Before January 1, 1992, an officer of the Navy designated as a qualified nuclear propulsion officer may be appointed to the grade of rear admiral (lower half) without regard to the preceding sentence, but an officer so appointed may not be appointed to the grade of rear admiral until the officer completes a full tour of duty in a joint duty assignment."

(b) **TRANSITION PLAN.**—(1) The Secretary of Defense, after consultation with the Chairman of the Joint Chiefs of Staff, shall develop and carry out a plan for ensuring that—

10 USC 619 note.

(A) during the period before January 1, 1992, the maximum practicable number of officers of the Navy who are qualified

nuclear propulsion officers serve in joint duty assignments and otherwise fulfill the provisions of chapter 38 of title 10, United States Code; and

(B) by January 1, 1992, the maximum practicable number of qualified nuclear propulsion officers in the grade of captain have qualified for appointment to the grade of rear admiral (lower half) by completing a full tour of duty in a joint duty assignment.

(2) The plan shall include milestones for each calendar year beginning with 1989 requiring that a progressively greater proportion of qualified nuclear propulsion officers fulfill the various requirements of chapter 38 of title 10, United States Code, and other provisions of law enacted by title IV of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 (Public Law 99-433) so that after January 1, 1992, the nuclear propulsion community will be capable of complying with the requirements of that chapter without undue reliance on waivers granted by the Secretary of Defense.

10 USC 619 note. (c) **IMPLEMENTATION.**—The plan required to be developed under subsection (b) shall be implemented at the earliest practicable date, but in no event later than six months after the date of enactment of this Act. The Chairman of the Joint Chiefs of Staff shall monitor the implementation of such plan.

10 USC 619 note. (d) **REPORT.**—On the date on which the plan required to be developed under subsection (b) is implemented, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives—

(1) a copy of the plan; and

(2) a report explaining how the plan fulfills the objectives prescribed in subsection (b).

## **PART B—OTHER MATTERS**

10 USC 136 note. **SEC. 1311. TEMPORARY INCREASE IN NUMBER OF ASSISTANT SECRETARIES OF DEFENSE**

Until January 20, 1989, the number of Assistant Secretaries of Defense authorized under section 136(a) of title 10, United States Code, and the number of positions at level IV of the Executive Schedule authorized under section 5315 of title 5, United States Code, for Assistant Secretaries of Defense, are each increased by one (to a total of 12).

**SEC. 1312. REDUCTION IN PERSONNEL ASSIGNED TO MANAGEMENT HEADQUARTERS ACTIVITIES AND CERTAIN OTHER ACTIVITIES**

Section 601 of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 (10 U.S.C. 194 note) is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection (f):

“(f) **EXCLUSION.**—In computing and making reductions under this section, there shall be excluded not more than 1,600 personnel transferred during fiscal year 1988 from the General Services Administration to the Department of Defense for the purpose of having the Department of Defense assume responsibility for the management, operation, and administration of certain real property under the jurisdiction of that Department.”.

**SEC. 1313. CLARIFICATION OF FORCES NOT REQUIRED TO BE ASSIGNED TO COMBATANT COMMANDS**

Section 162(a)(2) of title 10, United States Code, is amended by striking out the period at the end and inserting in lieu thereof "or forces assigned to multinational peacekeeping organizations."

International  
organizations.

**SEC. 1314. TECHNICAL AMENDMENTS**

(a) **AMENDMENTS TO PUBLIC LAW 99-433.**—(1) The table contained in section 101(a)(5) of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 (Public Law 99-433; 100 Stat. 995) is amended by striking out "chapter 3" above the right hand column and inserting in lieu thereof "chapter 144".

10 USC  
2431-2434.

(2) Section 202(b)(2) of such Act (100 Stat. 1011) is amended by inserting "the first place it appears" immediately before the semicolon.

10 USC 743.

(3) Section 532(c)(1) of such Act (100 Stat. 1063) is amended by striking out "section" and inserting in lieu thereof "sections".

10 USC 3033  
note.

(4) Section 602(e)(3)(B) of such Act (100 Stat. 1067) is amended by striking out "and strength" and inserting in lieu thereof "end strength".

10 USC 111 note.

(b) **AMENDMENTS TO TITLE 10.**—Title 10, United States Code, is amended as follows:

(1)(A) Section 152 is amended by striking out the section heading and inserting in lieu thereof the following:

**"§ 152. Chairman: appointment; grade and rank".**

(B) The table of sections at the beginning of chapter 5 is amended by striking out the item relating to section 152 and inserting in lieu thereof the following:

"152. Chairman: appointment; grade and rank."

(2) Section 155 is amended—

(A) in subsection (f)(4)(B), by inserting "or Congress" after "the President"; and

(B) in subsection (g)(2), by inserting "the President or" after "declared by".

(3) Section 194(e)(2) is amended by inserting "the President or" after "declared by".

(4) Section 619(e)(2)(D) is amended by striking out "the date of the enactment of this subsection" and inserting in lieu thereof "October 1, 1986,".

(5)(A) The heading for section 743 is amended by adding at the end "; Commandant of the Marine Corps".

(B) The table of sections at the beginning of chapter 43 is amended by inserting "; Commandant of the Marine Corps" after "Air Force" in the item relating to section 743.

(6) Section 1406(i) is amended—

(A) by inserting "AND VICE CHAIRMEN" after "CHAIRMEN" in the subsection heading; and

(B) by inserting "or Vice Chairman" after "Chairman" in paragraph (1).

(7) Sections 3014(f)(4), 5014(f)(4), and 8014(f)(4) are each amended by inserting "the President or" after "declared by".

(8) The table of sections at the beginning of chapter 549 is amended by striking out the item relating to section 5898 and inserting in lieu thereof the following:

"5898. Action on reports of selection boards."



(9) Section 8062(e) is amended by striking out "section 114" and inserting in lieu thereof "section 115".

(c) AMENDMENTS TO TITLE 37.—(1) Section 413 of title 37, United States Code, is amended to read as follows:

**"§ 413. Chairman and Vice Chairman of the Joint Chiefs of Staff**

"The Chairman and Vice Chairman of the Joint Chiefs of Staff are entitled to the allowances provided by law for the Chief of Staff of the Army."

(2) The table of sections at the beginning of chapter 7 of such title is amended by striking out the item relating to section 413 and inserting in lieu thereof the following:

"413. Chairman and Vice Chairman of the Joint Chiefs of Staff."

(d) MISCELLANEOUS AMENDMENTS.—Footnote 2 in the table in section 411(a) of title 38, United States Code, is amended by inserting "or Vice Chairman" after "Chairman".

(2) Section 1344(b)(4) of title 31, United States Code, is amended by inserting "the members and Vice Chairman of" before "the Joint Chiefs of Staff".

(3) Footnote 2 of the table entitled "COMMISSIONED OFFICERS" in section 101(b)(1) of the Uniformed Services Pay Act of 1981 (37 U.S.C. 1009 note) is amended by inserting "or Vice Chairman" after "Chairman".

(4) Section 1302(b)(3) of the Department of Defense Authorization Act, 1986 (37 U.S.C. 431 note), is amended by striking out "section 133(d)" and inserting in lieu thereof "section 113(d)".

(e) EFFECTIVE DATES.—(1) The amendments made by subsection (a) shall apply as if included in the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 (Public Law 99-433).

(2) The amendments made by subsections (c)(1), (d)(3), and (d)(4) shall take effect as of October 1, 1986.

## TITLE XIV—FOREIGN RELATIONS MATTERS

### SEC. 1401. COMMENDATION OF ARMED FORCES IN PERSIAN GULF FOR SUCCESS OF CERTAIN OPERATIONS

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

(1) The Armed Forces of the United States are currently engaged in operations in the Persian Gulf, including operations to escort United States flag vessels moving through the Gulf, in order to protect national security interests of the United States and the principle of freedom of navigation in international waters.

(2) The government of Iran, through the use of its armed forces and revolutionary guards, is engaging in ongoing activities, including the laying of mines in international waters, to disrupt shipping in the Persian Gulf.

(3) During the night of September 21-22, 1987, Army and Naval forces of the United States detected an Iranian mine-laying activity underway in international waters in the Persian Gulf and, in an outstanding instance of joint military operations, tracked and neutralized the boat carrying out the mine laying.

10 USC 743 note.

10 USC 111 note.

37 USC 413 note.

Maritime  
affairs.  
Iran.

(4) On October 8, 1987, elements of the Armed Forces of the United States, acting jointly, successfully defended themselves against an attack by Iranian forces in the Persian Gulf.

(5) The success of those joint operations (A) serves notice to Iran that the United States will react decisively and effectively to such hostile activities, and (B) may result in reduced risk to United States interests in the Persian Gulf.

(6) There is precedent throughout the history of the United States for Congress to recognize and commend similar operations by the Armed Forces of the United States, including Congressional praise on February 3, 1802, of "the gallant conduct" of certain members of a United States Naval force in the Wars with the Barbary Powers.

(b) CONGRESSIONAL COMMENDATIONS.—The Congress hereby—

(1) declares that those members of the Armed Forces who participated in the joint operations of September 21-22, 1987, and October 8, 1987, in the Persian Gulf acted in the finest military and naval traditions of the United States and displayed exemplary professionalism, skill, and dedication; and

(2) commends those members, and all members of the Armed Forces who acted in support of those operations, for their participation in those important and successful operations.

**SEC. 1402. SENSE OF THE SENATE REGARDING JUSTIFICATION FOR SINKING IRANIAN VESSELS**

Maritime  
affairs.

It is the sense of the Senate that the Armed Forces of the United States are fully justified in sinking any Iranian vessel which threatens the safe passage of (1) any warship of the United States, or (2) any other vessel known to have on board any citizen of the United States. This section shall not in itself be construed as legislative authority for any specific military operation.

**SEC. 1403. UNITED STATES POLICY TOWARD PANAMA**

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

(1) The executive, judicial, and legislative branches of the Government of Panama are now under the influence and control of the Panamanian Defense Forces.

(2) A broad coalition of church, business, labor, civic, and political groups in Panama has called for an objective and thorough investigation of allegations concerning serious violations of law by certain officials of the Government of Panama and the Panamanian Defense Forces and has insisted that General Noriega and others involved relinquish their official positions until such an investigation has been completed.

(3) The Panamanian people continue to be denied the full rights and protections guaranteed by their constitution, as evidenced by continuing censorship and the closure of the independent media, arrests without due process, and instances of the use of excessive force by the Panamanian Defense Forces.

(4) Political unrest and social turmoil in Panama can only be resolved if the Government of Panama begins to demonstrate respect for and adherence to all provisions of the Panamanian constitution.

General  
Noriega.

Human rights.

(b) POLICY.—Therefore, it is the sense of Congress that, subject to the condition expressed in subsection (c), the United States should take the following actions:

Imports.  
Sugar, syrup,  
and molasses.

(1) Cease all economic and military assistance provided to the Government of Panama under the Foreign Assistance Act of 1961 and the Arms Export Control Act, other than assistance to meet immediate humanitarian concerns.

(2) Suspend all shipments of military equipment (including spare parts for military equipment) to the Government of Panama or to any of its agencies or institutions.

(3) Reassess whether the United States should terminate the importation into the United States of sugar, syrup, and molasses produced in Panama and reallocate among other foreign countries the quantities of such products that otherwise would be imported from Panama.

(c) CONDITIONS.—It is further the sense of Congress that the United States should take the actions described in subsection (b) unless, within 45 days after the date of the enactment of this Act—

(1) the Government of Panama has demonstrated substantial progress in the effort to assure civilian control of the armed forces and that the Panama Defense Forces and its leaders have been removed from nonmilitary activities and institutions;

(2) the Government of Panama has established an independent investigation into allegations of illegal actions by members of the Panama Defense Forces;

(3) a nonmilitary transitional government is in power; and

(4) all constitutional guarantees, including freedom of the press, have been restored to the people of Panama.

#### SEC. 1404. CONGRESSIONAL STATEMENTS CONCERNING VIETNAMESE OCCUPATION OF CAMBODIA AND JAPANESE TRADE WITH VIETNAM

(a) FINDINGS.—The Congress finds that—

(1) during the nine years since Vietnam invaded Cambodia in late 1978, most Western countries have pledged to maintain an embargo on trade with and developmental aid to Vietnam until Vietnamese troops are withdrawn from Cambodia;

(2) Japan joined in this embargo by freezing approximately \$135,000,000 in grants and concessionary loans to Vietnam and reducing trade levels with Vietnam from \$220,000,000 in 1978 to \$120,000,000 the following year;

(3) despite the fact that 140,000 Vietnamese troops continue to occupy Cambodia, Japan's economic ties with Vietnam have grown steadily since 1982, reaching a current annual trade level of \$230,000,000;

(4) this trade has included trade in goods and technology which enhances the productive capacity and the infrastructure base of Vietnam; and

(5) the 65,000,000 people of Vietnam are a tempting lure for investors seeking low wages and for traders seeking new markets.

(b) CONDEMNATION OF VIETNAMESE OCCUPATION OF CAMBODIA.—The Congress hereby—

(1) reaffirms its condemnation of the continued Vietnamese occupation of the sovereign State of Cambodia, an activity which violates all standards of conduct befitting a responsible nation and contravenes all recognized principles of international law; and

(2) reaffirms its call for Vietnam to withdraw from Cambodia as the only way Vietnam can expect to end its self-induced economic isolation.

(c) **STATEMENT ON JAPANESE TRADE WITH VIETNAM.**—The Congress hereby strongly urges the Government of Japan to—

(1) continue to refrain from granting to Vietnam any official economic assistance;

(2) refrain from granting to Vietnam any form of trade financing, including export credits, trade-related credit insurance, and extended loans for infrastructure development;

(3) continue to discourage its private business sector from exporting to Vietnam goods and technology which enhance the productive capacity and the infrastructure base of Vietnam, including in particular equipment for—

(A) oil exploration and development,

(B) forestry and fishery production,

(C) development of raw materials for light industries, and

(D) the upgrading of export productive capacities; and

(4) strongly discourage the private business sector of Japan from providing financing which in any way facilitates trade with Vietnam.

#### SEC. 1405. SENSE OF CONGRESS ON INTRODUCTION OF ARMED FORCES INTO NICARAGUA FOR COMBAT

Congress hereby reaffirms the sense of Congress expressed in the first session of the 99th Congress (in section 1451 of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 760)), that United States Armed Forces should not be introduced into or over Nicaragua for combat. However, nothing in this section shall be construed as affecting the authority and responsibility of the President or Congress under the Constitution, statutes, or treaties of the United States in force.

## DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

Military  
Construction  
Authorization  
Act, 1988 and  
1989.

#### SEC. 2001. SHORT TITLE

This division may be cited as the "Military Construction Authorization Act, 1988 and 1989".

#### SEC. 2002. EXPLANATION OF ALTERNATIVE LEVELS

In this division the dollar amount authorized for projects at certain military installations and the dollar amount authorized to be appropriated for certain purposes are shown in two different amounts, the second amount being set forth in parentheses immediately after the first. An explanation of the reasons for the two amounts and the rule for determining which dollar amount is to be effective appears in section 3 of this Act.

**Subdivision 1—Fiscal Year 1988****TITLE I—ARMY****SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS**

(a) **INSIDE THE UNITED STATES.**—The Secretary of the Army may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations inside the United States:

**UNITED STATES ARMY FORCES COMMAND**

Fort Bragg, North Carolina, \$54,790,000 (\$41,990,000).  
Fort Campbell, Kentucky, \$12,410,000.  
Fort Carson, Colorado, \$2,050,000.  
Fort Devens, Massachusetts, \$1,840,000.  
Fort Greely, Alaska, \$6,400,000.  
Fort Hood, Texas, \$31,500,000.  
Fort Hunter Liggett, California, \$1,000,000.  
Fort Irwin, California, \$4,450,000.  
Fort Lewis, Washington, \$960,000.  
Fort McCoy, Wisconsin, \$720,000.  
Fort McPherson, Georgia, \$1,400,000.  
Fort Ord, California, \$6,890,000.  
Fort Pickett, Virginia, \$390,000.  
Fort Polk, Louisiana, \$490,000.  
Fort Riley, Kansas, \$4,850,000.  
Fort Sam Houston, Texas, \$3,300,000.  
Fort Stewart, Georgia, \$13,570,000.  
Fort Wainwright, Alaska, \$54,100,000.  
Presidio of San Francisco, California, \$1,550,000.

**UNITED STATES ARMY WESTERN COMMAND**

Aliamanu Military Reservation, Hawaii, \$5,000,000.  
Hawaii Various, \$12,300,000.  
Schofield Barracks, Hawaii, \$38,850,000 (\$18,850,000).

**UNITED STATES ARMY TRAINING AND DOCTRINE COMMAND**

Fort Belvoir, Virginia, \$15,610,000.  
Fort Benjamin Harrison, Indiana, \$6,900,000 (\$0).  
Fort Benning, Georgia, \$11,700,000.  
Fort Bliss, Texas, \$13,040,000.  
Fort Dix, New Jersey, \$1,650,000.  
Fort Knox, Kentucky, \$3,400,000.  
Fort Hamilton, New York, \$960,000.  
Fort Lee, Virginia, \$14,350,000.  
Fort Leonard Wood, Missouri, \$10,000,000.  
Fort McClellan, Alabama, \$4,700,000.  
Fort Rucker, Alabama, \$5,700,000.

**MILITARY DISTRICT OF WASHINGTON**

Cameron Station, Virginia, \$400,000.



## UNITED STATES ARMY MATERIEL COMMAND

Aberdeen Proving Ground, Maryland, \$7,160,000.  
Army Materiel Research Command, Massachusetts, \$15,000,000.  
Anniston Army Depot, Alabama, \$2,100,000.  
Corpus Christi Army Depot, Texas, \$2,950,000.  
Dugway Proving Ground, Utah, \$9,200,000 (\$5,250,000).  
Fort Wingate, New Mexico, \$370,000.  
Hawthorne Army Ammunition Plant, Nevada, \$6,500,000.  
Lake City Army Ammunition Plant, Missouri, \$21,000,000.  
Letterkenny Army Depot, Pennsylvania, \$2,000,000.  
Lexington-Blue Grass Depot Activity, Kentucky, \$570,000.  
Navajo Depot Activity, Arizona, \$4,000,000.  
Pine Bluff Arsenal, Arkansas, \$2,000,000.  
Pueblo Depot Activity, Colorado, \$620,000.  
Red River Army Depot, Texas, \$7,950,000.  
Redstone Arsenal, Alabama, \$21,000,000.  
Savanna Army Depot, Illinois, \$2,550,000.  
Seneca Army Depot, New York, \$1,250,000.  
Sierra Army Depot, California, \$2,600,000.  
Tooele Army Depot, Utah, \$6,700,000.  
Umatilla Depot Activity, Oregon, \$1,050,000.

## UNITED STATES ARMY INFORMATION SYSTEMS COMMAND

Fort Huachuca, Arizona, \$1,250,000.  
Fort Ritchie, Maryland, \$16,500,000.

## UNITED STATES MILITARY ACADEMY

United States Military Academy, New York, \$26,200,000  
(\$11,400,000).

## UNITED STATES ARMY HEALTH SERVICES COMMAND

Walter Reed Army Medical Center, District of Columbia,  
\$1,300,000.

## MILITARY TRAFFIC MANAGEMENT COMMAND

Bayonne Military Ocean Terminal, New Jersey, \$2,010,000.  
Sunny Point Military Ocean Terminal, North Carolina,  
\$2,190,000.

## ASSISTANT CHIEF OF ENGINEERS

Classified, United States, \$4,000,000.

(b) OUTSIDE THE UNITED STATES.—The Secretary of the Army may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations outside the United States:

## UNITED STATES ARMY, JAPAN

Japan Various, \$11,250,000.

## EIGHTH UNITED STATES ARMY

Camp Casey, Korea, \$28,000,000.  
Camp Castle, Korea, \$3,200,000.  
Camp Hovey, Korea, \$11,800,000.

Camp Howze, Korea, \$4,150,000.  
 Camp Jackson, Korea, \$4,350,000.  
 Camp Kyle, Korea, \$2,750,000.  
 Camp Mercer, Korea, \$720,000.  
 Camp Nimble, Korea, \$2,200,000.  
 Camp Page, Korea, \$5,900,000.  
 Camp Red Cloud, Korea, \$8,500,000.  
 Korea, Various, \$4,850,000.  
 Yongsan, Korea, \$3,750,000.

#### BALLISTIC MISSILE DEFENSE SYSTEMS COMMAND

Kwajalein, \$26,560,000.

#### UNITED STATES ARMY SOUTH

Honduras, \$4,150,000.

#### UNITED STATES ARMY EUROPE AND SEVENTH ARMY

Bad Kreuznach, Germany, \$10,200,000.  
 Baumholder, Germany, \$10,800,000.  
 Einsiedlerhof, Germany, \$5,900,000.  
 Giessen, Germany, \$1,250,000.  
 Grafenwoehr, Germany, \$5,700,000.  
 Hanau, Germany, \$1,300,000.  
 Hohenfels, Germany, \$15,500,000.  
 Mainz, Germany, \$1,100,000.  
 Rheinberg, Germany, \$16,950,000.  
 Stuttgart, Germany, \$14,200,000.  
 Various, Germany, \$19,500,000.  
 Vilseck, Germany, \$60,400,000.  
 Wiesbaden, Germany, \$38,900,000.  
 Wildflecken, Germany, \$16,100,000.  
 Zweibruecken, Germany, \$1,900,000.

#### SEC. 2102. FAMILY HOUSING

(a) CONSTRUCTION AND ACQUISITION.—The Secretary of the Army may construct or acquire family housing units (including land acquisition), using amounts appropriated pursuant to section 2104(a)(6)(A), at the following installations in the number of units shown, and in the amount shown, for each installation:

Fort Rucker, Alabama, seven manufactured home spaces, \$110,000.

Fort Wainwright, Alaska, fifty-nine units, \$10,800,000.

Fort Irwin, California, two hundred and seventy units (two hundred and twenty-five units), \$30,000,000 (\$24,000,000).

Fort Ord, California, two hundred and eleven units, \$19,000,000, of which not more than twenty-four units may be constructed at Fort Hunter Liggett, California.

Bamberg, Germany, one hundred and six units, \$11,200,000.

Baumholder, Germany, one hundred and fifty-two units, \$12,600,000.

Various Locations, Germany, two hundred and twenty-eight units, funded under section 2103.

Vilseck, Germany, one hundred and eighty-eight units, \$17,000,000.

Helemano, Hawaii, two hundred units, \$21,000,000.

Pearl City, Hawaii, sixty units, \$6,700,000.

Schofield Barracks, Hawaii, one hundred units, \$11,200,000.

Saint Louis Support Center, Illinois, one hundred units, \$9,700,000.

Fort Polk, Louisiana, three hundred and fifty units, \$27,000,000.

Fort Hood, Texas, one hundred and fifty units, \$9,400,000.

Fort A.P. Hill, Virginia, twenty-five units, \$2,200,000.

Fort Eustis, Virginia, thirty-two manufactured home spaces, \$480,000.

(b) **PLANNING AND DESIGN.**—The Secretary of the Army may carry out architectural and engineering services and construction design activities, using amounts appropriated pursuant to section 2104(a)(6)(A), with respect to the construction or improvement of military family housing units in an amount not to exceed \$21,900,000.

#### SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS

(a) **IN GENERAL.**—Subject to section 2825 of title 10, United States Code, the Secretary of the Army may improve, using amounts appropriated pursuant to section 2104(a)(6)(A), existing military family housing units in an amount not to exceed \$108,000,000 (\$100,000,000), of which \$9,223,000 is available only for energy conservation projects.

(b) **WAIVER OF MAXIMUM PER UNIT COST FOR CERTAIN IMPROVEMENT PROJECTS.**—Notwithstanding the maximum amount per unit for an improvement project under section 2825(b) of title 10, United States Code, the Secretary of the Army may carry out projects to improve existing military family housing units at the following installations in the number of units shown, and in the amount shown, for each installation:

Sharpe Army Depot, California, thirty units \$1,300,000.

Fort McNair, District of Columbia, four units \$220,000.

Fort Riley, Kansas, one hundred and twenty-eight units, \$5,100,000.

Fort Leonard Wood, Missouri, fifteen units \$600,000.

Fort Belvoir, Virginia, one hundred and ninety-eight units, \$8,800,000.

Various locations, Germany, convert unused attic space and upgrade one hundred and two units into three hundred and thirty adequate units, \$24,388,000.

(c) **WAIVER OF SPACE LIMITATION.**—(1) Of the military family housing units to be constructed at the St. Louis Support Center, Illinois, two of those units shall, subject to paragraph (3), be constructed for assignment to general officers who hold positions as commanders or who hold special command positions (as designated by the Secretary of Defense) and, notwithstanding section 2826(a) of title 10, United States Code, each such unit may be constructed with a maximum net floor area of 3,000 square feet.

(2) For purposes of this subsection, the term "net floor area" has the meaning given that term by section 2826(f) of title 10, United States Code.

(3) The provisions of this subsection and of section 2133(c) shall become effective on the date that the report regarding space limitations for senior military officer housing which was requested in the joint statement of the conferees accompanying the conference report filed with respect to the bill S. 2638 of the Ninety-ninth Congress is

received by the Committees on Armed Services of the Senate and House of Representatives.

**SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY**

(a) **IN GENERAL.**—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1987, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of \$2,609,063,000 (\$2,536,613,000) as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), \$517,240,000 (\$458,790,000).

(2) For military construction projects outside the United States authorized by section 2101(b), \$341,830,000.

(3) For military construction projects inside the United States at New Cumberland Army Depot, Pennsylvania, authorized by section 101 of the Military Construction Authorization Act, 1986, \$30,000,000.

(4) For unspecified minor construction projects under section 2805 of title 10, United States Code, \$15,600,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$128,120,000.

(6) For military family housing functions—

(A) for construction and acquisition of military family housing and facilities, \$318,290,000 (\$304,290,000);

(B) for support of military family housing (including the functions described in section 2833 of title 10, United States Code), \$1,255,183,000, of which not more than \$46,498,000 may be obligated or expended for the leasing of military family housing units in the United States, the Commonwealth of Puerto Rico, and Guam, and not more than \$163,842,000 may be obligated or expended for the leasing of military family housing units in foreign countries; and

(C) for the Homeowners Assistance Program as authorized by section 2832 of title 10, United States Code, \$2,800,000.

(b) **LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.**—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(c) **PLANNING ASSISTANCE.**—Of the amount appropriated pursuant to subsection (a)(5), the Secretary of the Army shall use at least \$250,000 for community planning assistance for communities located near the newly established Light Infantry Division Post at Fort Drum, New York.

**SEC. 2105. EXTENSION OF CERTAIN PRIOR YEAR AUTHORIZATIONS**

(a) **EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 1985 PROJECTS.**—Notwithstanding the provisions of section 607(a) of the Military Construction Authorization Act, 1985 (Public Law 98-407, 98 Stat. 1515), authorizations for the following projects authorized in section 101 of that Act, as extended by section 2107(a) of the National Defense Authorization Act, 1987 (Public Law 99-661), shall remain in effect until October 1, 1988, or the date of enactment of

the Military Construction Authorization Act for fiscal year 1989, whichever is later:

(1) Barracks with dining facility in the amount of \$11,400,000 at Presidio of San Francisco, California.

(2) Barracks modernization in the amount of \$660,000 at Argyroupolis, Greece.

(3) Barracks modernization in the amount of \$660,000 at Perivolaki, Greece.

(4) Barracks with dining facility in the amount of \$2,350,000 at Elefsis, Greece.

(b) EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 1986 PROJECTS.—Notwithstanding the provisions of section 603(a) of the Military Construction Authorization Act, 1986 (Public Law 99-167), authorizations for the following projects authorized in sections 101 and 102 of that Act shall remain in effect until October 1, 1988, or the date of the enactment of a Military Construction Authorization Act for fiscal year 1989, whichever is later:

(1) Family housing, new construction, fifty manufactured home spaces in the amount of \$712,000 at Fort Carson, Colorado.

(2) Ammunition storage in the amount of \$850,000 at Bamberg, Germany.

(3) Tactical equipment shop in the amount of \$3,350,000 at Hanau, Germany.

(4) Child care center in the amount of \$470,000 at Karlsruhe, Germany.

(5) Modified record fire range in the amount of \$2,850,000 at Nuernberg, Germany.

(6) Flight simulator building in the amount of \$2,900,000 at Wiesbaden, Germany.

(7) Multi-purpose training ranges in the amount of \$20,000,000 at Wildflecken, Germany.

(8) Air conditioning upgrade in the amount of \$5,900,000 at Schofield Barracks, Hawaii.

(9) Child care center in the amount of \$1,350,000 at Camp Darby, Italy.

(10) Dining facility modernization in the amount of \$4,350,000 at Fort Leavenworth, Kansas.

(11) Family housing, new construction, fifty manufactured home spaces in the amount of \$700,000 at Fort Riley, Kansas.

(12) Family housing, new construction, fifty manufactured home spaces in the amount of \$689,000 at Fort Campbell, Kentucky.

(13) Water pollution abatement in the amount of \$770,000 at Army Materiels and Mechanics Research Center, Massachusetts.

(14) Family housing, new construction, twenty manufactured home spaces in the amount of \$317,000 at Fort Devens, Massachusetts.

(15) Family housing, new construction, fifty manufactured home spaces in the amount of \$637,000 at Fort Bragg, North Carolina.

(16) Family housing, new construction, twenty-four manufactured home spaces in the amount of \$351,000 at Dugway Proving Ground, Utah.

(17) Family housing, new construction, 6 units, in the amount of \$596,000 at Fort Myer, Virginia.



(18) Museum site preparation and utilities in the amount of \$2,500,000 at Fort Rucker, Alabama.

## TITLE II—NAVY

### SEC. 2121. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS

(a) **INSIDE THE UNITED STATES.**—The Secretary of the Navy may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations inside the United States:

#### UNITED STATES MARINE CORPS

Marine Corps Logistics Base, Albany, Georgia, \$1,530,000.  
 Marine Corps Logistics Base, Barstow, California, \$3,230,000.  
 Marine Corps Base, Camp Lejeune, North Carolina, \$38,705,000.  
 Marine Corps Air Station, Camp Pendleton, California, \$5,810,000.  
 Marine Corps Base, Camp Pendleton, California, \$31,470,000.  
 Marine Corps Air Station, Cherry Point, North Carolina, \$28,500,000.  
 Marine Corps Air Station, El Toro, California, \$3,160,000.  
 Marine Corps Air Station, Kaneohe Bay, Hawaii, \$24,153,000.  
 Marine Corps Air Station, New River, North Carolina, \$6,530,000.  
 Marine Corps Development and Education Command, Quantico, Virginia \$4,900,000.  
 Marine Corps Air Station, Tustin, California, \$5,110,000.  
 Marine Corps Air-Ground Combat Center, Twentynine Palms, California, \$25,900,000.  
 Marine Corps Air Station, Yuma, Arizona, \$9,280,000.

#### SPACE AND NAVAL WARFARE SYSTEMS COMMAND

Naval Surface Weapons Center, Dahlgren, Virginia, \$30,620,000.  
 Naval Underwater Systems Center, New London, Connecticut, \$11,230,000 (\$0).  
 Naval Underwater System Center, Newport, Rhode Island, \$750,000.  
 Naval Coastal Systems Center, Panama City, Florida, \$5,400,000.  
 Naval Air Development Center, Warminster, Pennsylvania, \$300,000.

#### CHIEF OF NAVAL OPERATIONS

Naval Space Surveillance Field Station, Hawkinsville, Georgia, \$2,890,000.  
 Naval Tactical Interoperability Support Activity Detachment Six, Mayport, Florida, \$500,000.  
 Naval Forces Central Command, Pearl Harbor, Hawaii, \$2,260,000 (\$0).  
 Naval Air Detachment, Tinker Air Force Base, Oklahoma, \$11,800,000.  
 Commandant, Naval District, Washington, District of Columbia, \$21,700,000.

#### COMMANDER IN CHIEF, ATLANTIC FLEET

Naval Station, Galveston, Texas, \$28,300,000.  
 Naval Station, Ingleside, Texas, \$88,800,000.

Naval Air Station, Jacksonville, Florida, \$4,630,000.  
Naval Air Station, Key West, Florida, \$15,580,000.  
Naval Station, Lake Charles, Louisiana, \$15,300,000.  
Naval Amphibious Base, Little Creek, Virginia, \$23,320,000.  
Naval Station, Mayport, Florida, \$1,480,000.  
Naval Station, Mobile, Alabama, \$40,700,000.  
Naval Submarine Base, New London, Connecticut, \$5,200,000  
(\$2,900,000).  
Naval Station, New York, New York, \$16,200,000.  
Naval Air Station, Norfolk, Virginia, \$4,970,000.  
Naval Air Station, Oceana, Virginia, \$4,540,000.  
Naval Station, Pascagoula, Mississippi, \$42,100,000.

#### COMMANDER IN CHIEF, PACIFIC FLEET

Naval Air Station, Adak, Alaska, \$56,200,000.  
Naval Air Station, Alameda, California, \$11,400,000.  
Trident Refit Facility, Bangor, Washington, \$1,080,000.  
Naval Amphibious Base, Coronado, California, \$2,760,000.  
Naval Station, Everett, Washington, \$37,500,000.  
Naval Air Station, Lemoore, California, \$2,560,000.  
Naval Station, Long Beach, California, \$5,120,000 (\$0).  
Naval Magazine, Lualualei, Hawaii, \$5,310,000.  
Naval Air Station, Miramar, California, \$6,500,000.  
Naval Air Station, North Island, California, \$25,270,000.  
Commander, Oceanographic System, Pacific, Pearl Harbor,  
Hawaii, \$1,280,000.  
Fleet Intelligence Center, Pacific, Pearl Harbor, Hawaii,  
\$13,097,000.  
Naval Station, Pearl Harbor, Hawaii, \$430,000.  
Naval Submarine Base, Pearl Harbor, Hawaii, \$7,180,000.  
Naval Station, San Diego, California, \$36,680,000.  
Naval Submarine Base, San Diego, California, \$4,120,000.  
Naval Station, Treasure Island, San Francisco, California,  
\$4,430,000.  
Naval Air Station, Whidbey Island, Washington, \$12,650,000.

#### CHIEF OF NAVAL EDUCATION AND TRAINING

Surface Warfare Officers School Command District, Coronado,  
California, \$4,130,000 (\$0).  
Naval Air Station, Corpus Christi, Texas, \$1,180,000.  
Fleet Combat Training Center, Atlantic, Dam Neck, Virginia,  
\$450,000.  
Naval Guided Missiles School, Dam Neck, Virginia, \$550,000.  
Naval Training Center, Great Lakes, Illinois, \$6,910,000.  
Naval Air Station, Kingsville, Texas, \$10,000,000.  
Naval Technical Training Center Detachment, Lackland Air  
Force Base, Texas, \$10,800,000.  
Naval Air Station, Memphis, Tennessee, \$11,220,000.  
Naval Education and Training Center, Newport, Rhode Island,  
\$3,640,000.  
Naval Training Center, Orlando, Florida, \$3,050,000.  
Naval Air Station, Pensacola, Florida, \$28,200,000.  
Naval Technical Training Center, Pensacola, Florida, \$8,170,000.  
Fleet Anti-Submarine Warfare Training Center, Pacific, San  
Diego, California, \$5,020,000.

Naval Technical Training Center, San Francisco, California,  
\$10,100,000.

NAVAL MEDICAL COMMAND

Naval Hospital Branch, Adak, Alaska \$700,000.

NAVAL OCEANOGRAPHY COMMAND

Naval Oceanography Command, Bay St. Louis, Massachusetts,  
\$1,600,000.

Naval Eastern Oceanography Center, Norfolk, Virginia, \$600,000.

NAVAL TELECOMMUNICATIONS COMMAND

Naval Communication Area Master Station, Atlantic, Norfolk,  
Virginia, \$8,400,000.

Naval Communication Station, Stockton, California, \$2,800,000.

NAVAL SECURITY GROUP COMMAND

Naval Security Group Activity, Adak, Alaska, \$2,860,000.

Naval Security Group Activity, Northwest, Chesapeake, Virginia,  
\$4,530,000.

Naval Security Station, Washington, District of Columbia,  
\$3,000,000.

Naval Security Group Activity, Winter Harbor, Maine, \$1,550,000.

NAVAL INTELLIGENCE COMMAND

Atlantic Fleet Headquarters Support Activity, Norfolk, Virginia,  
\$5,070,000.

NAVAL SUPPLY SYSTEMS COMMAND

Naval Supply Center, Charleston, South Carolina, \$8,170,000.

Naval Supply Center, Jacksonville, Florida, \$4,720,000.

Navy Clothing and Textile Research Facility, Natick, Massachu-  
setts, \$1,870,000.

Naval Supply Center, Norfolk, Virginia, \$7,210,000.

Naval Supply Center, Pearl Harbor, Hawaii, \$3,280,000.

Naval Supply Center, Pensacola, Florida, \$1,000,000.

NAVAL AIR SYSTEMS COMMAND

Naval Air Rework Facility, Alameda, California, \$16,000,000.

Naval Air Rework Facility, Cherry Point, North Carolina,  
\$500,000.

Naval Air Rework Facility, Jacksonville, Florida, \$5,000,000.

Naval Air Test Center, Patuxent River, Maryland, \$6,500,000.

Pacific Missile Test Center, Point Mugu, California, \$650,000.

NAVAL FACILITIES ENGINEERING COMMAND

Naval Construction Battalion Center, Gulfport, Mississippi,  
\$10,450,000.

Navy Public Works Center, Norfolk, Virginia, \$6,100,000.

Navy Public Works Center, Pearl Harbor, Hawaii, \$11,203,000.

Navy Public Works Center, Pensacola, Florida, \$4,150,000.

Naval Construction Battalion Center, Port Hueneme, California,  
\$5,870,000.

Navy Public Works Center, San Diego, California, \$5,700,000.  
Navy Public Works Center, San Francisco, California, \$11,700,000.

#### NAVAL SEA SYSTEMS COMMAND

Charleston Naval Shipyard, Charleston, South Carolina, \$1,400,000.  
Naval Weapons Station, Charleston, South Carolina, \$1,670,000.  
Naval Weapons Station, Concord, California, \$4,640,000.  
Naval Weapons Support Center, Crane, Indiana, \$8,290,000.  
Naval Weapons Station, Earle, New Jersey, \$3,540,000.  
Naval Ordnance Station, Indian Head, Maryland, \$6,860,000.  
Naval Undersea Warfare Engineering Station, Keyport, Washington, \$8,170,000.  
Philadelphia Naval Shipyard, Philadelphia, Pennsylvania, \$5,800,000.  
Naval Weapons Station, Seal Beach, California, \$15,970,000.  
Mare Island Naval Shipyard, Vallejo, California, \$4,040,000.  
Naval Weapons Station, Yorktown, Virginia, \$30,850,000 (\$22,880,000).

#### STRATEGIC SYSTEMS PROJECT OFFICE

Naval Submarine Base, Kings Bay, Georgia, \$95,025,000.

#### VARIOUS LOCATIONS

Land Acquisition, \$8,091,000.

(b) OUTSIDE THE UNITED STATES.—The Secretary of the Navy may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations outside the United States:

#### UNITED STATES MARINE CORPS

Marine Corps Air Station, Futenma, Okinawa, Japan, \$1,000,000.  
Marine Corps Air Station, Iwakuni, Japan, \$1,080,000.

#### COMMANDER IN CHIEF, ATLANTIC FLEET

Naval Support Activity, Antigua, West Indies, \$3,250,000 (\$0).  
Naval Facility, Brawdy Wales, United Kingdom, \$850,000.  
Naval Station, Guantanamo Bay, Cuba, \$917,000.  
Naval Air Station, Guantanamo Bay, Cuba, \$1,770,000.  
Naval Air Station, Keflavik, Iceland, \$4,870,000.  
Atlantic Fleet Weapons Training Facility, Roosevelt Roads, Puerto Rico, \$2,020,000.

#### COMMANDER IN CHIEF, PACIFIC FLEET

Mobile Construction Battalion, Camp Covington, Guam, \$14,700,000.  
Naval Air Station, Cubi Point, Republic of the Philippines, \$1,490,000.  
Naval Support Facility, Diego Garcia, Indian Ocean, \$1,000,000.  
Naval Facility, Guam, \$650,000.  
Naval Magazine, Guam, \$10,800,000.  
Naval Supply Depot, Guam, \$14,160,000.  
Naval Ship Repair Facility, Guam, \$5,100,000.

## COMMANDER IN CHIEF, UNITED STATES NAVAL FORCES EUROPE

Naval Support Office, La Maddalena, Italy, \$7,480,000.

Naval Activities, London, United Kingdom, \$600,000.

Naval Support Activity, Naples, Italy, \$20,150,000.

Naval Air Station, Sigonella, Italy, \$2,460,000.

## NAVAL TELECOMMUNICATIONS COMMAND

Naval Communication Area Master Station, Mediterranean, Naples, Italy, \$5,300,000.

## NAVAL SECURITY GROUP COMMAND

Naval Security Group Activity, Edzell, Scotland, \$4,970,000 (\$770,000).

Naval Security Group Activity, Sabana Seca, Puerto Rico, \$400,000.

Naval Security Group Activity, Terceira Island, Azores, \$700,000.

## NAVAL FACILITIES ENGINEERING COMMAND

Navy Public Works Center, Guam, \$2,360,000.

Navy Public Works Center, Subic Bay, Republic of the Philippines, \$7,680,000.

## SEC. 2122. FAMILY HOUSING

(a) CONSTRUCTION AND ACQUISITION.—The Secretary of the Navy may construct or acquire family housing units (including land acquisition), using amounts appropriated pursuant to section 2125(a)(8)(A), at the following installations in the number of units shown, and in the amount shown, for each installation:

Navy Public Works Center, San Diego, California, five hundred and eighty units (three hundred units), \$52,840,000 (\$27,840,000).

Navy Public Works Center, San Francisco, California, four hundred and forty-four units, \$38,380,000.

Nuclear Power Training Unit, Ballston Spa, New York, one hundred units, \$8,810,000.

Naval Station, New York, New York, two hundred and fifty units, \$25,490,000.

Marine Corps Base, Camp Pendleton, California, two hundred and sixty-eight units (two hundred units), \$25,760,000 (\$17,760,000).

Marine Corps Air Station, El Toro, California, one hundred units, \$8,660,000.

Marine Corps Air-Ground Combat Center, Twentynine Palms, California, one hundred units, \$11,530,000.

Marine Corps Air Station, Beaufort, South Carolina, thirty-seven mobile home spaces, \$540,000.

Marine Corps Recruit Depot, Parris Island, South Carolina, twenty-five mobile home spaces, \$370,000.

Marine Corps Development and Education Command, Quantico, Virginia, ten mobile home spaces, \$166,000.

Marine Corps Finance Center, Kansas City, Missouri, eight mobile home spaces, \$120,000.

Naval Station, Keflavik, Iceland, two hundred fifty units, \$20,000,000.



(b) **PLANNING AND DESIGN.**—The Secretary of the Navy may carry out architectural and engineering services and construction design activities, using amounts appropriated pursuant to section 2125(a)(8)(A), with respect to the construction or improvement of military family housing units in an amount not to exceed \$6,248,000.

**SEC. 2123. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS**

(a) **IN GENERAL.**—Subject to section 2825 of title 10, United States Code, the Secretary of the Navy may improve, using amounts appropriated pursuant to section 2125(a)(8)(A), existing military family housing units in the amount of \$39,943,000.

(b) **WAIVER OF MAXIMUM PER UNIT COST FOR CERTAIN IMPROVEMENT PROJECTS.**—Notwithstanding the maximum amount per unit for an improvement project under section 2825(b) of title 10, United States Code, the Secretary of the Navy may carry out projects to improve existing military family housing units at the following installations in the number of units shown and in the amount shown, for each installation:

Naval Station, Long Beach, California, two hundred forty-five units, \$16,237,000.

Naval Air Station, Whidbey Island, Seattle, Washington, seventy-one units, \$2,937,700.

Navy Public Works Center, San Francisco, California, thirty-six units, \$2,331,600.

Navy Public Works Center, San Francisco, California, twenty-four units, \$1,004,700.

Naval Air Station, Brunswick, Maine, two hundred thirty-one units, \$9,799,000.

Marine Corps Development and Education Command, Quantico, Virginia, one hundred forty-eight units, \$8,079,500.

Navy Public Works Center, Guam, eighty-two units, \$6,838,700.

Naval Station, New York, New York, one hundred twenty units, \$12,500,000.

**SEC. 2124. DEFENSE ACCESS ROADS**

The Secretary of the Navy may, using funds appropriated pursuant to section 2125(a)(7), make advances to the Secretary of Transportation for the construction of defense access roads under section 210 of title 23, United States Code, at the following locations and in the following amounts:

Naval Construction Battalion Center, Hueneme, California, \$800,000.

Naval Air Station, Moffett Field, California, \$400,000.

Naval Station, San Diego, California, \$350,000.

Naval Station, Norfolk, Virginia, \$1,200,000.

Naval Submarine Base, Groton, Connecticut, \$1,250,000.

Naval Station, Everett, Washington, phase I, \$10,000,000.

**SEC. 2125. AUTHORIZATION OF APPROPRIATIONS, NAVY**

(a) **IN GENERAL.**—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1987, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of \$2,217,120,000 (\$2,143,660,000) as follows:

(1) For military construction projects inside the United States authorized by section 2121(a), \$1,109,364,000 (\$1,076,354,000).

(2) For military construction projects outside the United States authorized by section 2121(b), \$115,757,000 (\$108,307,000).

(3) For military construction projects at Kings Bay, Georgia, authorized by section 201(a) of the Military Construction Authorization Act, 1986, \$28,675,000.

(4) For military construction projects at Naval Weapons Station, Earle, New Jersey, authorized by section 2201(a) of the Military Construction Authorization Act, 1987, \$19,500,000.

(5) For unspecified minor construction projects under section 2805 of title 10, United States Code, \$16,500,000.

(6) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$143,655,000.

(7) For advances to the Secretary of Transportation for construction of defense access roads under section 210 of title 23, United States Code, \$14,000,000.

(8) For military family housing functions—

(A) for construction and acquisition of military family housing and facilities, \$238,857,000 (\$205,857,000); and

(B) for support of military housing (including functions described in section 2833 of title 10, United States Code), \$530,812,000 of which not more than \$14,347,000 may be obligated or expended for the leasing of military family housing in the United States, the Commonwealth of Puerto Rico, and Guam, and not more than \$22,220,000 may be obligated or expended for the leasing of military family housing units in foreign countries.

(b) **LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.**—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2121 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

**SEC. 2126. AUTHORIZATION OF PROJECTS FOR WHICH FUNDS HAVE BEEN APPROPRIATED**

(a) **PROJECTS.**—(1) In addition to the military construction projects authorized under title II of the Military Construction Authorization Act, 1987 (Public Law 99-661), the Secretary of the Navy may acquire real property and may carry out the following military construction projects in the following amounts which have been appropriated for such projects before the date of the enactment of this Act:

Naval Supply Center, Pearl Harbor, Hawaii, Cold Storage Facility, \$11,500,000.

Naval Air Station, Memphis, Tennessee, Road Improvements, \$1,570,000.

Cubi Point, Republic of the Philippines, Bachelor Officers' Quarters, \$5,300,000.

(2) Notwithstanding the provisions of section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of the projects authorized by paragraph (1) may not exceed the total amount authorized for such projects by such paragraph.

(b) **FAMILY HOUSING.**—In addition to the expenditures for improvements to military family housing authorized by section 2203 of the Military Construction Authorization Act, 1987 (Public Law

99-661), the Secretary of the Navy may make expenditures, out of funds appropriated before the date of the enactment of this Act, to improve existing family housing units, pursuant to section 2825 of title 10, United States Code, in an amount not to exceed \$22,000,000.

#### SEC. 2127. EXTENSION OF CERTAIN PRIOR YEAR AUTHORIZATIONS

(a) **EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 1984 PROJECTS.**—Notwithstanding the provisions of section 607(a) of the Military Construction Authorization Act, 1984 (Public Law 98-115), authorizations for the following projects authorized in section 201 of that Act, as extended by section 2209(b) of the Military Construction Authorization Act, 1987 (Public Law 99-661), shall remain in effect until October 1, 1988, or the date of enactment of the Military Construction Authorization Act for fiscal year 1989, whichever is later:

- (1) Unaccompanied enlisted personnel housing in the amount of \$10,000,000 at the Naval Air Station, Jacksonville, Florida.
- (2) Electrical distribution lines in the amount of \$7,200,000 at the Mare Island Naval Shipyard, Vallejo, California.
- (3) Heating, Ventilation and Air Conditioning System, in the amount of \$4,540,000 at the Naval Air Station, Alameda, California.
- (4) Land acquisition in the amount of \$830,000 at the Naval Weapons Station, Concord, California.

(b) **EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 1986 PROJECTS.**—Notwithstanding the provisions of section 606(a) of the Military Construction Authorization Act, 1986 (Public Law 99-167), authorizations for the following projects authorized in section 201 of that Act shall remain in effect until October 1, 1988, or the date of enactment of a Military Construction Authorization Act for fiscal year 1989, whichever is later:

- (1) Plating shop modernization in the amount of \$12,740,000 at the Naval Ordnance Station, Louisville, Kentucky.
- (2) Bachelors enlisted quarters and mess hall in the amount of \$4,700,000 at the Naval Magazine, Guam.
- (3) Physical fitness center in the amount of \$5,380,000 at the Marine Corps Air-Ground Combat Center, Twentynine Palms, California.
- (4) Dredging in the amount of \$6,570,000 at the Naval Supply Center, Oakland, California.
- (5) Dredging in the amount of \$8,650,000 at the Naval Air Station, Alameda, California.
- (6) Paint and finishing hangar in the amount of \$22,000,000 at the Naval Air Rework Facility, Alameda, California.
- (7) Combat swimmer trainer facility in the amount of \$3,000,000 at the Naval Amphibious Base, Coronado, California.
- (8) Communications facilities in the amount of \$2,750,000 at the Naval Station, Guantanamo Bay, Cuba.
- (9) Seabee material transit facility in the amount of \$6,960,000 at the Naval Construction Battalion Center, Port Hueneme, California.

#### SEC. 2128. NAVAL WEAPONS STATION, EARLE, NEW JERSEY

Section 2201(a) of the Military Construction Authorization Act, 1987 (division B of Public Law 99-661) is amended by striking out "Naval Weapons Station, Earle, New Jersey, \$34,760,000" and

inserting in lieu thereof "Naval Weapons Station, Earle, New Jersey, \$54,760,000".

### TITLE III—AIR FORCE

#### SEC. 2131. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS

(a) **INSIDE THE UNITED STATES.**—The Secretary of the Air Force may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations inside the United States:

##### AIR FORCE LOGISTICS COMMAND

Hill Air Force Base, Utah, \$46,600,000 (\$34,100,000).  
Kelly Air Force Base, Texas, \$30,650,000.  
McClellan Air Force Base, California, \$24,500,000.  
Newark Air Force Base, Ohio, \$580,000.  
Robins Air Force Base, Georgia, \$15,500,000.  
Tinker Air Force Base, Oklahoma, \$11,500,000.  
Wright-Patterson Air Force Base, Ohio, \$22,750,000.

##### AIR FORCE SYSTEMS COMMAND

Arnold Engineering Development Center, Tennessee, \$17,500,000.  
Edwards Air Force Base, California, \$5,750,000.  
Eglin Air Force Base, Florida, \$23,050,000.

##### AIR NATIONAL GUARD

Buckley Air National Guard Base, Colorado, \$16,900,000.

##### AIR TRAINING COMMAND

Chanute Air Force Base, Illinois, \$8,350,000.  
Columbus Air Force Base, Mississippi, \$5,450,000.  
Goodfellow Air Force Base, Texas, \$5,500,000.  
Keesler Air Force Base, Mississippi, \$6,300,000.  
Lackland Air Force Base, Texas, \$13,900,000.  
Laughlin Air Force Base, Texas, \$1,872,000.  
Lowry Air Force Base, Colorado, \$7,050,000.  
Mather Air Force Base, California, \$4,800,000.  
Randolph Air Force Base, Texas, \$8,100,000 (\$5,800,000).  
Reese Air Force Base, Texas, \$610,000.  
Sheppard Air Force Base, Texas, \$13,700,000.  
Vance Air Force Base, Oklahoma, \$3,190,000.  
Williams Air Force Base, Arizona, \$3,350,000.

##### AIR UNIVERSITY

Gunter Air Force Station, Alabama, \$8,800,000.  
Maxwell Air Force Base, Alabama, \$24,200,000.

##### ALASKAN AIR COMMAND

Eielson Air Force Base, Alaska, \$10,165,000.  
Elmendorf Air Force Base, Alaska, \$11,000,000 (\$4,300,000).  
Shemya Air Force Base, Alaska, \$38,350,000.  
Various Locations, \$15,800,000.

## MILITARY AIRLIFT COMMAND

Altus Air Force Base, Oklahoma, \$14,600,000.  
Andrews Air Force Base, Maryland, \$20,000,000.  
Dover Air Force Base, Delaware, \$5,050,000 (\$2,300,000).  
Kirtland Air Force Base, New Mexico, \$53,400,000.  
Little Rock Air Force Base, Arkansas, \$400,000.  
McGuire Air Force Base, New Jersey, \$1,640,000.  
Pope Air Force Base, North Carolina, \$11,000,000.  
Scott Air Force Base, Illinois, \$7,080,000.  
Travis Air Force Base, California, \$1,500,000.

## PACIFIC AIR FORCES

Bellows Air Force Base, Hawaii, \$460,000.  
Hickam Air Force Base, Hawaii, \$900,000.  
Kaena Point, Hawaii, \$3,400,000.

## SPACE COMMAND

Cape Cod Air Force Station, Massachusetts, \$2,150,000.  
Cavalier Air Force Station, North Dakota, \$3,750,000.  
Clear Air Force Base, Alaska, \$4,000,000.  
Falcon Air Force Station, Colorado, \$2,150,000 (\$0).  
Peterson Air Force Base, Colorado, \$12,150,000 (\$1,650,000).

## SPECIAL PROJECT

Various Locations, CONUS, \$19,073,000.

## STRATEGIC AIR COMMAND

Barksdale Air Force Base, Louisiana, \$3,700,000.  
Beale Air Force Base, California, \$7,180,000 (\$2,180,000).  
Blytheville Air Force Base, Arkansas, \$6,500,000.  
Carswell Air Force Base, Texas, \$5,010,000.  
Castle Air Force Base, California, \$10,650,000.  
Dyess Air Force Base, Texas, \$3,600,000.  
Ellsworth Air Force Base, South Dakota, \$11,550,000.  
Fairchild Air Force Base, Washington, \$6,000,000.  
F.E. Warren Air Force Base, Wyoming, \$308,000.  
Grand Forks Air Force Base, North Dakota, \$1,600,000.  
Griffiss Air Force Base, New York, \$14,830,000.  
Holbrook Radar Bomb Score Site, Arizona, \$1,890,000.  
K.I. Sawyer Air Force Base, Michigan, \$3,030,000.  
Loring Air Force Base, Maine, \$17,480,000 (\$4,380,000).  
Malmstrom Air Force Base, Montana, \$18,760,000.  
McConnell Air Force Base, Kansas, \$4,750,000 (\$2,550,000).  
Minot Air Force Base, North Dakota, \$8,600,000.  
Offutt Air Force Base, Nebraska, \$10,660,000.  
Plattsburgh Air Force Base, New York, \$2,900,000.  
Vandenberg Air Force Base, California, \$1,300,000.  
Whiteman Air Force Base, Missouri, \$89,300,000.  
Wilder, Idaho, \$2,350,000.  
Wurtsmith Air Force Base, Michigan, \$13,620,000.

## TACTICAL AIR COMMAND

Bangor International Airport, Maine, \$1,500,000.



Base 51, \$610,000.  
Base 52, \$600,000.  
Bergstrom Air Force Base, Texas, \$9,190,000.  
Cannon Air Force Base, New Mexico, \$7,000,000.  
Davis-Monthan Air Force Base, Arizona, \$8,000,000 (\$1,000,000).  
England Air Force Base, Louisiana, \$2,300,000.  
George Air Force Base, California, \$210,000.  
Holloman Air Force Base, New Mexico, \$7,750,000.  
Indian Springs Auxiliary Air Field, Nevada, \$4,400,000.  
Langley Air Force Base, Virginia, \$9,150,000.  
Luke Air Force Base, Arizona, \$5,400,000 (\$2,800,000).  
MacDill Air Force Base, Florida, \$3,741,000.  
Mountain Home Air Force Base, Idaho, \$1,900,000.  
Nellis Air Force Base, Nevada, \$14,050,000.  
Seymour-Johnson Air Force Base, North Carolina, \$11,950,000.  
Shaw Air Force Base, South Carolina, \$4,980,000.  
Tyndall Air Force Base, Florida, \$2,000,000.

#### UNITED STATES AIR FORCE ACADEMY

Air Force Academy, Colorado, \$2,680,000.

#### VARIOUS LOCATIONS

Classified Location, \$1,500,000.

(b) OUTSIDE THE UNITED STATES.—The Secretary of the Air Force may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations outside the United States:

#### MILITARY AIRLIFT COMMAND

Lajes Field, Portugal, \$4,600,000.  
Rhein-Main Air Base, Germany, \$11,450,000.

#### PACIFIC AIR FORCES

Camp Humphreys, Korea, \$5,550,000.  
Clark Air Base, Republic of the Philippines, \$9,540,000.  
Diego Garcia Air Base, Indian Ocean, \$18,600,000.  
Kadena Air Base, Japan, \$5,000,000.  
Kunsan Air Base, Korea, \$5,750,000.  
Osan Air Base, Korea, \$16,640,000.  
Suwon Air Base, Korea, \$3,650,000.

#### SPACE COMMAND

Thule Air Base, Greenland, \$3,000,000.

#### STRATEGIC AIR COMMAND

Andersen Air Force Base, Guam, \$8,700,000 (\$5,100,000).

#### TACTICAL AIR COMMAND

Howard Air Force Base, Panama, \$11,000,000 (\$310,000).  
Masirah, Oman, \$3,325,000.  
Seeb, Oman, \$8,260,000.  
Thumrait, Oman, \$5,010,000.

## UNITED STATES AIR FORCES IN EUROPE

RAF Alconbury, United Kingdom, \$2,150,000.  
 Ankara Air Station, Turkey, \$2,250,000.  
 Aviano Air Base, Italy, \$1,450,000.  
 RAF Bentwaters, United Kingdom, \$9,900,000.  
 Bitburg Air Base, Germany, \$4,690,000.  
 Buchel Air Base, Germany, \$2,000,000.  
 Camp New Amsterdam, The Netherlands, \$2,600,000.  
 RAF Chicksands, United Kingdom, \$1,250,000.  
 RAF Croughton, United Kingdom, \$900,000.  
 RAF Fairford, United Kingdom, \$11,550,000.  
 Hahn Air Base, Germany, \$5,770,000.  
 Incirlik Air Base, Turkey, \$6,750,000 (\$3,750,000).  
 RAF Lakenheath, United Kingdom, \$3,620,000.  
 Memmingen Air Base, Germany, \$2,000,000.  
 Pruem Air Station, Germany, \$2,000,000.  
 Ramstein Air Base, Germany, \$13,360,000.  
 San Vito Air Station, Italy, \$390,000.  
 Sembach Air Base, Germany, \$1,100,000.  
 Spangdahlem Air Base, Germany, \$5,050,000.  
 RAF Welford, United Kingdom, \$1,200,000.  
 Wenigerath Storage Site, Germany, \$1,750,000.  
 RAF Wethersfield, United Kingdom, \$1,300,000.  
 Zweibrucken Air Base, Germany, \$4,500,000.

## VARIOUS LOCATIONS

Base 89, \$4,300,000.

## SEC. 2132. FAMILY HOUSING

(a) CONSTRUCTION AND ACQUISITION.—The Secretary of the Air Force may construct or acquire family housing units (including land acquisition), using amounts appropriated pursuant to section 2135(a)(6)(A), at the following installations in the number of units shown, and in the amount shown, for each installation:

Holbrook, Arizona, thirty-four units, \$2,530,000.  
 Clark Air Base, Philippines, three hundred units, \$23,260,000.  
 RAF Bentwaters, United Kingdom, Family Housing Management Office, \$330,000.

(b) PLANNING AND DESIGN.—The Secretary of the Air Force may carry out architectural and engineering services and construction design activities, using amounts appropriated pursuant to section 2135(a)(6)(A), with respect to the construction or improvement of military family housing units in an amount not to exceed \$7,000,000.

## SEC. 2133. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS

(a) IN GENERAL.—Subject to section 2825 of title 10, United States Code, the Secretary of the Air Force may improve, using amounts appropriated pursuant to section 2135(a)(6)(A), existing military family housing units in an amount not to exceed \$132,800,000 (\$110,000,000).

(b) WAIVER OF MAXIMUM PER UNIT COST FOR CERTAIN IMPROVEMENT PROJECTS.—Notwithstanding the maximum amount per unit for an improvement project under section 2825(b) of title 10, United States Code, the Secretary of the Air Force may carry out projects to improve existing military family housing units at the following

installations, in the number of units shown, and in the amount shown, for each installation:

Maxwell Air Force Base, Alabama, twenty units, \$758,000; fifty-six units, \$2,710,000.

Elmendorf Air Force Base, Alaska, sixty-four units, \$4,669,000.

Lowry Air Force Base, Colorado, one unit, \$74,000.

Peterson Air Force Base, Colorado, six units, \$363,000.

Eglin Auxiliary Airfield No. 9, Florida, one hundred and sixty-four units, \$3,177,000.

MacDill Air Force Base, Florida, seven units, \$556,000; one unit, \$110,000.

Scott Air Force Base, Illinois, three units, \$239,000.

Barksdale Air Force Base, Louisiana, one hundred and fourteen units, \$5,342,000.

England Air Force Base, Louisiana, one hundred and six units, \$3,465,000.

Andrews Air Force Base, Maryland, five units, \$325,000.

Offutt Air Force Base, Nebraska, two hundred units, \$8,122,000.

Pease Air Force Base, New Hampshire, two hundred units, \$12,361,000.

McGuire Air Force Base, New Jersey, one hundred units, \$4,263,000.

Plattsburgh Air Force Base, New York, twenty-nine units, \$2,800,000.

Shaw Air Force Base, South Carolina, one hundred and twenty-five units, \$4,385,000; one hundred and thirty-one units, \$4,702,000.

Carswell Air Force Base, Texas, one hundred and thirty-six units, \$7,904,000; one hundred fifty-five units, \$9,100,000.

Kelly Air Force Base, Texas, eighteen units, \$1,356,000.

Lackland Air Force Base, Texas, one unit, \$46,000.

Randolph Air Force Base, Texas, five units, \$400,000.

Langley Air Force Base, Virginia, seven units, \$540,000.

Fairchild Air Force Base, Washington, two hundred and two units, \$10,121,000.

Ramstein Air Base, Germany, eight units, \$536,000; two hundred and forty units, \$11,202,000; two hundred and eighty units, \$16,990,000.

Kadena Air Base, Japan, eighty-two units, \$4,143,000; four units, \$407,000; one hundred and ninety-nine units, \$12,177,000.

Yokota Air Base, Japan, ninety-five units, \$5,061,000.

RAF Mildenhall, United Kingdom, two units, \$183,000.

(c) WAIVER OF SPACE LIMITATION FOR GENERAL OFFICER'S QUARTERS.—(1) To support the United States Central Command (USCENTCOM), the Tactical Air Command (TAC), and the United States Transportation Command, the Secretary of the Air Force may, subject to the requirement of section 2103(c)(3), carry out family housing improvement projects to add to and alter existing family housing units and (notwithstanding section 2826(a) of title 10, United States Code) increase the net floor area of one family housing unit at Shaw Air Force Base, South Carolina, to not more than 2,600 square feet, and increase the net floor area of one family housing unit at MacDill Air Force Base, Florida, and three converted family housing units at Scott Air Force Base, Illinois, to not more than 3,000 square feet.

(2) For purposes of this subsection the term "net floor area" has the same meaning given that term by section 2826(f) of title 10, United States Code.

#### SEC. 2134. DEFENSE ACCESS ROADS

The Secretary of the Air Force may, using funds appropriated pursuant to section 2135(a)(5), make advances to the Secretary of Transportation for the construction of defense access roads under section 210 of title 23, United States Code, at Havre Air Force Station, Montana, in an amount not to exceed \$4,100,000.

#### SEC. 2135. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1987, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of \$2,109,703,000 (\$2,002,813,000) as follows:

(1) For military construction projects inside the United States authorized by section 2131(a), \$912,949,000 (\$846,149,000).

(2) For military construction projects outside the United States authorized by section 2131(b), \$198,005,000 (\$180,715,000).

(3) For unspecified minor construction projects under section 2805 of title 10, United States Code, \$16,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$120,336,000.

(5) For advances to the Secretary of Transportation for construction of defense access roads under section 210 of title 23, United States Code, \$4,100,000.

(6) For military family housing functions—

(A) for construction and acquisition of military family housing and facilities, \$165,920,000 (\$143,120,000); and

(B) for support of military housing (including functions described in section 2833 of title 10, United States Code), \$692,393,000 of which not more than \$8,818,000 may be obligated or expended for the leasing of military family housing units in the United States, the Commonwealth of Puerto Rico, and Guam, and not more than \$68,024,000 may be obligated or expended for the leasing of military family housing units in foreign countries.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2353 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2131 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

#### SEC. 2136. AUTHORIZATION OF PROJECTS FOR WHICH FUNDS HAVE BEEN APPROPRIATED

(a) IN GENERAL.—In addition to the military construction projects authorized under title III of the Military Construction Authorization Act, 1987 (Public Law 99-661), the Secretary of the Air Force may acquire real property and may carry out the following military construction projects in the following amounts which have been appropriated for such projects before the date of the enactment of this Act:

Goodfellow Air Force Base, Texas, Unaccompanied Officer Personnel Housing, \$10,000,000.

Clark Air Base, Republic of Philippines, as follows:

(1) Aerospace systems branch, \$1,050,000.

(2) Alter unaccompanied enlisted personnel housing, \$1,850,000.

(3) Alter unaccompanied enlisted personnel housing, \$3,150,000.

(4) Child care center, \$2,000,000.

(5) COPE THUNDER operations facility, \$4,650,000.

(6) Essential maintenance facility, phase II, \$4,650,000.

(7) Fire station, \$760,000.

(8) Petroleum operations facility, \$1,600,000.

(9) Portomod warehouse, \$460,000.

Blytheville Air Force Base, Arkansas, Gymnasium, \$2,750,000.

(b) **LIMITATION.**—Notwithstanding the provisions of section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of the projects authorized by subsection (a) may not exceed the total amount authorized for such projects by such subsection.

#### SEC. 2137. EXTENSION OF CERTAIN PREVIOUS AUTHORIZATIONS

Notwithstanding the provisions of section 603(a) of the Military Construction Authorization Act, 1986 (Public Law 99-167), authorizations for the following projects authorized in sections 301 and 302 of that Act shall remain in effect until October 1, 1988, or the date of the enactment of a Military Construction Authorization Act for fiscal year 1989, whichever is later:

(1) Cold Storage Facility, in the amount of \$3,350,000 at Lowry Air Force Base, Colorado.

(2) Portomod Support in the amount of \$300,000 at Kunsan Air Base, Korea.

(3) Portomod Support in the amount of \$260,000 at Kwang-Ju Air Base, Korea.

(4) Portomod Support in the amount of \$860,000 at Osan Air Base, Korea.

(5) TR-1 Ground Station in the amount of \$4,500,000 at Base 30, at a location overseas.

(6) Chemical Warfare Protection—Avionics Shop in the amount of \$1,450,000 at Camp New Amsterdam, The Netherlands.

(7) GEODSS—Composite Support Facility in the amount of \$2,250,000 and a Spacetrack Observation Facility in the amount of \$12,400,000 at GEODSS Site 5 in Portugal.

### TITLE IV—DEFENSE AGENCIES

#### SEC. 2141. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS

(a) **INSIDE THE UNITED STATES.**—The Secretary of Defense may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations inside the United States:



## DEFENSE COMMUNICATION AGENCY

Naval Station, Anacostia, District of Columbia, \$30,170,000  
(\$5,000,000).

## DEFENSE INTELLIGENCE AGENCY

Bolling Air Force Base, District of Columbia, \$805,000.

## DEFENSE LOGISTICS AGENCY

Defense Fuel Support Point, Key West, Florida, \$9,400,000.  
Defense Depot, Memphis, Tennessee, \$11,361,000.  
Defense General Supply Center, Richmond, Virginia, \$22,300,000.

## DEFENSE MEDICAL FACILITIES OFFICE

Fort Wainwright, Alaska, \$9,100,000.  
Kings Bay, Georgia, \$6,600,000.  
Malmstrom Air Force Base, Montana, \$16,500,000.  
McGuire Air Force Base, New Jersey, \$550,000.  
Lackland Air Force Base, Texas, \$1,350,000.  
Langley Air Force Base, Virginia, \$1,500,000.  
Naval Station, Whidbey Island, Washington, \$16,500,000 (\$0).

## DEFENSE NUCLEAR AGENCY

Field Command, Kirtland Air Force Base, New Mexico, \$1,127,000.

## DEPARTMENT OF DEFENSE DEPENDENTS SCHOOL

Hanscom Air Force Base, Massachusetts, \$4,432,000.

## NATIONAL DEFENSE UNIVERSITY

Fort McNair, District of Columbia, \$5,000,000.

## NATIONAL SECURITY AGENCY

Fort Meade, Maryland, \$8,450,000.

## OFFICE OF THE SECRETARY OF DEFENSE

Classified Location, \$25,386,000.  
Classified Location, \$43,148,000.

## STRATEGIC DEFENSE INITIATIVE

Fort Monmouth, New Jersey, \$3,450,000.  
White Sands Missile Range, New Mexico, \$3,180,000.

(b) OUTSIDE THE UNITED STATES.—The Secretary of Defense may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations outside the United States:

## DEFENSE COMMUNICATIONS AGENCY

Patch Barracks, Stuttgart, Germany, \$1,030,000.  
RAF Croughton, United Kingdom, \$500,000.

## DEFENSE MEDICAL FACILITIES OFFICE

Classified, \$6,400,000.  
Classified, \$7,000,000.  
Rheinberg, Germany, \$2,250,000.  
Iraklion Air Station, Greece, \$340,000.  
Naval Air Station, Sigonella, Italy, \$20,000,000.  
San Vito Air Station, Italy, \$670,000.  
Camp Lester, Japan, \$1,400,000.  
Misawa Air Base, Japan, \$4,700,000.  
Woensdrecht, The Netherlands, \$360,000.  
Subic Bay, Republic of the Philippines, \$3,500,000.  
Incirlik Air Base, Turkey, \$15,260,000.  
RAF Fairford, United Kingdom, \$7,300,000.  
RAF Wethersfield, United Kingdom, \$740,000.  
RAF Bentwaters, United Kingdom, \$1,300,000.

## DEFENSE NUCLEAR AGENCY

Johnston Island, \$4,100,000.

## DEPARTMENT OF DEFENSE DEPENDENT SCHOOLS

Bitberg, Germany, \$2,413,000.  
Schweinfurt, Germany, \$5,320,000.  
Sembach, Germany, \$2,930,000.  
Spangdahlem, Germany, \$7,300,000.  
Stuttgart, Germany, \$3,030,000.  
Wuerzburg, Germany, \$3,153,000.  
San Miguel, Republic of the Philippines, \$2,960,000.  
Fort Buchanan, Puerto Rico, \$1,200,000.  
Incirlik Air Base, Turkey, \$7,746,000.

## NATIONAL SECURITY AGENCY

Classified, \$15,000,000.

## STRATEGIC DEFENSE INITIATIVE

Pacific Missile Range, Kwajalein, \$16,565,000.

## SEC. 2142. FAMILY HOUSING

The Secretary of Defense may construct or acquire four family housing units (including land acquisition), using amounts appropriated pursuant to section 2145(a)(10)(A), at classified locations in the total amount of \$1,000,000.

## SEC. 2143. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS

Subject to section 2825 of title 10, United States Code, the Secretary of Defense may improve, using amounts appropriated pursuant to section 2145(a)(10)(A), existing military family housing units in an amount not to exceed \$186,000.

## SEC. 2144. DEFENSE ACCESS ROADS

The Secretary of Defense may, using funds appropriated pursuant to section 2145(a)(8), make advances to the Secretary of Transportation for the construction of defense access roads under section 210 of title 23, United States Code, at Brooke Army Medical Center, San Antonio, Texas, in an amount not to exceed \$8,600,000.

**SEC. 2145. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES**

(a) **IN GENERAL.**—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1987, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), in the total amount of \$577,076,000 (\$530,406,000) as follows:

(1) For military construction projects inside the United States authorized by section 2141(a), \$220,309,000 (\$178,639,000).

(2) For military construction projects outside the United States authorized by section 2141(b), \$144,467,000.

(3) For military construction projects at Fort Meade, Maryland, authorized by section 101(a) of the Military Construction Authorization Act, 1986, \$15,000,000.

(4) For military construction projects at Fort Lewis, Washington, authorized by section 101(a) of the Military Construction Authorization Act, 1985, \$86,000,000.

(5) For unspecified minor construction projects under section 2805 of title 10, United States Code, \$9,200,000 (\$6,000,000).

(6) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, \$10,000,000.

(7) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$57,800,000 (\$56,000,000).

(8) For advances to the Secretary of Transportation for construction of defense access roads under section 210 of title 23, United States Code, \$8,600,000.

(9) For conforming storage facilities constructed under the authority of section 2404 of the Military Construction Authorization Act, 1987 (division B of Public Law 99-661), \$5,000,000.

(10) For military family housing functions—

(A) for construction and acquisition of military family housing and facilities, \$1,186,000; and

(B) for support of military housing (including functions described in section 2833 of title 10, United States Code), \$19,514,000, of which not more than \$15,188,000 may be obligated or expended for the leasing of military family housing units in foreign countries.

(b) **LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.**—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variations authorized by law, the total cost of all projects carried out under section 2141 may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(c) **PROJECT.**—Of the amount appropriated pursuant to the authorization in subsection (a)(7), at least \$2,000,000 shall be used for the planning and design of a bridge for route 32 over the Gladys Spellman Memorial Parkway providing access to the National Security Agency.

**SEC. 2146. AUTHORIZATION OF PROJECT FOR WHICH APPROPRIATIONS HAVE BEEN MADE**

In addition to the military construction projects authorized under title IV of the Military Construction Authorization Act, 1987 (Public Law 99-661), the Secretary of Defense may acquire real property and may carry out a military construction project for a medical

center clinic annex addition/alteration at Vandenberg Air Force Base, California, in the amount of \$1,900,000 which has been appropriated for such project before the date of the enactment of this Act.

#### SEC. 2147. EXTENSION OF CERTAIN PRIOR YEAR AUTHORIZATIONS

(a) **EXTENSION OF AUTHORIZATION OF A FISCAL YEAR 1985 PROJECT.**—Notwithstanding the provisions of section 607(a) of the Military Construction Authorization Act, 1985 (Public Law 98-407), authorization for a Conforming Storage Facility in the amount of \$1,950,000 at the Defense Property Disposal Office, Pearl Harbor Naval Shipyard, Hawaii, authorized in section 401 of that Act, and extended by section 2406 of the Military Construction Authorization Act, 1987 (Public Law 99-661), shall remain in effect until October 1, 1988, or the date of enactment of the Military Construction Authorization Act for fiscal year 1989, whichever is later.

(b) **EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 1986 PROJECTS.**—(1) Notwithstanding the provisions of section 606(a) of the Military Construction Authorization Act, 1986 (Public Law 99-167), authorizations for the following projects authorized in section 401 of that Act shall remain in effect until October 1, 1988, or the date of enactment of the Military Construction Authorization Act for fiscal year 1989, whichever is later:

(A) Conforming Storage Facility in the amount of \$1,390,000 at Defense Property Disposal Office, Anchorage, Alaska.

(B) Facility Rehabilitation in the amount of \$1,320,000 at Defense Property Disposal Office, Alameda, California.

(C) Conforming Storage Facility in the amount of \$825,000 at Defense Property Disposal Office, Barstow, California.

(D) Conforming Storage Facility in the amount of \$625,000 at Defense Property Disposal Office, Groton, Connecticut.

(E) Fire Protection in the amount of \$1,040,000 at Defense Fuel Support Point, Newington, New Hampshire.

(F) Steam Distribution System in the amount of \$510,000 at Defense Depot, Ogden, Utah.

(G) Covered Storage in the amount of \$1,020,000 at F.E. Warren Air Force Base, Cheyenne, Wyoming.

(2) Notwithstanding the provisions of section 606(a) of the Military Construction Authorization Act, 1986 (Public Law 99-167), the authorization for the Elementary and High School in the amount of \$7,080,000 at Florennes, Belgium, authorized in section 402 of such Act shall remain in effect until October 1, 1988, or the date of enactment of a Military Construction Authorization Act for fiscal year 1989, whichever is later.

#### SEC. 2148. BROOKE ARMY MEDICAL CENTER

(a) **INCREASE IN PROJECT AMOUNT.**—(1) Section 2401(a) of the Military Construction Authorization Act, 1987 (division B of Public Law 99-661; 100 Stat. 4034), is amended by striking out "\$135,000,000" in the item relating to Fort Sam Houston, Texas under the heading relating to Defense Medical Facilities Office and inserting in lieu thereof "\$241,000,000".

(2) The limitation on the total cost of projects carried out under section 2401 of such Act shall be increased by \$106,000,000.

(b) **REPORT.**—Not later than March 1, 1988, the Secretary of Defense shall transmit to the Committees on Armed Services of the Senate and the House of Representatives a report containing—

(1) a cost estimate for the construction of the medical facility at Brooke Army Medical Center, San Antonio, Texas, authorized by section 2401 of the Military Construction Authorization Act, 1987 (division B of Public Law 99-661), with space for 450 beds;

(2) a cost estimate for the construction of such medical facility with space for 200 beds and an estimate of the costs likely to be incurred as a result of the transfer of services from Brooke Army Medical Center to Wilford Hall Air Force Hospital; and

(3) a cost estimate of the expansion of such medical facility from 200 to 450 beds.

#### SEC. 2149. CONFORMING STORAGE FACILITIES

Subsection (a) of section 2404(a) of the Military Construction Authorization Act, 1987 (division B of Public Law 99-661), is amended to read as follows:

“(a) **AUTHORITY TO CONSTRUCT.**—The Secretary of Defense may, using not more than \$10,000,000 appropriated for fiscal year 1987 pursuant to the authorization in section 2405(a) of this Act and not more than \$5,000,000 appropriated for fiscal year 1988 pursuant to the authorization in section 2145(a) of the Military Construction Authorization Act, 1988 and 1989, carry out military construction projects not otherwise authorized by law for the construction of conforming storage facilities.”

#### SEC. 2150. CONSTRUCTION OF A NATIONAL TEST FACILITY FOR THE STRATEGIC DEFENSE INITIATIVE

Of the funds appropriated to the Department of Defense pursuant to section 201 for research, development, test, and evaluation for fiscal year 1988 in connection with the Strategic Defense Initiative program, not more than \$70,000,000 may be used for the planning and construction of a National Test Facility for the Strategic Defense Initiative at Falcon Air Force Base, Colorado.

### TITLE V—NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

#### SEC. 2151. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Infrastructure Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2152 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

#### SEC. 2152. AUTHORIZATION OF APPROPRIATIONS, NATO

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1987, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Infrastructure Program as authorized by section 2151, in the amount of \$386,000,000.



**TITLE VI—GUARD AND RESERVE FORCES FACILITIES****SEC. 2161. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS**

There are authorized to be appropriated for fiscal years beginning after September 30, 1987, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 133 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, \$177,289,000; and

(B) for the Army Reserve, \$88,100,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserves, \$68,737,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, \$141,091,000; and

(B) for the Air Force Reserve, \$74,300,000.

**TITLE VII—EXPIRATION OF AUTHORIZATIONS****SEC. 2171. EXPIRATION OF AUTHORIZATIONS**

(a) **EXPIRATION OF AUTHORIZATIONS AFTER TWO YEARS.**—Except as provided in subsection (b), all authorizations contained in titles I through V of this subdivision for military construction projects, land acquisition, family housing projects and facilities, and contributions to the NATO Infrastructure Program (and authorizations of appropriations therefor) shall expire on October 1, 1989, or the date of the enactment of the Military Construction Authorization Act for fiscal year 1990, whichever is later.

(b) **EXCEPTION.**—The provisions of subsection (a) do not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the NATO Infrastructure Program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before October 1, 1989, or the date of the enactment of the Military Construction Authorization Act for fiscal year 1990, whichever is later, for construction contracts, land acquisition, family housing projects and facilities, or contributions to the NATO Infrastructure Program.

**Subdivision 2—Fiscal Year 1989****TITLE I—ARMY****SEC. 2201. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS**

(a) **INSIDE THE UNITED STATES.**—The Secretary of the Army may acquire real property and may carry out military construction projects at Fort Wainwright, Alaska, in the amount of \$28,100,000.

(b) **OUTSIDE THE UNITED STATES.**—The Secretary of the Army may acquire real property and may carry out military construction projects at Vilseck, Germany, in the amount of \$13,000,000.

**SEC. 2202. FAMILY HOUSING**

(a) **IN GENERAL.**—The Secretary of the Army may construct or acquire one hundred and twenty-eight family housing units (including land acquisition) at Fort Drum, New York, in the amount of \$10,000,000.

(b) **PLANNING AND DESIGN.**—The Secretary of the Army may carry out architectural and engineering services and construction design activities, using amounts appropriated pursuant to section 2204(a)(5)(A), with respect to the construction or improvement of military family housing units not to exceed \$20,000,000.

**SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS**

(a) **IN GENERAL.**—Subject to section 2825 of title 10, United States Code, the Secretary of the Army may improve, using amounts appropriated pursuant to section 2204(a)(5)(A), existing military family housing units in an amount not to exceed \$145,968,000 of which \$1,916,000 is available only for energy conservation projects.

(b) **WAIVER OF MAXIMUM PER UNIT COST FOR CERTAIN IMPROVEMENT PROJECTS.**—Notwithstanding the maximum amount per unit for an improvement project under section 2825(b) of title 10, United States Code, the Secretary of the Army may carry out projects to improve existing military family housing units at the following installations in the number of units shown, and in the amount shown, for each installation:

Pearl Harbor, Hawaii, eight units, \$550,000.

Giessen, Germany, seventy-two units, \$3,314,000.

Various Locations, Germany, convert unused attic space and upgrade two hundred forty-two units into six hundred twenty-one adequate units, \$44,026,000.

**SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, ARMY**

(a) **IN GENERAL.**—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1988, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of \$1,733,069,000 as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), \$28,100,000.

(2) For military construction projects outside the United States authorized by section 2201(b), \$13,000,000.

(3) For unspecified minor construction projects under section 2805 of title 10, United States Code, \$16,200,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$126,710,000.

(5) For military family housing functions—

(A) for construction and acquisition of military family housing and facilities, \$175,968,000;

(B) for support of military family housing (including the functions described in section 2833 of title 10, United States Code), \$1,371,091,000, of which not more than \$46,498,000 may be obligated or expended for the leasing of military family housing units in the United States, the Commonwealth of Puerto Rico, and Guam, and not more than \$163,842,000 may be obligated or expended for the leasing of military family housing units in foreign countries; and

(C) for the Homeowners Assistance Program as authorized by section 2832 of title 10, United States Code, \$2,000,000.

(b) **LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.**—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

## TITLE II—NAVY

### SEC. 2221. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS

(a) **INSIDE THE UNITED STATES.**—The Secretary of the Navy may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations inside the United States:

#### CHIEF OF NAVAL OPERATIONS

Commandant, Naval District Washington, District of Columbia, \$21,000,000.

Naval Air Detachment, Tinker Air Force Base, Oklahoma, \$38,080,000.

#### COMMANDER IN CHIEF, ATLANTIC FLEET

Naval Station, Galveston, Texas, \$10,390,000.

Naval Station, Ingleside, Texas, \$31,850,000.

Naval Station, Lake Charles, Louisiana, \$5,000,000.

Naval Station, Mobile, Alabama, \$19,700,000.

Naval Station, New York, New York, \$10,480,000.

Naval Station, Pascagoula, Mississippi, \$25,700,000.

Naval Air Station, Pensacola, Florida, \$14,320,000.

#### COMMANDER IN CHIEF, PACIFIC FLEET

Naval Air Station, Adak, Alaska, \$20,000,000.

Naval Station, Everett, Washington, \$52,950,000.

Naval Station, Long Beach, California, \$5,460,000.

#### NAVAL SEA SYSTEMS COMMAND

Philadelphia Naval Shipyard, Philadelphia, Pennsylvania, \$8,200,000.

Naval Weapons Station, Earle, New Jersey, \$18,600,000.

#### STRATEGIC SYSTEMS PROJECT OFFICE

Naval Submarine Base, Kings Bay, Georgia, \$57,730,000.

(b) **OUTSIDE THE UNITED STATES.**—The Secretary of the Navy may acquire real property and may carry out military construction projects at the Naval Station, Guam, in an amount not to exceed \$2,820,000.

### SEC. 2222. FAMILY HOUSING

(a) **CONSTRUCTION AND ACQUISITION.**—The Secretary of the Navy may construct or acquire 300 family housing units (including land

acquisition), using amounts appropriated pursuant to section 2224(a)(5)(A), at the Public Works Center, San Diego, California.

(b) **PLANNING AND DESIGN.**—The Secretary of the Navy may carry out architectural and engineering services and construction design activities, using amounts appropriated pursuant to section 2224(a)(5)(A), with respect to the construction or improvement of military family housing units not to exceed \$6,315,000.

#### SEC. 2223. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS

(a) **IN GENERAL.**—Subject to section 2825 of title 10, United States Code, the Secretary of the Navy may improve, using amounts appropriated pursuant to section 2224(a)(5)(A), existing military family housing units in the amount of \$59,689,000.

(b) **WAIVER OF MAXIMUM PER UNIT COST FOR CERTAIN IMPROVEMENT PROJECTS.**—Notwithstanding the maximum amount per unit for an improvement project under section 2825(b) of title 10, United States Code, the Secretary of the Navy may carry out projects to improve existing military family housing units at the following installations in the number of units shown and in the amount shown, for each installation:

Navy Public Works Center, San Diego, California, six units, \$284,400.

Navy Public Works Center, Great Lakes, Illinois, three hundred fifty-six units, \$14,207,800.

Navy Public Works Center, Great Lakes, Illinois, one hundred two units, \$4,725,500.

Naval Air Station, Brunswick, Maine, two hundred twenty-four units, \$8,130,500.

Naval Security Group Activity, Winter Harbor, Maine, thirty-two units, \$2,251,700.

Naval Security Group Activity, Winter Harbor, Maine, thirty units, \$2,920,600.

Naval Security Group Activity, Winter Harbor, Maine, twenty units, \$920,000.

Naval Air Station, Fallon, Nevada, one hundred six units, \$8,129,300.

Naval Air Engineering Center, Lakehurst, New Jersey, four units, \$190,000.

Marine Corps Air Station, Cherry Point, North Carolina, two units, \$94,300.

Marine Corps Air Station, Cherry Point, North Carolina, two hundred eighty-two units, \$11,957,200.

Naval Ships Part Control Center, Mechanicsburg, Pennsylvania, seventy-five units, \$3,398,400.

Naval Air Station, Whidbey Island, Seattle, Washington, eleven units, \$632,600.

Navy Public Works Center, Guam, two hundred twelve units, \$18,473,800.

#### SEC. 2224. AUTHORIZATION OF APPROPRIATIONS, NAVY

(a) **IN GENERAL.**—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1988, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of \$1,144,984,000 as follows:

(1) For military construction projects inside the United States authorized by section 2221(a), \$339,460,000.

(2) For military construction projects outside the United States authorized by section 2221(b), \$2,820,000.

(3) For unspecified minor construction projects under section 2805 of title 10, United States Code, \$16,300,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$147,333,000.

(5) For military housing functions—

(A) for construction and acquisition of military family housing and facilities, \$91,004,000; and

(B) for support of military housing (including functions described in section 2833 of title 10, United States Code), \$548,067,000 of which not more than \$18,434,000 may be obligated or expended for the leasing of military family housing in the United States, the Commonwealth of Puerto Rico, and Guam; and not more than \$23,982,000 may be obligated or expended for the leasing of military family housing units in foreign countries.

(b) **LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.**—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2221 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

### TITLE III—AIR FORCE

#### SEC. 2231. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS

(a) **INSIDE THE UNITED STATES.**—The Secretary of the Air Force may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations inside the United States:

##### AIR FORCE LOGISTICS COMMAND

Hill Air Force Base, Utah, \$6,500,000.

##### ALASKAN AIR COMMAND

Elmendorf Air Force Base, Alaska, \$18,000,000.

##### STRATEGIC AIR COMMAND

Base 61, \$10,450,000.

Dyess Air Force Base, Texas, \$1,410,000.

Ellsworth Air Force Base, South Dakota, \$1,300,000.

Fairchild Air Force Base, Washington, \$4,700,000.

Grand Forks Air Force Base, North Dakota, \$3,400,000.

Malmstrom Air Force Base, Montana, \$8,550,000.

McConnell Air Force Base, Kansas, \$3,050,000.

Whiteman Air Force Base, Missouri, \$106,000,000.

(b) **OUTSIDE THE UNITED STATES.**—The Secretary of the Air Force may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations outside the United States:



## PACIFIC AIR FORCES

Clark Air Base, Philippines, \$2,450,000.  
Kunsan Air Base, Korea, \$3,000,000.

## TACTICAL AIR COMMAND

Masirah, Oman, \$2,850,000.  
Seeb, Oman, \$7,300,000.

## SEC. 2232. FAMILY HOUSING

The Secretary of the Air Force may carry out architectural and engineering services and construction design activities, using amounts appropriated pursuant to section 2234(a)(5)(A), with respect to the construction or improvement of military family housing units not to exceed \$7,000,000.

## SEC. 2233. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS

(a) IN GENERAL.—Subject to section 2825 of title 10, United States Code, the Secretary of the Air Force may improve, using amounts appropriated pursuant to section 2234(a)(5)(A), existing military family housing units in an amount not to exceed \$165,280,000.

(b) WAIVER OF MAXIMUM PER UNIT COST FOR CERTAIN IMPROVEMENT PROJECTS.—Notwithstanding the maximum amount per unit for an improvement project under section 2825(b) of title 10, United States Code, the Secretary of the Air Force may carry out projects to improve existing military family housing units at the following installations, in the number of units shown, and in the amount shown, for each installation:

Gunter Air Force Station, Alabama, twenty-three units, \$1,111,000.

Maxwell Air Force Base, Alabama, fifty units, \$2,475,000.

Elmendorf Air Force Base, Alaska, forty-eight units, \$3,624,000.

Davis-Monthan Air Force Base, Arizona, one unit, \$60,000.

MacDill Air Force Base, Florida, four units, \$279,000.

Barksdale Air Force Base, Louisiana, two units, \$170,000; one hundred and seventy-four units, \$8,435,000.

Andrews Air Force Base, Maryland, five units, \$338,000.

Pease Air Force Base, New Hampshire, one unit, \$56,000.

Kirtland Air Force Base, New Mexico, four units, \$215,000.

Shaw Air Force Base, South Carolina, one hundred and twenty-five units, \$4,710,000.

Dyess Air Force Base, Texas, one unit, \$64,000.

Ramstein Air Base, Germany, two hundred and forty units, \$11,829,000.

Andersen Air Force Base, Guam, one unit, \$167,000.

Misawa Air Base, Japan, one hundred and eighty units, \$7,125,000.

Yokota Air Base, Japan, ninety-seven units, \$5,200,000.

Clark Air Base, Philippines, eighty-two units, \$1,739,000.

## SEC. 2234. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1988, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of \$1,231,213,000 as follows:

(1) For military construction projects inside the United States authorized by section 2231(a), \$163,360,000.

(2) For military construction projects outside the United States authorized by section 2231(b), \$15,600,000.

(3) For unspecified minor construction projects under section 2805 of title 10, United States Code, \$16,500,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$135,733,000.

(5) For military family housing functions—

(A) for construction and acquisition of military family housing and facilities, \$172,280,000; and

(B) for support of military housing (including functions described in section 2833 of title 10, United States Code), \$727,740,000 of which not more than \$21,795,100 may be obligated or expended for the leasing of military family housing units in the United States, the Commonwealth of Puerto Rico, and Guam, and not more than \$85,747,900 may be obligated or expended for the leasing of military family housing units in foreign countries.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2858 of title 10, United States Code, or any other cost variations authorized by law, the total cost of all projects carried out under section 2231 may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

#### TITLE IV—DEFENSE AGENCIES

##### SEC. 2241. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS

The Secretary of Defense may acquire real property and may carry out military construction projects at Kirtland Air Force Base, New Mexico, in the amount of \$2,550,000.

##### SEC. 2242. IMPROVEMENTS TO MILITARY HOUSING UNITS

Subject to section 2825 of title 10, United States Code, the Secretary of Defense may improve, using amounts appropriated pursuant to section 2243(a)(5)(A), existing military family housing units in an amount not to exceed \$112,000.

##### SEC. 2243. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1988, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), in the total amount of \$169,250,000 as follows:

(1) For military construction projects inside the United States authorized by section 2241, \$2,550,000.

(2) For military construction projects at Fort Sam Houston, Texas, authorized by section 2403(a) of the Military Construction Authorization Act, 1987, \$23,000,000.

(3) For military construction projects at Fort Lewis, Washington, authorized by section 101(a) of the Military Construction Authorization Act, 1985, \$59,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$65,100,000.

(5) For military family housing functions—

(A) for construction and acquisition of military family housing and facilities, \$112,000; and

(B) for support of military housing (including functions described in section 2833 of title 10, United States Code), \$19,488,000, of which not more than \$14,027,000 may be obligated or expended for the leasing of military family housing units in foreign countries.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2858 of title 10, United States Code, or any other cost variations authorized by law, the total cost of all projects carried out under section 2241 may not exceed the total amount authorized to be appropriated under paragraph (1) of subsection (a).

## TITLE V—NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

### SEC. 2251. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Infrastructure Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2252 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

### SEC. 2252. AUTHORIZATION OF APPROPRIATIONS, NATO

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1988, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Infrastructure Program as authorized by section 2251, in the amount of \$402,100,000.

## TITLE VI—GUARD AND RESERVE FORCES FACILITIES

### SEC. 2261. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS

There are authorized to be appropriated for fiscal years beginning after September 30, 1988, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 133 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, \$168,672,000; and

(B) for the Army Reserve, \$100,000,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserves, \$52,923,000.

(3) For the Department of the Air Force—

- (A) for the Air National Guard of the United States, \$134,550,000; and
- (B) for the Air Force Reserve, \$55,900,000.

## **TITLE VII—EXPIRATION OF AUTHORIZATIONS AND EFFECTIVE DATE**

### **SEC. 2271. EXPIRATION OF AUTHORIZATIONS OF PROJECTS AND APPROPRIATIONS FOR FISCAL YEARS AFTER FISCAL YEAR 1988**

(a) **IN GENERAL.**—Authorizations of military construction projects, land acquisition, family housing projects and facilities, contributions to the NATO Infrastructure Program, and Guard and Reserve projects in titles I, II, III, IV, V, and VI of this subdivision (and authorizations of appropriations therefor) shall be effective only to the extent that appropriations are made for such projects, acquisition, facilities, and contributions during the first session of the One Hundredth Congress.

(b) **EXPIRATION OF AUTHORIZATIONS AFTER TWO YEARS IN CERTAIN CASES.**—(1) Except as provided in subsection (a) and paragraph (2), authorizations contained in titles I, II, III, IV, and V of this subdivision for military construction projects, land acquisition, family housing projects and facilities, contributions to the NATO Infrastructure Program, and Guard and Reserve projects shall remain in effect (to the extent that appropriations are made for such projects, acquisitions, facilities, and contributions during the first session of the One Hundredth Congress) until October 1, 1990, or the date of the enactment of a Military Construction Authorization Act for fiscal year 1991, whichever is later.

(2) The provisions of paragraph (1) do not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, contributions to the NATO Infrastructure Program, and Guard and Reserve projects for which appropriated funds have been obligated before October 1, 1990, or the date of the enactment of the Military Construction Authorization Act for fiscal year 1991, whichever is later.

### **SEC. 2272. EFFECTIVE DATE**

This subdivision shall take effect on October 1, 1988, except that the authorizations of appropriations contained therein shall take effect on the date of the enactment of this Act.

## **Subdivision 3—General Provisions**

### **TITLE I—MILITARY CONSTRUCTION PROGRAM CHANGES**

#### **SEC. 2301. TURN-KEY SELECTION PROCEDURES FOR DEFENSE AGENCIES**

Section 2862 of title 10, United States Code, is amended—

(1) in subsection (a)(1)—

(A) by striking out “The Secretaries of the military departments, with the approval of the Secretary of Defense,” and inserting in lieu thereof “The Secretary concerned”, and

(B) by adding at the end the following new sentence: “Such procedures may be used by the Secretary of a military department only with the approval of the Secretary of Defense.”; and

(2) in subsection (b), by inserting after “The” the following: “Secretary of Defense, with respect to any Defense Agency, or the”.

#### SEC. 2302. LONG-TERM FACILITIES CONTRACTS

(a) **NEW COVERAGE.**—Section 2809(a)(1)(B) of title 10, United States Code, is amended—

(1) by redesignating clause (vi) as clause (vii); and

(2) by adding after clause (v) the following new clause:

“(vi) Hospital or medical facilities.”.

(b) **EXTENSION.**—Section 2809(c) of such title is amended by striking out “1987” and inserting in lieu thereof “1989”.

(c) **REPORT.**—Each Secretary who has entered into a contract under section 2809 of title 10, United States Code, shall submit a report to the Committees on Armed Services of the Senate and the House of Representatives by February 15, 1989, containing—

10 USC 2809  
note.

(1) the date and duration of, the other party to, and the nature of the activities carried out under each contract entered into by the Secretary under such section; and

(2) recommendations, and the reasons therefor, concerning whether the authority to enter into contracts under such section should be extended.

#### SEC. 2303. SETTLEMENT OF CONTRACTOR CLAIMS

10 USC 2863.

(a) **IN GENERAL.**—Chapter 169 of title 10, United States Code, is amended by adding at the end of subchapter III the following new section:

##### “§ 2863. Payment of contractor claims

“Notwithstanding any other provision of law, the Secretary concerned may pay meritorious contractor claims that arise under military construction contracts or family housing contracts. The Secretary of Defense, with respect to a Defense Agency, or the Secretary of a military department may use for such purpose any unobligated funds appropriated to such department and available for military construction or family housing construction, as the case may be.”.

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

10 USC 2233a  
note.

“2863. Payment of contractor claims.”.

#### SEC. 2304. GUARD AND RESERVE MINOR CONSTRUCTION

(a) **IN GENERAL.**—Section 2233a(b) of title 10, United States Code, is amended by striking out “\$100,000” and inserting in lieu thereof “\$200,000”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply to projects authorized under section 2233(a) of title 10, United States Code, for which contracts are entered into on or after the date of the enactment of this Act.

#### SEC. 2305. FAMILY HOUSING IMPROVEMENT THRESHOLD

Section 2825(b)(1) of title 10, United States Code, is amended by striking out “\$30,000” and inserting in lieu thereof “\$40,000”.



**SEC. 2306. FAMILY HOUSING LEASING WITHIN THE UNITED STATES**

(a) **IN GENERAL.**—Section 2828(g) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by inserting after “military department” the following: “, or the Secretary of Transportation with respect to the Coast Guard,”; and

(B) by inserting “or rehabilitated to residential use” after “constructed”;

(2) in paragraph (7), by inserting after “military department” the following: “, or the Secretary of Transportation with respect to the Coast Guard,”; and

(3) by adding at the end of paragraph (8) the following new subparagraph:

Contracts.

“(C) In addition to the contracts authorized by paragraph (7) and subparagraphs (A) and (B) of this paragraph—

“(i) the Secretary of the Army may enter into one or more contracts under this subsection for not more than a total of 3,500 family housing units;

“(ii) the Secretary of the Navy may enter into one or more contracts under this subsection for not more than a total of 2,000 family housing units;

“(iii) the Secretary of the Air Force may enter into one or more contracts under this subsection for not more than a total of 2,100 family housing units; and

“(iv) the Secretary of Transportation, for the Coast Guard, may enter into one or more contracts under this subsection for not more than a total of 300 family housing units.”; and

(4) in paragraph (9), by striking out “September 30, 1988.” and inserting in lieu thereof “September 30, 1989.”.

(b) **CONFORMING AMENDMENT.**—Section 2801(d) of such title, as amended by section 632(b)(1) of this Act, is amended by striking out “section” after “other than” and inserting in lieu thereof “sections 2828(g) and”.

**SEC. 2307. FAMILY HOUSING RENTAL GUARANTEE PROGRAM**

Section 802 of the Military Construction Authorization Act, 1984 (10 U.S.C. 2821 note), is amended—

(1) in subsection (a)—

(A) by inserting after “military department,” the following: “or the Secretary of Transportation with respect to the Coast Guard,”; and

(B) by inserting after “constructed” the following: “or rehabilitated to residential use”;

(2) in subsection (b)(3), by striking out “not”;

(3) in subsection (b)(6), by inserting before the semicolon “unless the project is located on government owned land, in which case the renewal period may not exceed the original contract term”; and

(4) in subsection (b)(11), by inserting after “military department concerned,” the following: “or the Secretary of Transportation with respect to the Coast Guard.”.

**SEC. 2308. NO-COST ACQUISITION OF FAMILY HOUSING**

Section 2822(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(4) Housing units acquired without consideration, if—

“(A) the Secretary concerned provides to the appropriate committees of Congress written notification of the facts concerning the proposed acquisition; and

“(B) a period of 21 days elapses after the notification is received by those committees.”.

**SEC. 2309. COST THRESHOLD FOR INDIVIDUAL UNITS AND MAXIMUM NUMBER OF UNITS LEASED IN FOREIGN COUNTRIES**

(a) **IN GENERAL.**—Section 2828(e) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking out “\$16,800” and inserting in lieu thereof “\$20,000 per unit per annum”; and

(2) in paragraph (2), by striking out “\$32,000” and inserting in lieu thereof “\$36,000”.

(b) **TECHNICAL AMENDMENTS.**—Section 2828(b) of such title is amended—

(1) by inserting “per unit per annum” in paragraph (2) before the period; and

(2) by striking out “\$10,000” and “\$12,000” in paragraph (3)(A) and inserting in lieu thereof “\$10,000 per unit per annum” and “\$12,000 per unit per annum”, respectively.

**SEC. 2310. MINOR CONSTRUCTION OUTSIDE THE UNITED STATES**

(a) **IN GENERAL.**—Section 2805(c) of title 10, United States Code, is amended—

(1) by striking out “The” and inserting in lieu thereof “(1) Except as provided in paragraph (2), the”; and

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

“(2) The authority provided in paragraph (1) may not be used with respect to any exercise-related unspecified military construction project coordinated or directed by the Joint Chiefs of Staff outside the United States.”.

(b) **ADDITIONAL LIMITATION.**—Section 2805(a) of such title is amended—

(1) by striking out “Within” and inserting in lieu thereof “(1) Except as provided in paragraph (2), within”; and

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

“(2) A Secretary may not use more than \$5,000,000 for exercise-related unspecified minor military construction projects coordinated or directed by the Joint Chiefs of Staff outside the United States during any fiscal year.”.

**SEC. 2311. COST THRESHOLD FOR MULTIPLE UNITS**

Section 2828(f) of title 10, United States Code, is amended by striking out “\$250,000” and inserting in lieu thereof “\$500,000”.

**SEC. 2312. COST VARIATIONS**

Paragraph (1) of section 2853(a) of title 10, United States Code, is amended by striking out “Except as” and all that follows through “appropriated for the project” and inserting in lieu thereof the following: “Except as provided in paragraph (2), the total cost authorized for military construction projects at an installation (including each project the cost of which is included in such total authorized cost and is less than the minor project ceiling) may be increased by not more than 25 percent of the total amount appropriated for such projects”.

**SEC. 2313. FAMILY HOUSING IMPROVEMENTS**

Section 2853(c) of title 10, United States Code, is amended by striking out "construction" and inserting in lieu thereof "construction, improvement,".

**TITLE II—MISCELLANEOUS PROVISIONS****SEC. 2321. PILOT PROGRAM FOR MILITARY FAMILY HOUSING**

State and local  
governments.  
10 USC 2821  
note.

(a) **IN GENERAL.**—(1) The Secretary of Defense shall, using \$1,000,000 of the funds appropriated pursuant to the authorization in subsection (a)(10)(B) of section 2145, establish and carry out, during fiscal years 1988, 1989, and 1990, a pilot program for the purpose of assisting units of general local government to increase the amount of affordable family housing available to military personnel.

(2) In establishing and carrying out such program, the Secretary shall select at least five units of general local government which are severely impacted by the presence of military bases and personnel and which meet the criteria in subsection (b).

(b) **SELECTION CRITERIA.**—The Secretary shall select such local governments on the basis of the following criteria:

(1) The extent, or the potential extent, of a joint civilian-military effort to increase, or prevent the decrease of, affordable housing units in the community served by the local government.

(2) The extent of willingness, or potential extent of willingness, of private corporations to contribute or loan money for the purpose of assisting in the effort described in paragraph (1).

(3) A commitment by the local government to assure that a reasonable proportion, taking into consideration the extent of Federal funding, of the housing units provided as a result of the effort described in paragraph (1) will be made available to military personnel.

Grants.

(c) **TYPES OF ASSISTANCE.**—In carrying out this section, the Secretary may make grants, enter into cooperative agreements, and supplement funds made available under Federal programs administered by agencies other than the Department of Defense in order to assist units of general local government and housing and redevelopment authorities and nonprofit housing corporations authorized by such local governments.

(d) **USE OF FUNDING.**—To expand the supply or prevent the loss of affordable family housing, funds made available under this section may be used for—

Loans.

(1) funding a revolving housing loan fund established and administered by a government, authority, or corporation described in subsection (c);

(2) funding a housing loan guarantee fund established and administered by such a government, authority, or corporation to ensure repayment of housing loans made by a private lender;

(3) funding feasibility studies of potential housing programs;

(4) funding one-time start-up costs of housing programs;

(5) funding joint community-military technical advisory organizations; and

(6) other similar and related activities.

(e) **REPORT.**—The Secretary of Defense shall submit a report to the Committees on Armed Services of the Senate and the House of

Representatives no later than March 15 of 1988, 1989, 1990, and 1991 with respect to activities carried out under this section.

#### SEC. 2322. RESTRICTIONS ON USE OF CERTAIN FUNDING

(a) **NELLIS AIR FORCE BASE, NEVADA.**—None of the funds available for use by the Department of Defense in fiscal year 1988 may be used, directly or indirectly, to deactivate, convert, transfer, or otherwise diminish any part of the 474th Tactical Fighter Wing stationed at Nellis Air Force Base, Nevada.

(b) **FORT MONMOUTH, NEW JERSEY.**—None of the funds available for use by the Department of Defense in fiscal year 1988 may be used, directly or indirectly, to relocate the headquarters element and the elements of the several directorates of the Joint Tactical Command, Control, and Communications Agency at Fort Monmouth, New Jersey.

(c) **STRATEGIC HOMEPORING.**—(1) Funds appropriated pursuant to the authorizations in section 2208 of the Military Construction Authorization Act, 1987 (division B of Public Law 99-661), and in section 2125 of this Act for Naval Station Everett, Washington, may not be obligated or expended for such purpose until—

(A) all Federal, State, and local permits required for the dredging activities to be carried out with respect to homeporting at Everett, Washington, have been issued, including all permits required pursuant to, or otherwise in connection with, the Federal Water Pollution Control Act; and

(B) the State of Washington has appropriated in fiscal year 1987 its share of funds for fiscal years 1988 and 1989 for all projects agreed with by the Department of the Navy for homeporting at Everett, Washington.

(2) The provisions of this subsection shall apply to any activity carried out after November 14, 1986.

(d) **PORT CHICAGO HIGHWAY.**—None of the funds available for use by the Department of Defense in fiscal year 1988 may be used by the Department of Defense, directly or indirectly, before January 1, 1988, to take, or condemn, or close, any portion of the Port Chicago Highway which lies within the Concord Naval Weapons Station in Concord, California.

(e) **AIR DEFENSE RADAR STATIONS.**—None of the funds available for use by the Department of Defense in fiscal year 1988 (other than funds made available by the Office of Economic Adjustment) may be used, directly or indirectly, to deactivate, convert, transfer, or otherwise diminish the air defense radar stations located at Calumet Air Force Station, Michigan, or Port Austin Air Force Station, Michigan.

#### SEC. 2323. PROHIBITION OF FUNDING FOR CERTAIN MILITARY CONSTRUCTION CONTRACTS ON GUAM

(a) **IN GENERAL.**—Except as provided in subsection (b), funds appropriated pursuant to any authorization made by this division may not be expended with respect to any contract for a military construction project on Guam if any work is carried out on such project by any person who is a nonimmigrant described in section 101(a)(15)(H)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)).

(b) **EXCEPTION.**—In any case in which there is no acceptable bid made in response to a solicitation by the Secretary of a military department for bids on a contract for a military construction project

on Guam and the Secretary concerned makes a determination that the prohibition contained in subsection (a) is a significant deterrent to obtaining bids on such contract, the Secretary concerned may make another solicitation for bids on such contract and the prohibition contained in subsection (a) shall not apply to such contract after the end of the 21-day period beginning on the date on which the Secretary concerned transmits a report concerning such contract to the Committees on Armed Services of the Senate and the House of Representatives.

(c) **EFFECTIVE DATE.**—This section shall apply only to contracts entered into, amended, or otherwise modified on or after the date of the enactment of this Act.

#### SEC. 2324. COMMUNITY PLANNING ASSISTANCE

The Secretary of Defense may use the following amounts to provide planning assistance to local communities located near the following homeports proposed under the Naval Strategic Dispersal Program if the Secretary determines that the financial resources available to the community (by grant or otherwise) are inadequate:

(1) not more than \$250,000 from funds appropriated to the Department of Defense for fiscal year 1988 for local communities located near the homeport at Everett, Washington; and

(2) not more than \$300,000 from funds appropriated to the Department of Defense for fiscal year 1988 and not more than \$300,000 from funds appropriated to the Department of Defense for fiscal year 1989 pursuant to authorizations contained in this division for local communities located near Gulf Coast homeports.

#### SEC. 2325. DISPOSITION OF REAL PROPERTY AT AIR FORCE MISSILE SITES

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

10 USC 9781.

##### “§ 9781. Disposition of real property at missile sites

“(a)(1) The Secretary of the Air Force shall dispose of the interest of the United States in any tract of real property described in paragraph (2) or in any easement held in connection with any such tract of real property only as provided in this section.

“(2) The real property referred to in paragraph (1) is any tract of land (including improvements thereon) owned by the Air Force that—

“(A) is not required for the needs of the Air Force and the discharge of the responsibilities of the Air Force, as determined by the Secretary of the Air Force;

“(B) does not exceed 25 acres;

“(C) was used by the Air Force as a site for one or more missile launch facilities, missile launch control buildings, or other facilities to support missile launch operations; and

“(D) is surrounded by lands that are adjacent to such tract and that are owned in fee simple by one owner or by more than one owner jointly, in common, or by the entirety.

“(b) The Secretary shall convey, for fair market value, the interest of the United States in any tract of land referred to in subsection (a) or in any easement in connection with any such tract of land to any person or persons who, with respect to such tract of land, own lands referred to in paragraph (2)(D) of such subsection and are ready, willing, and able to purchase such interest for the fair market value



of such interest. Whenever such interest of the United States is available for purchase under this section, the Secretary shall transmit a notice of the availability of such interest to each such person.

"(c) The Secretary shall determine the fair market value of the interest of the United States to be conveyed under this section.

"(d) The requirement to determine whether any tract of land described in subsection (a)(2) is excess property or surplus property under title II of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481 et seq.) before disposing of such tract shall not be applicable to the disposition of such tract under this section.

"(e) The disposition of a tract of land under this section to any person shall be subject to (1) any easement retained by the Secretary with respect to such tract, and (2) such additional terms and conditions as the Secretary considers necessary or appropriate to protect the interests of the United States.

"(f) The exact acreage and legal description of any tract of land to be conveyed under this section shall be determined in any manner that is satisfactory to the Secretary. The cost of any survey conducted for the purpose of this subsection in the case of any tract of land shall be borne by the person or persons to whom the conveyance of such tract of land is made.

"(g) If any real property interest of the United States described in subsection (a) is not purchased under the procedures provided in subsections (a) through (f), such tract may be disposed of only in accordance with the Federal Property and Administrative Services Act of 1949."

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 949 of such title is amended by adding at the end the following:

"9781. Disposition of real property at missile sites."

#### SEC. 2326. TULALIP TRIBES, WASHINGTON

(a) **IN GENERAL.**—(1) The Secretary of the Navy may pay, as provided in this section, to the Tulalip Indian Tribes of the State of Washington the sum of \$3,400,000. Any payment made under this section shall be made out of funds appropriated to or for the use of the Navy pursuant to section 2125(a)(1).

(2) Payment under this section shall be made in accordance with the Memorandum of Agreement dated July 22, 1987, between the United States and the Tulalip Tribes of Washington, and shall be in full settlement of the claims of such tribes for loss of access to and displacement from usual and accustomed fishing grounds and stations resulting from the construction and operation of Navy homeport facilities at Everett, Washington, and to support tribal resource enhancement efforts.

(b) **CONDITION OF SETTLEMENT.**—(1) Payment in final settlement of the tribal claims may not be made until the Secretary of the Navy has obtained from the Tulalip Tribes a release under which the tribes waive all claims against the United States—

(A) for displacement from the homeport site during any period the site is owned by the United States; and

(B) for additional displacement resulting from homeport construction-related activities at Port Gardner, Washington, as provided in the Memorandum of Agreement referred to in subsection (a)(2).

(2) The release referred to in paragraph (1) shall also waive any claims the Tulalip Tribes may have against the United States or any

Indians.  
Claims.

Fish and fishing.

successor in interest for loss of access resulting from the construction of permanent structures in connection with homeport facilities at Everett, Washington.

Fish and fishing.

(c) **PROTECTION OF RESERVED RIGHTS.**—Nothing in this section shall be construed to diminish any rights reserved to the Tulalip Tribes in the Memorandum of Understanding referred to in subsection (a)(2) with respect to claims that may arise from Navy-induced damages to fish habitat and other resources.

### TITLE III—REAL PROPERTY TRANSACTIONS

Health care  
facilities.  
Diseases.

#### SEC. 2331. LEASE OF PROPERTY, SAN FRANCISCO, CALIFORNIA

(a) **IN GENERAL.**—Subject to subsections (b) through (d), the Secretary of the Army shall lease, without consideration, the former Public Health Service facility located on the Presidio of San Francisco, California, to the City and County of San Francisco for use as a facility for the care and treatment of persons with acquired immune deficiency syndrome (AIDS) or acquired immune deficiency syndrome related complex (ARC).

(b) **TERMS OF LEASE.**—In entering into the lease under this section, the Secretary—

(1) shall provide for a term of ten years beginning no later than January 1, 1989;

(2) shall provide that, in the event that the facility described in subsection (a) ceases to be used by the City and County of San Francisco for the purpose described in such subsection, the Secretary shall have the right of immediate reentry and the lease shall be automatically terminated; and

(3) may require other terms and conditions necessary to protect the interests of the United States.

(c) **AUTHORIZATION.**—The Secretary may use not more than \$1,900,000 of funds available to the Department of the Army for operation and maintenance during fiscal year 1988 for the purpose of leasing space and otherwise relocating personnel and equipment related to the activities being carried out at the facility on the date of the enactment of this Act.

(d) **REPORTS.**—(1) The Secretary shall transmit, by March 1, 1988, to the Committees on Armed Services of the Senate and House of Representatives a report containing—

(A) an analysis of the reasonable options available for the relocation of activities necessary as a result of the lease of the facility under this section, including the impact of each such option on the operations and resources of the Department of the Army; and

(B) a detailed description of the preferred relocation plan, including a resource profile for all associated expenses and, in the case of any construction project associated with such relocation plan, a description of each such project and the anticipated timing of the obligation of funds for each such project.

(2)(A) The City and County of San Francisco is requested to transmit, before March 1, 1988, a report to the committees described in paragraph (1) containing—

(i) projections of the anticipated number of patients with AIDS or ARC who will need nursing care in the City and County of San Francisco over the period of the lease entered into under this section;

- (ii) different approaches to meeting this need for nursing care;
- (iii) the rationale for using the facility described in subsection (a) to meet this need; and
- (iv) its financial plan for renovating and operating such facility.

(B) The Secretary may not enter into a lease under this section before the report described in subparagraph (A) has been received by the committees described in paragraph (1).

**SEC. 2332. SALE OF LAND AND REPLACEMENT OF CERTAIN FACILITIES, KAPALAMA MILITARY RESERVATION, HAWAII**

(a) **IN GENERAL.**—Subject to subsections (b) through (g), the Secretary of the Army may convey approximately 43.72 acres of real property, together with improvements thereon, at Kapalama Military Reservation, Hawaii, and may replace and relocate facilities located on such property.

(b) **CONSIDERATION.**—In consideration for the real property described in subsection (a), the purchasers of such property shall pay the United States—

(1) in a manner determined by the Secretary, for the cost of the design and construction of suitable replacement facilities to be constructed at Fort Shafter, Fort Kamehameha, Tripler Army Medical Center, and Schofield Barracks, Hawaii;

(2) for any cost incurred by the Department of the Army under this section with respect to the relocation of facilities; and

(3) the amount of any difference referred to in subsection (d).

(c) **SALE AND REPLACEMENT ACTIVITIES.**—The Secretary may use any amount received from the purchaser as described in paragraphs (1) and (2) of subsection (b) for the purpose of carrying out this section.

(d) **PAYMENT OF EXCESS INTO TREASURY.**—If the fair market value of the real property and improvements described in subsection (a) exceeds the costs described in paragraphs (1) and (2) of subsection (b), as determined by the Secretary, the purchaser shall pay the amount of such difference to the Secretary, and the Secretary shall deposit such amount into the Treasury as miscellaneous receipts.

(e) **COMPETITIVE BID PROCEDURES.**—The conveyance described in subsection (a) shall be carried out under competitive bid procedures.

(f) **LEGAL DESCRIPTION OF REAL PROPERTY.**—The exact acreage and legal description of the real property described in subsection (a) shall be determined by a survey which is satisfactory to the Secretary. The cost of the survey shall be borne by the purchaser.

(g) **ADDITIONAL TERMS.**—The Secretary may require such additional terms and conditions under this section as the Secretary considers appropriate to protect the interests of the United States.

**SEC. 2333. LAND CONVEYANCE, LAWRENCE TOWNSHIP, INDIANA**

(a) **AUTHORITY TO SELL.**—Subject to subsections (b) through (e), the Secretary of the Army may sell and convey to Lawrence Township, Marion County, Indiana all right, title, and interest of the United States in and to a parcel of land, consisting of approximately 3.23 acres, comprising a portion of Fort Benjamin Harrison, Indiana.

(b) **CONDITIONS OF SALE.**—(1) In consideration for the sale and conveyance, the Township shall pay to the United States the fair market value, as determined by the Secretary, of the property to be conveyed by the United States under subsection (a).

(2) The Township shall execute and file the deed of conveyance in the appropriate registry.

(c) **RECAPTURE RIGHTS.**—The Secretary shall include in the deed of conveyance a condition that the United States may reenter and use the property without compensation in the event of a national emergency or declaration of war.

(d) **LEGAL DESCRIPTION OF LANDS.**—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by surveys that are satisfactory to the Secretary. The cost of any such survey shall be borne by the Township.

(e) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions as the Secretary considers appropriate to protect the interests of the United States.

**SEC. 2334. LAND TRANSFERS: ROCK ISLAND, ILLINOIS, AND FORT SAM HOUSTON, TEXAS**

(a) **AUTHORITY TO TRANSFER.**—Subject to subsections (b) through (d), the Secretary of the Army may transfer, without consideration, to the administrative jurisdiction of the Administrator of Veterans' Affairs—

(1) two parcels of real property, and improvements thereon, totaling approximately 17.17 acres, comprising a portion of the Rock Island Arsenal, Rock Island, Illinois; and

(2) a parcel of real property, and improvements thereon, totaling approximately 8.5 acres, comprising a portion of Fort Sam Houston, Texas.

(b) **CONDITIONS ON CONVEYANCE.**—The Administrator shall—

(1) use the real property described in subsection (a) for cemeteries which are to be part of the National Cemetery System;

(2) transfer any portion of such property back to the administrative jurisdiction of the Secretary of the Army, if such portion is not used for such a cemetery; and

(3) enter into an agreement with the Secretary to carry out the purposes of this section.

(c) **LEGAL DESCRIPTION AND SURVEYS.**—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by surveys that are satisfactory to the Secretary. The cost of such surveys shall be borne by the Administrator.

(d) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions as the Secretary considers appropriate to protect the interests of the United States.

**SEC. 2335. PROPERTY TRANSFER, BROOKLYN, NEW YORK**

In accordance with the provisions of section 202 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483) governing transfers of excess property, the Administrator of General Services shall transfer, without reimbursement, to the Secretary of the Navy the excess six story building and associated land, known as Dayton Manor, located near Fort Hamilton, Brooklyn, New York, for rehabilitation and use as military family housing.

**SEC. 2336. LAND EXCHANGE, ORANGE COUNTY, CALIFORNIA**

(a) **TRANSFER.**—Subject to subsections (b) through (e), the Secretary of the Navy may convey to Orange County, California, all right, title, and interest of the United States in and to a parcel of real property, with improvements thereon, consisting of approxi-

Cemeteries.



mately 137 acres located in the center of Mile Square Regional Park, Orange County, California.

(b) **CONSIDERATION.**—In consideration for the conveyance by the Secretary under subsection (a), Orange County shall convey to the United States parcels of real property, with improvements thereon, consisting of approximately 41 total acres located adjacent to the Marine Corps Air Station, Tustin, California.

(c) **PAYMENT BY COUNTY.**—If the fair market value of the real property and improvements conveyed by the Secretary under subsection (a) exceeds the fair market value of the real property conveyed by Orange County under subsection (b), the county shall pay the difference to the United States. Any such payment shall be covered into the Treasury as miscellaneous receipts.

(d) **OBLIGATIONS OF PARTIES.**—The exact acreages and legal descriptions of the real property to be conveyed under this section shall be determined by surveys which are satisfactory to the Secretary. The cost of any such survey shall be borne by Orange County.

(e) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the transaction authorized by this section as the Secretary considers appropriate to protect the interests of the United States.

#### SEC. 2337. TRANSFER OF LAND, JOLIET ARMY AMMUNITION PLANT, ILLINOIS

(a) **AUTHORITY TO CONVEY.**—Subject to subsections (b) through (d), the Secretary of the Army shall transfer to the Administrator of Veterans' Affairs not less than 200 acres of real property, including improvements thereon, located on the Joliet Army Ammunition Plant, Illinois, and with access to State Route 53.

(b) **USE OF LAND.**—(1) The Administrator shall use the real property transferred under subsection (a) for a national cemetery.

Cemeteries.

(2) A national cemetery established on such real property shall become part of the National Cemetery System and shall be administered under chapter 24 of title 38, United States Code.

(c) **RESTORATION.**—(1) The Secretary of the Army shall carry out appropriate environmental restoration activities pursuant to chapter 160 of title 10, United States Code, with respect to such real property before transferring it under this section.

(2) The Secretary may not transfer such property under this section unless the Administrator of Veterans' Affairs has determined that contamination that would prevent the property from being used as a national cemetery has been removed and that the land has been restored so that it is appropriate for such use.

Cemeteries.

(d) **LEGAL DESCRIPTION.**—The exact acreage and legal descriptions of any property transferred under this section shall be based on surveys that are satisfactory to the Secretary. The Administrator shall bear the cost of such surveys.

#### SEC. 2338. LEASE OF PROPERTY AT THE NAVAL SUPPLY CENTER, OAKLAND, CALIFORNIA

(a) **IN GENERAL.**—Subject to subsections (b) through (g), the Secretary of the Navy may lease, at fair market rental value, to the Port of Oakland, California, not more than 195 acres of real property, together with improvements thereon, at the Naval Supply Center, Oakland, California.



(b) **TERM OF LEASE.**—The lease entered into under subsection (a) may be for such term as the Secretary determines appropriate, with an initial term not to exceed 25 years and an option to extend for a term not to exceed 25 years.

(c) **REPLACEMENT AND RELOCATION PAYMENTS.**—The Secretary may, under the terms of the lease, require the Port of Oakland to pay the Secretary—

(1) a negotiated amount for the structures on the leased property that require replacement at a new location; and

(2) a negotiated amount for expenses to be incurred by the Navy with respect to vacating the leased property and relocating to other facilities.

(d) **USE OF FUNDS.**—(1) Funds received by the Secretary under subsection (c) may be used by the Secretary to pay for relocation expenses and constructing new facilities or making modifications to existing facilities which are necessary to replace facilities on the leased premises.

(2)(A) Funds received by the Secretary for the fair market rental value of the real property may be used to pay for relocation and replacement costs incurred by the Navy in excess of the amount received by the Secretary under subsection (c).

(B) Funds received by the Secretary for such fair market rental value in excess of the amount used under subparagraph (A) shall be deposited into the miscellaneous receipts of the Treasury.

(e) **AUTHORITY TO DEMOLISH AND CONSTRUCT FACILITIES.**—The Secretary may, under the terms of the lease, authorize the Port of Oakland to demolish existing facilities on the leased land and to provide for construction of new facilities on such land for the use of the Port of Oakland.

(f) **REPORT.**—The Secretary may not enter into a lease under this section until—

(1) the Secretary has transmitted to the Committee on Armed Services of the Senate and of the House of Representatives a report containing an explanation of the terms of the lease, especially with respect to the amount the Secretary is to receive under subsection (c) and the amount that is expected to be used under subsection (d)(2); and

(2) a period of 21 days has expired after the date on which such report is received by such Committees.

(g) **ADDITIONAL TERMS.**—The Secretary may require such additional terms and conditions in connection with the lease authorized by this section as the Secretary considers appropriate to protect the interests of the United States.

Texas.

#### SEC. 2339. AUTHORITY TO RELEASE CERTAIN RIGHTS

(a) **IN GENERAL.**—Subject to subsection (b), the Secretary of the Army may release, discharge, waive, and quitclaim all right, title, and interest which the United States may have by virtue of the quitclaim deed dated November 22, 1957, in and to approximately 46.1186 acres of real property, with improvements thereon, in Tarrant County, Texas.

(b) **CONDITION.**—The Secretary may carry out subsection (a) only after obtaining satisfactory assurances that the State of Texas shall obtain, in exchange for the real property referred to in subsection (a), a tract of real property—

(1) which is at least equal in value to the real property referred to in subsection (a); and

(2) which shall be, on the date on which the State obtains it, subject to the same restrictions and covenants with respect to the Federal Government as are applicable on the date of the enactment of this Act to the real property referred to in subsection (a).

(c) **LEGAL DESCRIPTION OF REAL PROPERTY.**—The exact acreage and legal descriptions of the real property referred to in subsection (a) shall be based upon surveys that are satisfactory to the Secretary.

**SEC. 2340. MINERAL INTERESTS AT WHITE SANDS MISSILE RANGE, NEW MEXICO**

(a) **AUTHORITY TO GRANT INTEREST.**—The Secretary of the Army may grant to the State of New Mexico an interest in the minerals in or on the land described in subsection (d).

(b) **INTEREST, TERMS, AND CONDITIONS OF GRANT.**—The extent of the interest granted to the State of New Mexico pursuant to subsection (a), and the other terms and conditions of such grant, shall be those prescribed by the Attorney General, after consultation with the Secretary of the Army and the Secretary of the Interior.

(c) **SETTLEMENT OF CLAIMS.**—The acceptance by the State of New Mexico of any interest in minerals made to such State pursuant to this section shall be in full settlement of the claims of such State against the United States as set forth in the case of *Humphries v. United States*, United States Claims Court (case number 94-79L).

(d) **DESCRIPTION OF LAND.**—The land referred to in subsection (a) is land located within the boundaries of the White Sands Missile Range, New Mexico, which was owned by the State of New Mexico and which was found by the Court of Claims to have been taken by the United States by inverse condemnation.

(e) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary of the Army may require such additional terms and conditions as the Secretary, in consultation with the Attorney General, considers appropriate to protect the interests of the United States.

**SEC. 2341. LAND CONVEYANCE, FORT JACKSON, SOUTH CAROLINA**

Subsection (e)(1) of section 840 of the Military Construction Authorization Act, 1986 (Public Law 99-167), is amended—

99 Stat. 997.

(1) by striking “and” at the end of subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting in lieu thereof “; and”; and

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

“(D) for a water systems improvement project at Fort Jackson at an estimated cost of \$2,300,000, and for family housing improvement projects at Fort Jackson at an estimated cost not to exceed \$6,400,000.”.

**SEC. 2342. LAND EXCHANGE, HAMILTON AIR FORCE BASE, CALIFORNIA**

(a) **IN GENERAL.**—Subject to subsections (b) through (d), the Secretary of the Army and the Secretary of the Navy may, jointly or separately, enter into an agreement for the exchange of lands and interest in lands under their respective jurisdictions at Hamilton Air Force Base, California, with the purchaser of other lands at such air force base which, before the date of the enactment of this Act, were declared excess to the needs of the United States.

(b) **CONDITIONS ON EXCHANGES.**—Exchanges of land and interests in real property under this section shall be made on condition that

the United States receive land or interests in real property at least equal in value (as determined by the Secretary of the Army or the Secretary of the Navy, as the case may be) to the land and interests in real property conveyed by the United States.

(c) **LEGAL DESCRIPTION AND SURVEYS.**—The exact acreage and legal description of the real property to be exchanged under this section shall be determined by surveys that are satisfactory to the Secretary of the Army or the Secretary of the Navy, as the case may be. The cost of such surveys shall be borne by the purchaser referred to in subsection (a).

(d) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary of the Army and the Secretary of the Navy may require such additional terms and conditions under this section as each such Secretary considers appropriate to protect the interests of the United States.

**SEC. 2343. LAND CONVEYANCE, CHANUTE AIR FORCE BASE, ILLINOIS**

(a) **AUTHORITY TO SELL.**—Subject to subsections (b) through (g), the Secretary of the Air Force may sell all or any portion of that tract of land (together with any improvements thereon) which comprises the Chapman Court Housing Annex, a housing complex near Chanut Air Force Base, Illinois, consisting of 49 acres, more or less.

(b) **CONDITIONS OF SALE.**—The Secretary shall require the buyer, as a condition of any sale of any of the property referred to in subsection (a), to carry out the following projects at Chanut Air Force Base in accordance with specifications mutually agreed upon by the Secretary and the prospective purchaser:

(1) Widen and extend Heritage Drive.

(2) Construct a new entrance gate (including a gate guardhouse) to serve as the main entrance from U.S. Route 45.

(3) Construct a visitor reception center and parking lot to serve such center.

(4) Construct new streets or alter existing streets in order to effectively reroute automobile traffic (on the Air Force Base) to and from the proposed new gate.

(c) **COMPETITIVE BID REQUIREMENT AND MINIMUM SALE PRICE.**—(1) The sale of any of the land referred to in subsection (a) shall be carried out under publicly advertised, competitive bid, or competitively negotiated contracting procedures.

(2) In no event may any of the land referred to in subsection (a) be sold for less than its fair market value, as determined by the Secretary.

(d) **REPORT REQUIREMENTS.**—(1) The Secretary may not enter into any contract for the sale of any or all of the land referred to in subsection (a) unless—

(A) the Secretary has submitted to the Committees on Armed Services of the Senate and House of Representatives a report containing the details of the contract proposed to be entered into by the Secretary under this section; and

(B) a period of 21 days has expired following the date on which the report referred to in clause (A) is received by such committees.

(2) Any report submitted under paragraph (1) shall include—

(A) a description of the price and terms of the proposed sale;

(B) a description of the procedures used in selecting a buyer for the land; and

(C) all pertinent information regarding the base development proposal selected by the Secretary.

(e) **USE OF EXCESS FUNDS.**—If the fair market value of the property conveyed to a buyer under this section is greater than the fair market value of the facilities constructed by the buyer for the United States, as determined by the Secretary, the buyer shall pay the difference to the United States. Any such amount paid to the Secretary shall be deposited into the general fund of the Treasury.

(f) **LEGAL DESCRIPTION OF LAND.**—The exact acreage and legal description of any land conveyed under this section shall be determined by a survey which is satisfactory to the Secretary. The cost of such survey shall be borne by the buyer.

(g) **ADDITIONAL TERMS.**—The Secretary may require such additional terms and conditions under this section as the Secretary considers appropriate to protect the interests of the United States.

#### SEC. 2344. LAND EXCHANGE, SAN DIEGO, CALIFORNIA

(a) **AUTHORITY TO EXCHANGE.**—Subject to subsections (b) through (f), the Secretary of the Air Force may convey certain real property (and improvements thereon) adjacent to Air Force Plant 19 in San Diego, California, to the County of San Diego, California, in exchange for certain real property (and improvements thereon) located in San Diego County, California.

(b) **CONDITION.**—If the fair market value of the real property and improvements conveyed to the County of San Diego under subsection (a) exceeds the fair market value of the real property and improvements conveyed to the United States by the County of San Diego, the County shall pay to the United States an amount equal to the difference. The Secretary shall deposit any funds received under this subsection as miscellaneous receipts in the Treasury.

(c) **LEGAL DESCRIPTION OF REAL PROPERTY.**—The exact acreage and legal description of the real property exchanged under this section shall be in accordance with surveys that are satisfactory to the Secretary. The costs of such surveys shall be borne by the County.

(d) **ADDITIONAL TERMS.**—The Secretary may require such additional terms and conditions under this section as the Secretary considers appropriate to protect the interests of the United States.

(e) **REPORT.**—Before the Secretary enters into an agreement authorized under subsection (a) for an exchange of real property with the County, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing the details of such proposed agreement. The report shall also include an assessment of the impact of the proposed exchange on—

- (1) current activities of the Department of Defense at Plant 19;
- (2) the potential disposal of Plant 19 to a private concern;
- (3) the potential transfer of Plant 19 to another military department; and
- (4) the ability of Plant 19 to support potential or programmed future missions of the Department of Defense.

(f) **WAITING PERIOD.**—An agreement for an exchange authorized by subsection (a) may not be entered into by the Secretary for a period of 30 days after the date on which the report referred to in subsection (e) has been received by the committees named in such subsection.

## SEC. 2345. PROPERTY TRANSACTION, BARLING, ARKANSAS

(a) **IN GENERAL.**—Subject to subsections (b) through (e), the Secretary of the Army shall lease to the City of Barling, Arkansas, for use by that city in the treatment of sewage, the following tracts of land at Fort Chaffee, Arkansas:

(1) A tract consisting of 320 acres and more particularly described as the NE $\frac{1}{4}$  and the NW $\frac{1}{4}$  of section 34, Township 8 North, Range 31 West.

(2) A tract 40 feet wide running from the northern boundary of the tract described in paragraph (1) to the Arkansas River, as may be agreed upon by the Secretary and the city of Barling.

(b) **LEASE REQUIREMENTS.**—(1) The lease entered into under subsection (a) shall authorize the City to construct and maintain a wastewater treatment facility on the land leased under subsection (a). Upon termination of the lease, the United States shall have all right, title, and interest in and to any improvements on the land.

(2) The lease shall be for such period, not less than 55 years, as may be agreed upon by the Secretary and the City.

(3) The lease shall require the City to pay rent for the use of the land in an amount to be agreed upon by the Secretary and the City, but not exceeding \$1,600 per year.

(c) **ALTERNATIVE LEASE.**—(1) In lieu of leasing to the City of Barling the lands described in subsection (a), the Secretary may lease to the City other lands under the jurisdiction of the Secretary adjacent to existing lagoons at Fort Chaffee, Arkansas, for use by the City in the treatment of sewage.

(2) Land leased to the city pursuant to paragraph (1) shall be leased at an annual rate of not more than \$5 per acre.

(3) Any lease entered into pursuant to paragraph (1) shall be subject to paragraphs (1) and (2) of subsection (b).

(4) If a lease is entered into under this subsection, the Secretary may permit the City to use the sewage treatment facilities of Fort Chaffee under an agreement which would require the City to pay a reasonable cost for the use of such facilities and any reasonable costs incurred by the Army in increasing the capacity of the sewage treatment facilities at Fort Chaffee to accommodate the use of such facilities by the City.

(d) **LEGAL DESCRIPTION OF LANDS.**—The exact acreage and legal description of any land to be leased under this section shall be determined by surveys that are satisfactory to the Secretary. The cost of such surveys shall be borne by the City.

(e) **ADDITIONAL TERMS AND CONDITIONS.**—Any lease or other agreement entered into under this section shall be subject to such other terms and conditions as the Secretary of the Army determines necessary or appropriate to protect the interests of the United States.



## DIVISION C—OTHER NATIONAL DEFENSE AUTHORIZATIONS

Department of  
Energy  
National  
Security and  
Military  
Applications of  
Nuclear Energy  
Authorization  
Act of 1988.

### TITLE I—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

#### SEC. 3101. SHORT TITLE

This title may be cited as the "Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1988".

#### PART A—NATIONAL SECURITY PROGRAMS AUTHORIZATIONS

#### SEC. 3111. OPERATING EXPENSES

Funds are authorized to be appropriated to the Department of Energy for fiscal year 1988 for operating expenses incurred in carrying out national security programs (including scientific research and development in support of the Armed Forces, strategic and critical materials necessary for the common defense, and military applications of nuclear energy and related management and support activities) as follows:

(1) For weapons activities, \$3,483,225,000, to be allocated as follows:

- (A) For research and development, \$769,019,000.
- (B) For weapons testing, \$396,550,000.
- (C) For production and surveillance, \$1,853,830,000.
- (D) For nuclear directed energy weapons research, development, and testing, \$240,000,000.
- (E) For the defense inertial confinement fusion program, \$149,000,000.
- (F) For program direction, \$74,826,000.

(2) For defense nuclear materials production, \$1,419,521,000 to be allocated as follows:

- (A) For uranium enrichment for naval reactors, \$141,500,000.
- (B) For other uranium enrichment, \$11,500,000.
- (C) For production reactor operations, \$550,035,000.
- (D) For processing of defense nuclear materials, including naval reactors fuel, \$470,700,000, of which \$65,000,000 shall be used for special isotope separation.
- (E) For supporting services, \$221,747,000.
- (F) For program direction, \$24,039,000.

(3) For environmental restoration and management of defense waste and transportation, \$578,519,000, to be allocated as follows:

- (A) For environmental restoration, \$97,798,000. Such funds may also be used for plant and capital equipment.
- (B) For waste operation and projects, \$411,597,000.
- (C) For waste research and development, \$51,082,000.
- (D) For hazardous waste process planning, \$7,112,000.
- (E) For transportation management, \$8,400,000.
- (F) For program direction, \$2,530,000.

(4) For verification and control technology, \$120,500,000.

(5) For nuclear materials safeguards and security technology development program, \$73,200,000.

- (6) For security investigations, \$32,000,000.
- (7) For naval reactors development, \$544,100,000.

#### SEC. 3112. PLANT AND CAPITAL EQUIPMENT

Funds are authorized to be appropriated to the Department of Energy for fiscal year 1988 for plant and capital equipment (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, land acquisition related thereto, and acquisition and fabrication of capital equipment not related to construction) necessary for national security programs as follows:

(1) For weapons activities:

Project 88-D-101, general plant projects, various locations, \$30,200,000.

Project 88-D-102, sanitary wastewater systems consolidation, Los Alamos National Laboratory, Los Alamos, New Mexico, \$1,000,000.

Project 88-D-103, seismic upgrade, Building 111, Lawrence Livermore National Laboratory, Livermore, California, \$1,100,000.

Project 88-D-104, safeguards and security upgrade, Phase II, Los Alamos National Laboratory, Los Alamos, New Mexico, \$3,500,000.

Project 88-D-105, special nuclear materials research and development laboratory replacement, Los Alamos National Laboratory, Los Alamos, New Mexico, \$10,000,000.

Project 88-D-106, nuclear weapons research, development, and testing facilities revitalization, Phase II, various locations, \$28,962,000.

Project 88-D-121, general plant projects, various locations, \$33,000,000.

Project 88-D-122, facilities capability assurance program, various locations, \$19,200,000.

Project 88-D-123, security enhancement, Pantex Plant, Amarillo, Texas, \$5,700,000.

Project 88-D-124, fire protection upgrade, various locations, \$1,700,000.

Project 88-D-125, high explosive machining facility, Pantex Plant, Amarillo, Texas, \$2,700,000.

Project 88-D-126, personnel radiological monitoring laboratories, various locations, \$1,000,000.

Project 88-D-129, small intercontinental ballistic missile (SICBM) warhead production facilities, various locations, \$20,000,000.

Project 87-D-104, safeguards and security enhancements, Phase II, Lawrence Livermore National Laboratory, Livermore, California, \$7,000,000.

Project 87-D-122, short-range attack missile II (SRAM II) warhead production facilities, various locations, \$37,016,000, subject to section 3113(c).

Project 87-D-123, protective clothing decontamination facility, Rocky Flats Plant, Golden, Colorado, \$4,608,000.

Project 87-D-127, environmental, safety, and health upgrade, Mound Plant, Miamisburg, Ohio, \$1,737,000.

Project 87-D-130, receiving and shipping facility, Pinellas Plant, St. Petersburg, Florida, \$2,400,000.

Project 86-D-103, decontamination and waste treatment facility, Lawrence Livermore National Laboratory, Livermore, California, \$12,000,000.

Project 86-D-104, strategic defenses facility, Sandia National Laboratories, Albuquerque, New Mexico, \$15,000,000.

Project 86-D-105, instrumentation systems laboratory, Sandia National Laboratories, Albuquerque, New Mexico, \$8,000,000.

Project 86-D-106, laboratory data communications center, Los Alamos National Laboratory, Los Alamos, New Mexico, \$12,200,000.

Project 86-D-122, structural upgrade of existing plutonium facilities, Rocky Flats Plant, Golden, Colorado, \$221,000.

Project 86-D-123, environmental hazards elimination, various locations, \$13,289,000.

Project 86-D-125, safeguards and site security upgrade, Phase II, Pantex Plant, Amarillo, Texas, \$2,000,000.

Project 86-D-130, tritium loading facility replacement, Savannah River Plant, Aiken, South Carolina, \$46,773,000.

Project 85-D-102, nuclear weapons research, development, and testing facilities revitalization, Phase I, various locations, \$33,500,000.

Project 85-D-103, safeguards and security enhancements, Lawrence Livermore National Laboratory and Sandia National Laboratories, Livermore, California, \$9,200,000.

Project 85-D-105, combined device assembly facility, Nevada Test Site, Las Vegas, Nevada, \$28,000,000.

Project 85-D-106, hardened engineering test building, Lawrence Livermore National Laboratory, Livermore, California, \$100,000.

Project 85-D-112, enriched uranium recovery improvements, Y-12 Plant, Oak Ridge, Tennessee, \$12,544,000.

Project 85-D-113, power plant and steam distribution system, Pantex Plant, Amarillo, Texas, \$2,000,000.

Project 85-D-115, renovate plutonium building utility systems, Rocky Flats Plant, Golden, Colorado, \$1,060,000.

Project 85-D-121, air and water pollution control facilities, Y-12 Plant, Oak Ridge, Tennessee, \$998,000.

Project 84-D-107, nuclear testing facilities revitalization, various locations, \$5,458,000.

Project 84-D-112, Trident II warhead production facilities, various locations, \$3,300,000.

Project 84-D-124, environmental improvements, Y-12 Plant, Oak Ridge, Tennessee, \$5,878,000.

Project 84-D-211, safeguards and site security upgrading, Y-12 Plant, Oak Ridge, Tennessee, \$18,253,000.

Project 82-D-107, utilities and equipment restoration, replacement, and upgrade, Phase III, various locations, \$96,129,000.

(2) For materials production:

New production reactor, location to be determined, \$10,000,000.

Project 88-D-146, general plant projects, various locations, \$39,030,000.

Project 88-D-153, additional reactor safeguards, Savannah River, South Carolina, \$2,900,000.

Project 87-D-150, radioactive liquid effluent treatment facility, Richland, Washington, \$5,000,000.

Project 87-D-152, environmental protection, plantwide, Savannah River, South Carolina, \$2,800,000.

Project 87-D-159, environmental, health, and safety improvements, Phases I and II, Feed Materials Production Center, Fernald, Ohio, \$35,000,000.

Project 86-D-148, special isotope separation project, Idaho Falls, Idaho, \$20,000,000.

Project 86-D-149, productivity retention program, Phases I, II, and III, various locations, \$68,860,000.

Project 86-D-151, PUREX electrical system upgrade, Richland, Washington, \$1,900,000.

Project 86-D-152, reactor electrical distribution system, Savannah River, South Carolina, \$4,500,000.

Project 86-D-154, effluent treatment facility, Savannah River, South Carolina, \$19,175,000.

Project 86-D-156, plantwide safeguards systems, Savannah River, South Carolina, \$13,000,000.

Project 85-D-139, fuel processing restoration, Idaho Fuels Processing Facility, Idaho National Engineering Laboratory, Idaho, \$28,000,000.

Project 85-D-140, productivity and radiological improvements, Feed Materials Production Center, Fernald, Ohio, \$7,831,000.

Project 85-D-145, fuel production facility, Savannah River, South Carolina, \$21,100,000.

Project 84-D-134, safeguards and security improvements, plantwide, Savannah River, South Carolina, \$9,685,000.

Project 83-D-148, non-radioactive hazardous waste management, \$4,200,000.

Project 82-D-124, restoration of production capabilities, Phases II, III, IV, and V, various locations, \$13,200,000.

(3) For defense waste and transportation management:

Project 88-D-171, general plant projects, various locations, \$25,636,000.

Project 88-D-173, Hanford waste vitrification plant, Richland, Washington, \$7,500,000.

Project 87-D-172, WESF K-3 filter upgrade, Richland, Washington, \$2,800,000.

Project 87-D-173, 242-A evaporator crystallizer upgrade, Richland, Washington, \$7,200,000.

Project 87-D-174, 241-AQ tank farm, Richland, Washington, \$22,300,000.

Project 87-D-175, steam system rehabilitation, Phase I, Richland, Washington, \$12,600,000.

Project 87-D-177, test reactor area liquid radioactive waste cleanup system, Phase III, Idaho National Engineering Laboratory, Idaho, \$3,900,000.

Project 87-D-180, burial ground expansion, Savannah River, South Carolina, \$8,200,000.

Project 87-D-181, diversion box and pump pit containment buildings, Savannah River, South Carolina, \$6,800,000.

Project 86-D-174, low-level waste processing and shipping system, Feed Materials Production Center, Fernald, Ohio, \$4,628,000.

Project 86-D-175, Idaho National Engineering Laboratory security upgrade, Idaho National Engineering Laboratory, Idaho, \$742,000.

Project 85-D-157, seventh calcined solids storage facility, Idaho National Engineering Laboratory, Idaho, \$2,181,000.

Project 85-D-158, central warehouse upgrade, Richland, Washington, \$56,000.

Project 85-D-159, new waste transfer facilities, H-area, Savannah River, South Carolina, \$13,682,000.

Project 81-T-105, defense waste processing facility, Savannah River, South Carolina, \$120,000,000.

Project 77-13-f, waste isolation pilot plant, Delaware Basin, Southeast New Mexico, \$35,901,000.

(4) For naval reactors development:

Project 88-N-101, general plant projects, various locations, \$6,000,000.

Project 88-N-102, expanded core facility receiving station, Naval Reactors Facility, Idaho, \$2,100,000.

Project 88-N-103, material handling and storage modifications, Knolls Atomic Power Laboratory, Niskayuna, New York, \$400,000.

Project 88-N-104, prototype availability facilities, Kesselring site, Knolls Atomic Power Laboratory, West Milton, New York, \$1,000,000.

Project 87-N-102, Kesselring site facilities upgrade, Knolls Atomic Power Laboratory, West Milton, New York, \$8,400,000.

(5) For capital equipment not related to construction:

(A) For weapons activities, \$266,230,000, of which \$17,000,000 shall be allocated for nuclear directed energy weapons and \$10,000,000 shall be allocated for the defense inertial confinement fusion program.

(B) For materials production, \$91,285,000.

(C) For defense waste and transportation management, \$43,687,000.

(D) For verification and control technology, \$5,100,000.

(E) For nuclear safeguards and security, \$4,600,000.

(F) For naval reactors development, \$45,000,000.

SEC. 3113. FUNDING LIMITATIONS

(a) PROGRAMS, PROJECTS, AND ACTIVITIES OF THE DEPARTMENT OF ENERGY RELATING TO THE STRATEGIC DEFENSE INITIATIVE.—Of the funds appropriated to the Department of Energy for fiscal year 1988 for operating expenses and plant and capital equipment, not more than \$279,000,000 may be obligated or expended for programs, projects, and activities of the Department of Energy relating to the Strategic Defense Initiative.

(b) INERTIAL CONFINEMENT FUSION.—Of the funds appropriated to the Department of Energy for fiscal year 1988 for operating expenses and plant and capital equipment, not less than \$159,000,000 shall be used for the defense inertial confinement fusion program.

(c) SRAM II.—Funds appropriated to the Department of Energy for fiscal year 1988 for facilities for production of the warhead for the short-range attack missile II (SRAM II) (project 87-D-122) may be obligated only—

(1) for facilities which are suitable for production of a warhead compatible with both the SRAM-A and the SRAM II; and



(2) after the Nuclear Weapons Council certifies that the design of the warhead is compatible with both the SRAM-A and the SRAM II.

#### SEC. 3114. UNDISTRIBUTED REDUCTIONS

(a) **TOTAL AUTHORIZATION.**—Notwithstanding sections 3111 and 3112, the total amount authorized to be appropriated to the Department of Energy in this title for fiscal year 1988 for national security programs is \$7,826,900,000.

(b) **REQUIREMENT FOR PROJECT REDUCTIONS.**—The Secretary of Energy shall reduce the amounts authorized for the projects listed in sections 3111 and 3112 in such amounts as he determines appropriate to achieve a total reduction of \$15,000,000.

### PART B—RECURRING GENERAL PROVISIONS

#### SEC. 3121. REPROGRAMMING

(a) **NOTICE TO CONGRESS.**—(1) Except as otherwise provided in this title—

(A) no amount appropriated pursuant to this title may be used for any program in excess of the lesser of—

(i) 105 percent of the amount authorized for that program by this title; or

(ii) \$10,000,000 more than the amount authorized for that program by this title; and

(B) no amount appropriated pursuant to this title may be used for any program which has not been presented to, or requested of, the Congress.

(2) An action described in paragraph (1) may be taken after a period of 30 calendar days (not including any day on which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) has passed after receipt by the Committees on Armed Services and Appropriations of the Senate and House of Representatives of notice from the Secretary of Energy (in this title referred to as the "Secretary") containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action.

(b) **LIMITATION ON AMOUNT OBLIGATED.**—In no event may the total amount of funds obligated pursuant to this title exceed the total amount authorized to be appropriated by this title.

#### SEC. 3122. LIMITS ON GENERAL PLANT PROJECTS

(a) **IN GENERAL.**—The Secretary may carry out any construction project under the general plant projects provisions authorized by this title if the total estimated cost of the construction project does not exceed \$1,200,000.

(b) **REPORT TO CONGRESS.**—If at any time during the construction of any general plant project authorized by this title, the estimated cost of the project is revised because of unforeseen cost variations and the revised cost of the project exceeds \$1,200,000, the Secretary shall immediately furnish a complete report to the Committees on Armed Services and Appropriations of the Senate and House of Representatives explaining the reasons for the cost variation.

**SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS**

(a) **IN GENERAL.**—(1) Except as provided in paragraph (3), construction on a construction project described in paragraph (2) may not be started, and additional obligations may not be incurred in connection with the project, above the total estimated cost of the construction project whenever the current estimated cost of the project exceeds by more than 25 percent the higher of—

(A) the amount authorized for the project; or

(B) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to the Congress.

(2) Paragraph (1) applies to any construction project which is authorized by section 3112 of this title or which is in support of national security programs of the Department of Energy and was authorized by any previous Act.

(3) An action described in paragraph (1) may be taken after a period of 30 calendar days (not including any day on which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) has passed after receipt by the Committees on Armed Services and Appropriations of the Senate and House of Representatives of notice from the Secretary containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action.

(b) **EXCEPTION.**—Subsection (a) shall not apply to any construction project which has a current estimated cost of less than \$5,000,000.

**SEC. 3124. FUND TRANSFER AUTHORITY**

(a) **IN GENERAL.**—Funds appropriated pursuant to this title may be transferred to other agencies of the Government, but only for the performance of the work for which the funds were authorized and appropriated. Funds so transferred may be merged with the appropriations of the agency to which the funds are transferred.

(b) **SPECIFIC TRANSFER.**—The Secretary of Defense may transfer to the Secretary of Energy not more than \$100,000,000 of the funds appropriated for fiscal year 1988 to the Department of Defense for research, development, test, and evaluation for the Defense Agencies for the performance of work on the Strategic Defense Initiative. Funds so transferred—

(1) may be used only for research, development, and testing for nuclear directed energy weapons, including plant and capital equipment related thereto;

(2) shall be merged with the appropriations of the Department of Energy; and

(3) may not be included in calculating the amount of funds obligated or expended for purposes of the funding limitation in section 3113(a).

**SEC. 3125. AUTHORITY FOR CONSTRUCTION DESIGN**

(a) **IN GENERAL.**—(1) Within the amounts authorized by this title for plant engineering and design, the Secretary may carry out advance planning and construction designs (including architectural and engineering services) in connection with any proposed construction project if the total estimated cost for such planning and design does not exceed \$2,000,000.

(2) In any case in which the total estimated cost for such planning and design exceeds \$300,000, the Secretary shall notify the Commit-

tees on Armed Services and Appropriations of the Senate and House of Representatives in writing of the details of such project at least 30 days before any funds are obligated for design services for such project.

(b) **SPECIFIC AUTHORITY REQUIRED.**—In any case in which the total estimated cost for advance planning and construction design in connection with any construction project exceeds \$2,000,000, funds for such design must be specifically authorized by law.

#### SEC. 3126. AUTHORITY FOR EMERGENCY CONSTRUCTION DESIGN

In addition to the advance planning and construction design authorized by section 3112, the Secretary may perform planning and design using available funds for any Department of Energy defense activity construction project whenever the Secretary determines that the design must proceed expeditiously in order to meet the needs of national defense or to protect property or human life.

#### SEC. 3127. FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY

Subject to the provisions of appropriation Acts and section 3121, amounts appropriated pursuant to this title for operating expenses and plant and capital equipment are available for use, when necessary, in connection with all national security programs of the Department of Energy.

#### SEC. 3128. ADJUSTMENTS FOR PAY INCREASES

Appropriations authorized by this title for salary, pay, retirement, or other benefits for Federal employees may be increased by such amounts as may be necessary for increases in such benefits authorized by law.

#### SEC. 3129. AVAILABILITY OF FUNDS

When so specified in an appropriation Act, amounts appropriated pursuant to this title for operating expenses or for plant and capital equipment may remain available until expended.

### PART C—MISCELLANEOUS PROVISIONS

#### SEC. 3131. ALLOWABLE COSTS TO INCLUDE CERTAIN INFORMATION PROVIDED TO CONGRESS AND STATE LEGISLATURES

(a) **ALLOWABLE COSTS.**—Section 1534(b) of the Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1986 (title XV of Public Law 99-145; 42 U.S.C. 7256a(b)) is amended—

(1) by inserting “(1)” before “Not later than”; and

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

“(2) In any regulations implementing subsection (a)(2), the Secretary may not treat as not allowable (by reason of such subsection) the following costs of a contractor:

“(A) Costs of providing to Congress or a State legislature, in response to a request from Congress or a State legislature, information of a factual, technical, or scientific nature, or advice of experts, with respect to topics directly related to the performance of the contract.

“(B) Costs for transportation, lodging, or meals incurred for the purpose of providing such information or advice.”.

Government  
organization  
and employees.

Contracts.

(b) **EFFECTIVE DATE.**—Regulations to implement paragraph (2) of section 1534(b) of the Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1986 (as added by subsection (a)) shall be prescribed not later than 90 days after the date of the enactment of this Act. Such regulations shall apply as if included in the original regulations prescribed under such section.

Regulations.  
42 USC 7256a  
note.

**SEC. 3132. MODERNIZATION OF NUCLEAR WEAPONS COMPLEX**

President of U.S.

(a) **STUDY.**—The President shall conduct a study, in consultation with experts in both the Federal Government and the private sector, on the nuclear weapons complex for the purpose of determining the overall size and productive capacity necessary to support national security objectives.

(b) **PLAN.**—The President shall formulate a plan, based on the study conducted under subsection (a), to modernize the nuclear weapons complex by achieving the necessary size and capacity determined under the study. Such plan shall include—

(1) actions necessary to ensure operation of facilities in the nuclear weapons complex in a safe and environmentally acceptable manner;

(2) a schedule for implementation of the plan; and

(3) the estimated costs of implementation of the plan.

(c) **REPORT.**—The President shall submit a report to the Committees on Armed Services and Appropriations of the Senate and the House of Representatives containing recommendations resulting from the study required by subsection (a) and a description of the plan required by subsection (b). The report shall be submitted by December 15, 1988.

(d) **NUCLEAR WEAPONS COMPLEX DEFINITION.**—In this section, the term “nuclear weapons complex” includes facilities for nuclear weapons research, development, and testing, nuclear materials production, nuclear weapons components manufacture, and assembly of nuclear weapons.

**SEC. 3133. REQUIREMENTS TO ENSURE SAFE OPERATION OF N REACTOR**

Washington.

(a) **REPORT BY NATIONAL ACADEMY OF SCIENCES.**—The Secretary of Energy shall request the National Academy of Sciences to submit by December 1, 1987, a report summarizing its findings, conclusions, and recommendations relating to the safety of operation of the N Reactor at the Hanford Reservation, Washington (hereafter in this section referred to as the “N Reactor”). Such report shall be prepared from the Academy’s current assessment of safety and technical issues at Department of Energy class A reactors being conducted pursuant to section 3136 of the Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1987 (division C of Public Law 99-661; 100 Stat. 4064). The report may include a review of the reports and recommendations of the so-called Roddis panel and shall be in addition to any other report submitted by the Academy on the N Reactor to the Department of Energy. The report shall be submitted to—

(1) the Secretary of Energy; and

(2) the Committee on Armed Services and the Committee on Energy and Commerce of the House of Representatives and the Committee on Armed Services of the Senate.

(b) **RESTRICTION ON OPERATION OF N REACTOR.**—The Secretary of Energy—

(1) may not operate the N Reactor before January 1, 1988; and  
 (2) may not operate the N Reactor until the Secretary submits to the Committees specified in subsection (a) a certification that the N Reactor is safe to operate.

(c) **EFFECT ON ENVIRONMENTAL IMPACT STATEMENT.**—No requirement or restriction in this section (including the delay in operation of the N Reactor until at least December 31, 1987) shall affect or be considered in the application or interpretation of the National Environmental Policy Act (42 U.S.C. 4321 et seq.) to the N Reactor.

(d) **OPERATION DEFINED.**—For purposes of this section, the term “operation” with respect to the N Reactor means any activity carried out for the purpose of producing special nuclear materials by achieving a state of criticality.

**SEC. 3134. INTERIM OVERSIGHT OF SAFETY OF THE NUCLEAR WEAPONS COMPLEX**

(a) **REQUIREMENT FOR REVIEW AND REPORT.**—(1) The Secretary of Energy shall request the National Academy of Sciences to conduct two reviews on the status of the nuclear weapons complex and submit a report on each review. Each such report shall include—

(A) a consideration of safety and technical issues at current facilities and a discussion of steps that would enhance the safety of operation of those facilities;

(B) a consideration of the environmental impact of the operation of those facilities;

(C) an estimation of the approximate useful lifetime of existing reactors; and

(D) findings and recommendations.

(2) The reports shall be submitted concurrently to the Committees on Armed Services of the Senate and House of Representatives and the Secretary not later than December 1, 1988, and December 1, 1989.

Reports.

(b) **REVIEW AND COMMENT BY SECRETARY.**—(1) The Secretary shall review the findings and recommendations contained in each report under subsection (a) and shall separately provide to the Committees on Armed Services of the Senate and House of Representatives a report containing—

(A) the Secretary's comments on such findings and recommendations; and

(B) a description (including cost assessments) of plans of the Secretary to correct any technical problems described in the report or to carry out recommendations set forth in the report.

(2) The Secretary shall submit the report required by paragraph (1) no later than 30 days after receipt of each report required by subsection (a).

**SEC. 3135. TIMELY DETERMINATION OF PROPERTY RIGHTS IN INVENTIONS AND DISCOVERIES**

(a) **DEADLINE FOR WAIVER DECISION.**—Section 3131(a) of the Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1987 (title I of division C of Public Law 99-661; 100 Stat. 4061) is amended—

42 USC 7261a.

(1) by inserting “(1)” before “Whenever any contractor”;

(2) by striking out the last sentence; and

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

Contracts.

“(2) Such decision shall be made within 150 days after the date on which a complete request for waiver of such rights has been submit-



ted to the Secretary by the contractor. For purposes of this paragraph, a complete request includes such information, in such detail and form, as the Secretary by regulation prescribes as necessary to allow the Secretary to take into consideration the matters described in subsection (b) in making the decision.

“(3) If the Secretary fails to make the decision within such 150-day period, the Secretary shall submit to the Committees on Armed Services of the House of Representatives and the Senate, within 10 days after the end of the 150-day period, a report on the reasons for such failure. The submission of such report shall not relieve the Secretary of the requirement to make the decision under this section. The Secretary shall, at the end of each 30-day period after submission of the first report during which the Secretary continues to fail to make the decision required by this section, submit another report on the reasons for such failure to the committees listed in this paragraph.”

Reports.

(b) **EFFECTIVE DATE.**—Paragraphs (2) and (3) of section 3131(a) of the Department of Energy National Security and Military Applications of Nuclear Energy Authorization Act of 1987 (as added by subsection (a)) shall apply with respect to waiver requests submitted by contractors under that section after March 1, 1988.

42 USC 7261a  
note.

#### SEC. 3136. PRODUCTION REACTOR ACQUISITION STRATEGY

(a) **REPORT.**—The Secretary of Energy shall submit to the Committees on Armed Services of the Senate and House of Representatives a report describing the strategy of the Secretary for acquiring new reactor capacity for the production of nuclear materials. The report shall include the following:

(1) An evaluation, including a discussion of all safety features considered, of the alternative sites and technologies for acquiring new reactor capacity for the production of nuclear materials.

(2) The associated costs and schedules of such alternative sites and technologies, including annual funding requirements.

(3) The recommendations of the Secretary of Energy with respect to—

(A) the preferred sites and technologies for acquiring new reactor capacity for the production of nuclear materials; and

(B) an acquisition strategy for eventual procurement, either in a phased approach or concurrently, of two reactors with different technologies in different locations.

(b) **DEADLINE.**—The report required by subsection (a) shall be submitted as soon as possible after the date of the enactment of this Act, but no later than February 1, 1988.

#### PART D—DEPARTMENT OF ENERGY SEMICONDUCTOR TECHNOLOGY RESEARCH EXCELLENCE INITIATIVE

Business and  
industry.

#### SEC. 3141. FINDINGS

15 USC 4621.

Congress makes the following findings:

(1) Semiconductors and related microelectronic devices are key components in computers, telecommunications equipment, advanced defense systems, and other equipment.

(2) Aggregate sales of such equipment, in excess of \$230,000,000,000 annually, comprise a significant portion of the gross national product of the United States.

(3) The leadership position of the United States in advanced technology is threatened by (A) competition from foreign businesses which is promoted and facilitated by the increasingly active involvement of foreign governments, and (B) other changes in the nature of foreign competition.

(4) The principal cause of the relative shift in strength of the United States and its semiconductor competitors is the establishment of a long-term goal by a major foreign competitor to achieve world superiority in semiconductor research and manufacturing technology and the pursuit of such goal by that competitor by effectively marshalling all of the government, industry, and academic resources needed to achieve that goal.

(5) Although the United States semiconductor industry leads all other principal United States industries in terms of its reinvestment in research and development, that has been insufficient by worldwide standards.

(6) Electronic equipment is essential to protect the national security of the United States, as is evidenced by the allocation of approximately 35 percent of the total research, development, and procurement budgets of the Department of Defense to electronics research.

(7) The Armed Forces of the United States will eventually depend extensively on foreign semiconductor technology unless significant steps are taken, and taken at an early date, to retain United States leadership in semiconductor technology research.

(8) It is in the interests of the national security and national economy of the United States for the United States to regain its traditional world leadership in the field of semiconductors.

(9) The most effective means of regaining that leadership is through a joint research effort of the Federal Government and private industry of the United States to improve semiconductor manufacturing technology and to develop practical uses for such technology.

(10) In order to meet the national defense needs of the United States and to insure the continued vitality of a commercial manufacturing base in the United States, it is essential that priority be given to the development, demonstration, and advancement of the semiconductor technology base in the United States.

(11) The national laboratories of the Department of Energy are a major national research resource, and the extensive involvement of such laboratories in the semiconductor research initiatives of the Federal Government and private industry would be an effective use of such laboratories and would help insure the success of such initiatives.

15 USC 4622.

**SEC. 3142. ESTABLISHMENT OF THE SEMICONDUCTOR MANUFACTURING TECHNOLOGY RESEARCH INITIATIVE**

The Secretary of Energy shall initiate and carry out a program (hereinafter in this subtitle referred to as the "Initiative") of research on semiconductor manufacturing technology and on the practical applications of such technology. The Secretary may carry out the Initiative in a way that complements the activities of a consortium of United States semiconductor manufacturers, materials manufacturers, and equipment manufacturers, established for the purpose of conducting research concerning advanced semiconductor manufacturing techniques and developing techniques to

adopt manufacturing expertise to a variety of semiconductor products.

**SEC. 3143. PARTICIPATION OF NATIONAL LABORATORIES OF THE DEPARTMENT OF ENERGY**

Schools and  
colleges.  
15 USC 4623.

(a) **MISSION OF NATIONAL LABORATORIES.**—Each national laboratory of the Department of Energy may participate in research and development projects under the Initiative in conjunction with the Department of Defense or with any consortium, college, or university carrying out any project for or in cooperation with any consortium referred to in section 3142, to the extent that such participation is consistent with the missions of the national laboratory.

(b) **AGREEMENTS.**—The Secretary of Energy may enter into such agreements with the Secretary of Defense, with any consortium referred to in section 3142, and with any college or university as may be necessary to provide for the active participation of the national laboratories of the Department of Energy in the Initiative.

(c) **RESEARCH AND DEVELOPMENT.**—One or more national laboratories of the Department of Energy shall participate in the Initiative by conducting research and development activities relating to research on the development of semiconductor manufacturing technologies. Such activities may include research and development relating to materials fabrication, materials characterization, design and modeling of devices, and new processing equipment.

**SEC. 3144. PERSONNEL EXCHANGES**

15 USC 4624.

The Secretary of Energy may authorize temporary exchanges of personnel between the national laboratories of the Department of Energy and any domestic firm or any consortium referred to in section 3142 that is participating in the Initiative. The exchange of personnel shall be subject to such restrictions, limitations, terms, and conditions that the Secretary of Energy considers necessary in the interest of national security.

**SEC. 3145. OTHER DEPARTMENT OF ENERGY RESOURCES**

15 USC 4625.

(a) **AVAILABILITY OF RESOURCES.**—Subject to subsection (b), the Secretary of Energy may make available to the Department of Defense, to any other department or agency of the Federal Government, and to any consortium that has entered into an agreement in furtherance of the Initiative any facilities, personnel, equipment, services, and other resources of the Department of Energy for the purpose of conducting research and development projects under the Initiative consistent with section 3143(a).

(b) **REIMBURSEMENT.**—The Secretary may make facilities available under this section only to the extent that the cost of the use of such facilities is reimbursed by the user.

**SEC. 3146. BUDGETING FOR SEMICONDUCTOR MANUFACTURING TECHNOLOGY RESEARCH**

15 USC 4626.

(a) **BUDGET SUBMISSION.**—To the extent the Secretary considers appropriate and necessary, the Secretary of Energy, in preparing the research and development budget of the Department of Energy to be included in the annual budget submitted to the Congress by the President under section 1105(a) of title 31, United States Code, shall provide for programs, projects, and activities that encourage the development of new technology in the field of semiconductors.

(b) **BUDGET CATEGORIES.**—The programs, projects, and activities described in subsection (a) shall be included in the budget for general science and research activities of the Department of Energy, except that any programs, projects, and activities that directly support and directly benefit the defense activities of the Department shall be included in the budget for atomic energy defense activities of the Department of Energy.

Contracts.  
15 USC 4627.

**SEC. 3147. COST-SHARING AGREEMENTS**

(a) **PERMITTED PROVISIONS.**—The director of each national laboratory of the Department of Energy that is participating in the Initiative or the contractor operating any such national laboratory, in carrying out programs under a contract with the Department of Energy, may include in any research and development agreement entered into with a domestic firm in connection with such Initiative a cooperative provision for the domestic firm to pay a portion of the cost of the research and development activities.

(b) **LIMITATIONS.**—(1) Not more than an amount equal to 1 percent of any national laboratory's annual budget shall be received from nonappropriated funds derived from contracts entered into under the Initiative in any fiscal year, except to the extent approved in advance by the Secretary of Energy.

(2) No Department of Energy national laboratory may receive more than \$10,000,000 of nonappropriated funds under any cooperative research and development agreement entered into under this subsection in connection with the Initiative, except to the extent approved in advance by the Secretary of Energy.

15 USC 4628.

**SEC. 3148. DEPARTMENT OF ENERGY OVERSIGHT OF COOPERATIVE AGREEMENTS RELATING TO THE INITIATIVE**

(a) **PROVISIONS RELATING TO DISAPPROVAL AND MODIFICATION OF AGREEMENTS.**—If the Secretary of Energy desires an opportunity to disapprove or require the modification of any agreement under section 3147, the agreement shall provide a 90-day period within which such action may be taken, beginning on the date the agreement is submitted to the Secretary.

(b) **RECORD OF AGREEMENTS.**—Each national laboratory shall maintain a record of all agreements entered into under this section.

15 USC 4629.

**SEC. 3149. AVOIDANCE OF DUPLICATION**

In carrying out the Initiative, the Secretary of Energy shall ensure that unnecessary duplicative research is not performed at the research facilities (including the national laboratories of the Department of Energy) that are participating in the Initiative.

15 USC 4630.

**SEC. 3150. AUTHORIZATION OF APPROPRIATIONS**

There is authorized to be appropriated to the Department of Energy for fiscal year 1988 the sum of \$25,000,000 for general science and research activities of the Department of Energy under the Initiative.

15 USC 4631.

**SEC. 3151. TECHNOLOGY TRANSFER**

(a) **IN GENERAL.**—The Secretary of Energy shall adopt procedures to provide for timely and efficient transfer of semiconductor technology developed under the Initiative pursuant to applicable laws, Executive orders, and regulations.

(b) **PLAN FOR COMMERCIALIZATION ENHANCEMENT.**—(1) Not later than one year after the date on which funds are first appropriated to

conduct the Initiative, the Secretary of Energy shall transmit to the committees of Congress named in paragraph (2) a plan for the transfer of semiconductor technology and information generated by the Initiative.

(2) The committees of Congress referred to in paragraph (1) are the Committees on Armed Services of the Senate and House of Representatives, the Committee on Energy and Natural Resources of the Senate, and the Committee on Science and Technology of the House of Representatives.

## TITLE II—NATIONAL DEFENSE STOCKPILE

### SEC. 3201. SHORT TITLE

This title may be cited as the “National Defense Stockpile Amendments of 1987”.

National  
Defense  
Stockpile  
Amendments  
of 1987.  
50 USC 98 note.

### SEC. 3202. STOCKPILE REQUIREMENTS

(a) PROCEDURE FOR REVISIONS OF STOCKPILE REQUIREMENTS.—Section 3 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98b) is amended—

(1) in subsection (a), by striking out “The” in the first sentence and inserting in lieu thereof “Subject to subsection (c), the”;

(2) in subsection (b), by striking out “the following principles” and all that follows and inserting in lieu thereof “the principles stated in section 2(c).”; and

(3) by striking out subsection (c) and inserting in lieu thereof the following:

“(c)(1) The quantity of any material to be stockpiled under this Act, as in effect on September 30, 1987, may be changed only as provided in this subsection or as otherwise provided by law enacted after the date of the enactment of the National Defense Stockpile Amendments of 1987.

“(2) If the President proposes to change the quantity of any material to be stockpiled under this Act, the President shall include a full explanation and justification for the change in the next annual material plan submitted to Congress under section 11(b).

President of U.S.

“(3) If the proposed change in the case of any material would result in a new requirement for the quantity of such material different from the requirement for that material in effect on September 30, 1987, by less than 10 percent, the change may be made by the President effective on or after the first day of the first fiscal year beginning after the explanation and justification for the proposed change is submitted pursuant to paragraph (2).

President of U.S.

“(4) In the case of a proposed change not covered by paragraph (3), the proposed change may be made only to the extent expressly authorized by law.

“(5) If in any year the reports required by sections 11(b) and 14 are not submitted to Congress as required by law (including the time for such submission), then during the next fiscal year no change under paragraph (3) may be made in the quantity of any material to be stockpiled under this Act.”.

(b) PURPOSE OF STOCKPILE.—Section 2 of such Act (50 U.S.C. 98a) is amended by adding at the end the following new subsection:

“(c) In providing for the National Defense Stockpile under this Act, Congress establishes the following principles:



"(1) The purpose of the National Defense Stockpile is to serve the interest of national defense only. The National Defense Stockpile is not to be used for economic or budgetary purposes.

"(2) The quantities of materials stockpiled under this Act should be sufficient to sustain the United States for a period of not less than three years during a national emergency situation that would necessitate total mobilization of the economy of the United States for a sustained conventional global war of indefinite duration."

(c) ANNUAL RECOMMENDATION OF STOCKPILE REQUIREMENTS BY SECRETARY OF DEFENSE.—The Strategic and Critical Materials Stock Piling Act is amended by adding at the end the following new section:

"ANNUAL REPORT ON STOCKPILE REQUIREMENTS

50 USC 98h-5.

"SEC. 14. (a) The Secretary of Defense shall submit to Congress an annual report on stockpile requirements. Each such report shall be submitted with the annual report submitted under section 11(b) and shall include—

"(1) the Secretary's recommendations with respect to stockpile requirements; and

"(2) the matters required under subsection (b).

"(b) Each report under this section shall set forth the national emergency planning assumptions used in determining the stockpile requirements recommended by the Secretary, based upon total mobilization of the economy of the United States for a sustained conventional global war for a period of not less than three years. Assumptions to be set forth include assumptions relating to each of the following:

"(1) Length and intensity of the assumed emergency.

"(2) The military force structure to be mobilized.

"(3) Losses from enemy action.

"(4) Military, industrial, and essential civilian requirements to support the national emergency.

"(5) Budget authority necessary to meet the requirements of total mobilization for the military, industrial, and essential civilian sectors.

"(6) The availability of supplies of strategic and critical materials from foreign sources, taking into consideration possible shipping losses.

"(7) Domestic production of strategic and critical materials.

"(8) Civilian austerity measures.

President of U.S.

"(c) The President shall submit with each report under this section a statement of the plans of the President for meeting the recommendations of the Secretary set forth in the report."

SEC. 3203. STOCKPILE MANAGER

(a) CLARIFICATION OF CHARTER OF STOCKPILE MANAGER.—Section 6A of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98e-1) is amended to read as follows:

"NATIONAL DEFENSE STOCKPILE MANAGER

President of U.S.

"SEC. 6A. (a) The President shall designate a single Federal office to have responsibility for performing the functions of the President under this Act, other than under sections 7, 8, and 13. The office

designated shall be one to which appointment is made by the President, by and with the advice and consent of the Senate.

“(b) The individual holding the office designated by the President under subsection (a) shall be known for purposes of functions under this Act as the ‘National Defense Stockpile Manager’.

“(c) The President may delegate functions of the President under this Act (other than under sections 7, 8, and 13) only to the National Defense Stockpile Manager. Any such delegation made by the President shall remain in effect until specifically revoked by law or Executive order.

President of U.S.

“(d) During any period during which there is no officer appointed by the President, by and with the advice and consent of the Senate, serving in the position designated by the President under subsection (a) or during which the authority of the President under this Act (other than under sections 7, 8, and 13) has not been delegated to that position, no action may be taken under section 6(b) or 6(d).”.

(b) REVOCATION OF EXISTING DELEGATION.—Effective 30 days after the date of the enactment of this Act, Executive Order 12155 is revoked and shall be of no further force and effect.

50 USC 98 note.

(c) SAVINGS PROVISION.—Unless otherwise directed by the President under section 6A of the Strategic and Critical Materials Stock Piling Act, as amended by subsection (a), the designation of a National Defense Stockpile Manager in effect on the day before the date of the enactment of this Act shall remain in effect until the individual so designated ceases to hold the office held by the individual at the time of the designation.

50 USC 98e-1 note.

#### SEC. 3204. AUTHORIZED USES OF STOCKPILE TRANSACTION FUND

Section 9(b)(2) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(b)(2)) is amended by striking out subparagraph (F).

#### SEC. 3205. DEADLINE FOR ANNUAL MATERIALS PLAN

Section 11(b) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h-2(b)) is amended—

(1) by striking out “The President” and inserting in lieu thereof “Not later than February 15 of each year, the President”; and

(2) by striking out “each year, at the time that the Budget is submitted to Congress pursuant to section 1105 of title 31, United States Code, for the next fiscal year,”.

#### SEC. 3206. TECHNICAL AMENDMENTS

(a) CONGRESSIONAL COMMITTEE ACTION.—Section 5(a)(2) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98d(a)(2)) is amended by striking out “or until” in the first sentence and all that follows through “proposed transaction”.

(b) SECTION HEADING.—Such Act is amended by inserting before section 13 (50 U.S.C. 98h-4) the following:

“IMPORTATION OF STRATEGIC AND CRITICAL MATERIALS”.

(c) SURPLUS WORDS.—Section 13 of such Act is amended by striking out “Notwithstanding any other provision of law, on and after January 1, 1972, the” and inserting in lieu thereof “The”.

**TITLE III—CIVIL DEFENSE****SEC. 3301. AUTHORIZATION OF APPROPRIATION**

There is hereby authorized to be appropriated \$134,806,000 for fiscal year 1988 for the purpose of carrying out the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2251 et seq.).

**SEC. 3302. WITHHOLDING OF FUNDS FOR FAILURE OR REFUSAL TO PARTICIPATE IN SIMULATED NUCLEAR ATTACK EXERCISE**

Funds available to the Federal Emergency Management Agency for fiscal years 1987 and 1988 for obligation under the Federal Civil Defense Act of 1950 may not be withheld or withdrawn on or after the date of the enactment of this Act from any State or any other entity on the basis of the failure or refusal of such State or other entity to participate in a simulated nuclear attack exercise. Any such funds withheld from payment to a State or other entity before the date of the enactment of this Act on such basis shall be paid to such State or other entity, as the case may be, at the earliest practicable date after the date of the enactment of this Act.

Approved December 4, 1987.

**LEGISLATIVE HISTORY—H.R. 1748 (S. 1174):**

**HOUSE REPORTS:** No. 100-58 (Comm. on Armed Services) and No. 100-446 (Comm. of Conference).

**SENATE REPORTS:** No. 100-57 accompanying S. 1174 (Comm. on Armed Services).

**CONGRESSIONAL RECORD**, Vol. 133 (1987):

May 4-8, 11-13, 18-20, considered and passed House.

Sept. 11, 15-18, 22-26, 28-30, Oct. 1, 2, S. 1174 considered and passed Senate; H.R. 1748, amended, passed in lieu.

Oct. 13, S. 1174 considered and passed House, amended.

Nov. 18, House agreed to conference report.

Nov. 19, Senate agreed to conference report.