Public Law 97-86
97th Congress

# An Act

To authorize appropriations for fiscal year 1982 for the Armed Forces for procurement, for research, development, test, and evaluation, and for operation and maintenance, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, to authorize appropriations for such fiscal year for civil defense, and for other purposes.

Dec. 1, 1981
[S. 815]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Department of Defense Authorization Act, 1982".

Department of Defense Authorization Act, 1982.

## TITLE I—PROCUREMENT

### AUTHORIZATION OF APPROPRIATIONS

SEC. 101. Funds are hereby authorized to be appropriated for fiscal year 1982 for the use of the Armed Forces of the United States for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons in amounts as follows:

### AIRCRAFT

For aircraft: for the Army, $1,910,200,000; for the Navy and the Marine Corps, $9,302,500,000; for the Air Force, $13,773,698,000, of which $1,801,000,000 is available only for procurement of long-range combat aircraft.

### MISSILES

For missiles: for the Army, $2,146,900,000; for the Navy, $2,567,000,000; for the Marine Corps, $223,024,000; for the Air Force, $4,186,846,000.

### NAVAL VESSELS

For naval vessels: for the Navy, $8,795,900,000.

### TRACKED COMBAT VEHICLES

For tracked combat vehicles: for the Army, $3,251,200,000; for the Marine Corps, $281,739,000.

### TORPEDOES

For torpedoes and related support equipment: for the Navy, $516,600,000.

### OTHER WEAPONS

For other weapons: for the Army, $655,400,000; for the Navy, $200,200,000; for the Marine Corps, $136,344,000; for the Air Force, $3,047,000.

ARMY NATIONAL GUARD

For tracked combat vehicles and other weapons: for the Army National Guard, $50,000,000, which amount shall be in addition to any other funds authorized to be appropriated by this or any other Act.

CONTRIBUTION TO AIRBORNE WARNING AND CONTROL SYSTEM (AWACS) FOR NATO

SEC. 102. Of the funds authorized to be appropriated in this title for aircraft for the Air Force, the sum of $344,300,000 is available only for contribution by the United States as its share of the cost for fiscal year 1982 of acquisition by the North Atlantic Treaty Organization of the Airborne Warning and Control System (AWACS).

CERTAIN AUTHORITY PROVIDED SECRETARY OF DEFENSE IN CONNECTION WITH THE NATO AIRBORNE WARNING AND CONTROL SYSTEM (AWACS) PROGRAM

Waiver.

SEC. 103. (a) During fiscal year 1982, the Secretary of Defense, in carrying out the Multilateral Memorandum of Understanding Between the North Atlantic Treaty Organization (NATO) Ministers of Defence on the NATO E-3A Cooperative Programme, signed by the Secretary of Defense on December 6, 1978, may—

(1) waive reimbursement for the cost of the following functions performed by personnel other than personnel employed in the United States Air Force Airborne Warning and Control System (AWACS) program office:

(A) auditing;
(B) quality assurance;
(C) codification;
(D) inspection;
(E) contract administration;
(F) acceptance testing;
(G) certification services; and
(H) planning, programing, and management services;

(2) waive any surcharge for administrative services otherwise chargeable; and

(3) in connection with the NATO E-3A Cooperative Programme for fiscal year 1982, assume contingent liability for—

(A) program losses resulting from the gross negligence of any contracting officer of the United States;

(B) identifiable taxes, customs duties, and other charges levied within the United States on the program; and

(C) the United States share of the unfunded termination liability.

Contract authority.

(b) Authority under this section to enter into contracts shall be effective for any fiscal year only to such extent or in such amounts as are provided in appropriation Acts.

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

### AUTHORIZATION OF APPROPRIATIONS

SEC. 201. (a) Funds are hereby authorized to be appropriated for fiscal year 1982 for the use of the Armed Forces of the United States for research, development, test, and evaluation in amounts as follows:

For the Army, $3,746,299,000.

For the Navy (including the Marine Corps), $6,072,167,000.

For the Air Force, $8,686,800,000.

For the Defense Agencies, $1,899,847,000, of which $53,000,000 is authorized for the activities of the Director of Test and Evaluation, Defense.

(b) In addition to the funds authorized to be appropriated in subsection (a), there are authorized to be appropriated for fiscal year 1982 such additional sums as may be necessary for increases in salary, pay, retirement, and other employee benefits authorized by law for civilian employees of the Department of Defense whose compensation is provided for by funds authorized to be appropriated in such subsection.

### LONG-RANGE COMBAT AIRCRAFT

SEC. 202. (a) None of the funds appropriated pursuant to an authorization of appropriations in this Act may be obligated or expended for the full-scale engineering development or procurement of a long-range combat aircraft before November 18, 1981, and none of such funds may be obligated or expended for such purposes on or after such date if, before such date, the Senate and the House of Representatives have agreed to resolutions of their respective Houses expressing disapproval of the President's decision announced on October 2, 1981, regarding the development of long-range combat aircraft.

(b) For the purposes of this section, the term "resolution" means only a resolution of either House of Congress, the matter after the resolving clause of which is as follows: "That the _____ does not favor the decision of the President announced on October 2, 1981, regarding the development of long-range combat aircraft", the blank space therein being filled with the name of the resolving House. "Resolution."

(c) Subsections (d) through (i) are enacted by the Congress—

(1) as an exercise of the rulemaking power of the Senate and as such they are deemed a part of the rules of the Senate, but applicable only with respect to the procedure to be followed in the Senate in the case of resolutions described in subsection (b), and they supersede other rules of the Senate only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of the Senate to change such rules at any time, in the same manner and to the same extent as in the case of any other rules of the Senate.

(d) A resolution in the Senate shall be referred to the Committee on Armed Services of the Senate.

(e) If the Committee on Armed Services of the Senate has not reported a resolution referred to it at the end of seven calendar days after its introduction, it is in order to move either to discharge the committee from further consideration of the resolution or to dis-

charge the committee from further consideration of any other resolution which has been referred to the committee.

(f) A motion to discharge may be made only by a Senator favoring the resolution, is highly privileged (except that it may not be made after the committee has reported a resolution), and debate thereon shall be limited to not more than one hour, to be divided equally between those favoring and those opposing the resolution. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(g) If the motion to discharge is agreed to or disagreed to, the motion may not be renewed, nor may another motion to discharge the committee be made with respect to any other resolution.

(h) When the Committee on Armed Services of the Senate has reported, or has been discharged from further consideration of, a resolution, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order.

Debate.

(i)(1) Debate in the Senate on the resolution shall be limited to not more than ten hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is not debatable. An amendment to, or motion to recommit, the resolution is not in order. A motion to reconsider the vote by which the resolution is agreed to or disagreed to is not in order.

(2) Motions in the Senate to postpone, made with respect to the discharge from committee or the consideration of a resolution, and motions to proceed to the consideration of other business, shall be decided without debate.

Appeals.

(3) Appeals in the Senate from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a resolution shall be decided without debate.

### MX MISSILE AND BASING MODE

SEC. 203. (a)(1) None of the funds appropriated pursuant to an authorization of appropriations in this Act may be obligated or expended for development of an operational basing mode for the MX missile before November 18, 1981, and none of such funds may be obligated or expended for such purpose on or after such date if, before such date, the Senate and the House of Representatives have agreed to resolutions of their respective Houses expressing disapproval of the President's decision announced on October 2, 1981, regarding the basing mode for the MX missile.

(2) Development of the MX missile system shall continue so as to achieve an initial operational capability (IOC) for the MX missile system not later than December 31, 1986.

"Resolution."

(b) For the purposes of this section, the term "resolution" means only a resolution of either House of Congress, the matter after the resolving clause of which is as follows: "That the _____ does not favor the decision of the President announced on October 2, 1981, regarding the basing mode for the MX missile", the blank space therein being filled with the name of the resolving House.

(c) Subsections (d) through (i) are enacted by the Congress—

(1) as an exercise of the rulemaking power of the Senate and as such they are deemed a part of the rules of the Senate, but

applicable only with respect to the procedure to be followed in the Senate in the case of resolutions described in subsection (b), and they supersede other rules of the Senate only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of the Senate to change such rules at any time, in the same manner and to the same extent as in the case of any other rules of the Senate.

(d) A resolution in the Senate shall be referred to the Committee on Armed Services of the Senate.

(e) If the Committee on Armed Services of the Senate has not reported a resolution referred to it at the end of seven calendar days after its introduction, it is in order to move either to discharge the committee from further consideration of the resolution or to discharge the committee from further consideration of any other resolution which has been referred to the committee.

(f) A motion to discharge may be made only by a Senator favoring the resolution, is highly privileged (except that it may not be made after the committee has reported a resolution), and debate thereon shall be limited to not more than one hour, to be divided equally between those favoring and those opposing the resolution. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(g) If the motion to discharge is agreed to or disagreed to, the motion may not be renewed, nor may another motion to discharge the committee be made with respect to any other resolution.

(h) When the Committee on Armed Services of the Senate has reported, or has been discharged from further consideration of, a resolution, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order.

(i)(1) Debate in the Senate on the resolution shall be limited to not more than ten hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is not debatable. An amendment to, or motion to recommit, the resolution is not in order. A motion to reconsider the vote by which the resolution is agreed to or disagreed to is not in order. Debate.

(2) Motions in the Senate to postpone, made with respect to the discharge from committee or the consideration of a resolution, and motions to proceed to the consideration of other business, shall be decided without debate.

(3) Appeals in the Senate from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a resolution shall be decided without debate. Appeals.

## TITLE III—OPERATION AND MAINTENANCE

### AUTHORIZATION OF APPROPRIATIONS

SEC. 301. (a) Funds are hereby authorized to be appropriated for fiscal year 1982 for the use of the Armed Forces of the United States and other activities and agencies of the Department of Defense for operation and maintenance in amounts as follows:

For the Army, $17,024,044,000.

For the Navy, $20,130,410,000.

For the Air Force, $18,898,140,000.
For the Marine Corps, $1,249,939,000.
For Defense-wide activities, $4,859,207,000.

(b) In addition to the funds authorized to be appropriated in subsection (a), there are authorized to be appropriated for fiscal year 1982 such additional sums as may be necessary (1) for increases in salary, pay, retirement, and other employee benefits authorized by law for civilian employees of the Department of Defense whose compensation is provided for by funds authorized to be appropriated in such subsection, and (2) for unbudgeted increases in fuel costs and for increases as the result of inflation in the cost of activities authorized by subsection (a).

MODIFICATION OF ANNUAL OPERATION AND MAINTENANCE REPORT

SEC. 302. Section 138(e) of title 10, United States Code, is amended by striking out paragraphs (3) and (4).

PRESERVATION OF MILITARY NATURE OF VETERINARY SUPPORT TO DEFENSE RESEARCH AND DEVELOPMENT ACTIVITIES

SEC. 303. None of the funds appropriated pursuant to an authorization of appropriations contained in this Act may be used for the purpose of converting military veterinary positions that are supporting research and development activities of the Department of Defense or of any of the Armed Forces to civilian positions.

PROHIBITION OF CONTRACTING OUT ENTIRE MEDICAL FACILITIES

SEC. 304. None of the funds appropriated pursuant to an authorization of appropriations contained in this Act may be used for the purpose of contracting out an entire medical facility.

LEASED SATELLITE COMMUNICATIONS (LEASAT) SYSTEM

SEC. 305. Of the amount authorized to be appropriated in section 301 for operation and maintenance of the Navy, $67,000,000 is available for the Leased Satellite Communications (LEASAT) system.

## TITLE IV—ACTIVE FORCES

AUTHORIZATION OF END STRENGTHS

SEC. 401. The Armed Forces are authorized strengths for active duty personnel as of September 30, 1982, as follows:

(1) The Army, 780,300.
(2) The Navy, 554,600.
(3) The Marine Corps, 192,100.
(4) The Air Force, 580,800.

QUALITY CONTROL ON ENLISTMENTS

SEC. 402. (a) Section 302(a) of the Department of Defense Authorization Act, 1981 (Public Law 96-342; 10 U.S.C. 520 note) is amended by striking out "October 1, 1980" and "September 30, 1981" and inserting in lieu thereof "October 1, 1981" and "September 30, 1982", respectively.

(b)(1) Section 520 of title 10, United States Code, is amended—

(A) by inserting "(a)" before "For" in the first sentence; and

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

"(b) A person who is not a high school graduate may not be accepted for enlistment in the armed forces unless the score of that person on the Armed Forces Qualification Test is at or above the thirty-first percentile.".

(2) The amendments made by paragraph (1) shall take effect at the end of the 30-day period beginning on the date of the enactment of this Act.

Effective date.
10 USC 520 note.

DESIGNATION OF AIR FORCE PHYSICIAN ASSISTANTS AS COMMISSIONED OFFICERS

SEC. 403. Section 8067(f) of title 10, United States Code, is amended by inserting ", including physician assistant functions," after "functions".

REPEAL OF LIMITATION ON DEPENDENTS OVERSEAS

SEC. 404. Section 406 of title 37, United States Code, is amended—

(1) by striking out "and subsection (i) of this section" in subsection (a);

(2) by striking out "Except as provided in subsection (i) of this section, in" in subsection (h) and inserting in lieu thereof "In"; and

(3) by striking out subsection (i) and inserting in lieu thereof the following:

"(i) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report at the end of each fiscal year quarter stating—

Report to congressional committees.

"(1) the number of dependents who during the preceding quarter were accompanying members of the Army, Navy, Air Force, and Marine Corps who were stationed outside the United States and were authorized by the Secretary concerned to receive allowances or transportation for dependents under subsection (a) or (h) of this section; and

"(2) the number of dependents who during the preceding quarter were accompanying members of the Army, Navy, Air Force, and Marine Corps who were stationed outside the United States and were not authorized to receive such allowances or transportation.".

CHANGE OF TITLE OF NEW PERMANENT FLAG GRADE FOR THE NAVY FROM COMMODORE ADMIRAL TO COMMODORE

SEC. 405. (a) Section 5501 of title 10, United States Code, is amended by striking out "admiral" in clause (4) after "Commodore".

(b)(1) The following sections of title 10, United States Code, are amended by striking out "admiral" after "commodore" each place it appears: 101(41), 525(a), 601(c)(2), 611(a), 612(a)(3), 619(a)(2)(B), 619(c)(2)(A)(ii), 625(a), 625(c), 634, 635, 637(b)(2), 638(a)(3), 638(b), 638(c), 645(1)(A)(ii), 5138(a), 5149(b), 5155(c), 5442, 5444, 5457(a), and 6389(f).

(2) Section 5444 of such title is amended by striking out "commodore admirals" in subsections (a) and (f) and inserting in lieu thereof "commodores".

(3) The tables in sections 5442(a) and 5444(a) of such title are amended by striking out "commodore admirals" and inserting in lieu thereof "commodores".

(4)(A) The heading of section 625 of such title is amended by striking out the last word.

10 USC 619.

(B) The item relating to such section in the table of sections at the beginning of subchapter II of chapter 36 of such title is amended by striking out the last word.

(5)(A) The heading of section 635 of such title is amended to read as follows:

"§ 635. Retirement for years of service: regular brigadier generals and commodores".

(B) The item relating to such section in the table of sections at the beginning of subchapter III of chapter 36 of such title is amended to read as follows:

"635. Retirement for years of service: regular brigadier generals and commodores.".

(6)(A) The heading of section 5442 of such title is amended to read as follows:

"§ 5442. Navy: line officers on active duty; commodores and rear admirals".

(B) The item relating to such section in the table of sections at the beginning of chapter 533 of such title is amended to read as follows:

"5442. Navy: line officers on active duty; commodores and rear admirals.".

(7)(A) The heading of section 5444 of such title is amended to read as follows:

"§ 5444. Navy: staff corps officers on active duty; commodores and rear admirals".

(B) The item relating to such section in the table of sections at the beginning of chapter 533 of such title is amended to read as follows:

"5444. Navy: staff corps officers on active duty; commodores and rear admirals.".

(8) The table in section 741(a) of such title is amended by striking out "admiral" after "Commodore".

(c) The table in section 201(a) of title 37, United States Code, is amended by striking out "admiral" after "Commodore" in the third column.

10 USC 611 note.

(d)(1) Section 614 of the Defense Officer Personnel Management Act is amended by striking out "admiral" after "commodore" each place it appears.

(2)(A) The heading of such section is amended to read as follows:

"TRANSITION PROVISIONS TO NEW COMMODORE GRADE".

(B) The item relating to such section in the table of contents in section 1(b) of such Act is amended to read as follows:

"Sec. 614. Transition provisions to new commodore grade.".

*Ante*, p. 134.
10 USC 611 note.

(e) Section 621(b) of the Defense Officer Personnel Management Act is amended by striking out "admiral" after "commodore".

Effective date.
10 USC 101 note.

(f) The amendments made by this section shall take effect as of September 15, 1981.

EXTENSION OF PILOT DEPARTMENT OF DEFENSE EDUCATIONAL LOAN REPAYMENT PROGRAM

10 USC 2141 note.

SEC. 406. Section 902(g) of the Department of Defense Authorization Act, 1981 (Public Law 96-342; 94 Stat. 1115), is amended by

striking out "October 1, 1981" and inserting in lieu thereof "October 1, 1983".

## TITLE V—RESERVE FORCES

### AUTHORIZATION OF AVERAGE STRENGTHS FOR SELECTED RESERVE

SEC. 501. (a) For fiscal year 1982, the Selected Reserve of the reserve components of the Armed Forces shall be programed to attain average strengths of not less than the following: 10 USC 261 note.

(1) The Army National Guard of the United States, 392,800.
(2) The Army Reserve, 235,300.
(3) The Naval Reserve, 87,600.
(4) The Marine Corps Reserve, 37,600.
(5) The Air National Guard of the United States, 98,600.
(6) The Air Force Reserve, 62,800.
(7) The Coast Guard Reserve, 12,000.

(b) The average strength prescribed by subsection (a) 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 any time during 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 any time during the fiscal year. Whenever such units or such individual members are released from active duty during any fiscal year, the average 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.

### AUTHORIZATION OF END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES

SEC. 502. (a) Within the average strengths prescribed in section 501, the reserve components of the Armed Forces are authorized as of September 30, 1982, the following number of Reserves to be serving on full-time active duty for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 11,439.
(2) The Army Reserve, 6,285.
(3) The Naval Reserve, 208.
(4) The Marine Corps Reserve, 447.
(5) The Air National Guard of the United States, 3,312.
(6) The Air Force Reserve, 701.

(b) Upon a determination by the Secretary of Defense that such action is in the national interest, the end strengths prescribed by subsection (a) may be increased by a total of not more than the number equal to 2 percent of the total of the end strengths prescribed.

### INCREASE IN NUMBER OF CERTAIN PERSONNEL AUTHORIZED TO BE ON ACTIVE DUTY IN SUPPORT OF THE RESERVE COMPONENTS

SEC. 503. Section 517 of title 10, United States Code, is amended—

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

| "Grade | Army | Navy | Air Force | Marine Corps |
|---|---|---|---|---|
| E-9 | 222 | 146 | 76 | 4 |
| E-8 | 908 | 319 | 307 | 12"; |

and

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

"(c) Whenever the number of members serving in pay grade E-9 is less than the number authorized for that grade under subsection (a), or whenever the number of members serving in pay grade E-9 for duty described in subsection (b) is less than the number authorized for that grade under subsection (b), the difference between the two numbers may be applied to increase the number authorized under such subsection for pay grade E-8.".

(b) The columns under the headings "Army" and "Air Force" in the table contained in section 524(a) of such title are amended to read as follows:

| "Army | Air Force |
|---|---|
| 1,105 | 189 |
| 551 | 194 |
| 171 | 147". |

DEFENSE MOBILIZATION CAPABILITY STUDIES

Report to congressional committees.

SEC. 504. (a) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives, not later than February 1, 1982, a written report containing a plan for resolving the existing shortage in pretrained military manpower required for a mobilization. The Secretary shall include in that report—

(1) a detailed explanation for the total number of pretrained personnel estimated to be needed in the event of full military mobilization;

(2) alternatives for eliminating, by September 30, 1984, the shortage in pretrained manpower needed for military mobilization during a war or other national emergency, including—

(A) approaches under which persons would be inducted for service in the Individual Ready Reserve of the reserve components of the Armed Forces, and

(B) approaches which do not provide for involuntary service in the Individual Ready Reserve; and

(3) a detailed assessment of each of the various approaches addressed, including an assessment of the extent to which each will eliminate the shortages in pretrained military manpower in the Individual Ready Reserve.

(b) The Secretary of Defense shall conduct a study of the potential impact on military capability during an emergency or mobilization of the use of Department of Defense civilian employees and of employees of private contractors who are performing work for the Department of Defense on a contractual basis who are not subject to the

Uniform Code of Military Justice. The Secretary of Defense shall submit the results of such study to the Congress not later than February 1, 1982.

EXTENSION OF AUTHORITY FOR SELECTED RESERVE AFFILIATION BONUS

SEC. 505. Section 308e(e) of title 37, United States Code, is amended by striking out "September 30, 1981" and inserting in lieu thereof "September 30, 1985".

## TITLE VI—CIVILIAN PERSONNEL

AUTHORIZATION OF END STRENGTHS

SEC. 601. (a) The Department of Defense is authorized a strength in civilian personnel, as of September 30, 1982, of 1,024,500.

(b)(1) The strength for civilian personnel prescribed in subsection (a) shall be apportioned among the Department of the Army, the Department of the Navy, the Department of the Air Force, and the agencies of the Department of Defense (other than the military departments) in such numbers as the Secretary of Defense shall prescribe. The Secretary of Defense shall report to the Congress within sixty days after the date of the enactment of this Act on the manner in which the initial allocation of civilian personnel is made among the military departments and the agencies of the Department of Defense (other than the military departments) and shall include the rationale for such allocation.

Report to Congress.

(2)(A) Of the number of civilian personnel allocated to the Department of the Army pursuant to paragraph (1), the Secretary of the Army shall use not less than 16,800 of such number to relieve military personnel for the performance of other duties. Not more than 5,000 of such 16,800 personnel may be indirect hires.

(B) The Secretary of the Army shall submit a written report to the Committees on Armed Services of the Senate and House of Representatives not later than February 1, 1982, specifying how the 16,800 civilian personnel referred to in subparagraph (A) are to be utilized. The Secretary shall also indicate in such report (i) the extent to which such civilian personnel will be used to fill positions currently held by noncommissioned officers, and (ii) the number of such noncommissioned officers who will be assigned to combat units by virtue of the use of such civilian personnel in such positions.

Report to congressional committees.

(c) In computing the strength for civilian personnel, there shall be included all direct-hire and indirect-hire civilian personnel employed to perform military functions administered by the Department of Defense (other than those performed by the National Security Agency) whether employed on a full-time, part-time, or intermittent basis, but excluding special employment categories for students and disadvantaged youth such as the stay-in-school campaign, the temporary summer aid program and the Federal junior fellowship program and personnel participating in the worker-trainee opportunity program. Personnel employed under a part-time career employment program established by section 3402 of title 5, United States Code, shall be counted as prescribed by section 3404 of that title. Whenever a function, power, or duty, or activity is transferred or assigned to a department or agency of the Department of Defense from a department or agency outside of the Department of Defense, or from another department or agency within the Department of Defense, the civilian personnel end-strength authorized for such departments or

Employment.

Transfer of functions.

agencies of the Department of Defense affected shall be adjusted to reflect any increases or decreases in civilian personnel required as a result of such transfer or assignment.

(d) When the Secretary of Defense determines that such action is necessary in the national interest or if any conversion of commercial- and industrial-type functions from performance by Department of Defense personnel to performance by private contractors which was anticipated to be made during fiscal year 1982 in the budget of the President submitted for such fiscal year is not determined to be appropriate for such conversion under established administrative criteria, the Secretary of Defense may authorize the employment of civilian personnel in excess of the number authorized by subsection (a), but such additional number may not exceed 2 percent of the total number of civilian personnel authorized for the Department of Defense by subsection (a). The Secretary of Defense shall promptly notify the Congress of any authorization to increase civilian personnel strength under this subsection.

Notification to Congress.

REPEAL OF REQUIREMENT FOR REDUCTION IN NUMBER OF SENIOR-GRADE CIVILIAN EMPLOYEES

SEC. 602. Section 811(a) of the Department of Defense Appropriation Authorization Act, 1978 (10 U.S.C. 131 note), is amended—

(1) by striking out paragraph (2); and

(2) by redesignating paragraph (3) as paragraph (2) and by striking out "paragraphs (1) and (2)" in such paragraph and inserting in lieu thereof "paragraph (1)".

STUDENTS EMPLOYED IN RESEARCH AND DEVELOPMENT LABORATORIES

SEC. 603. (a) Chapter 139 of title 10, United States Code, is amended by adding at the end thereof the following new section:

10 USC 2360.

**"§ 2360. Research and development laboratories: contracts for services of university students**

"(a) Subject to the availability of appropriations for such purpose, the Secretary of Defense may procure by contract under the authority of this section the temporary or intermittent services of students at institutions of higher learning for the purpose of providing technical support at defense research and development laboratories. Such contracts may be made directly with such students or with nonprofit organizations employing such students.

"(b) Students providing services pursuant to a contract made under subsection (a) shall be considered to be employees for the purposes of chapter 81 of title 5, relating to compensation for work injuries, and to be employees of the government for the purposes of chapter 171 of title 28, relating to tort claims. Such students who are not otherwise employed by the Federal Government shall not be considered to be Federal employees for any other purpose.

5 USC 8101 *et seq.*

28 USC 2671 *et seq.*

Regulations.

"(c) The Secretary of Defense shall prescribe regulations to carry out this section. Such regulations shall include definitions for the purposes of this section of the terms 'student', 'institution of higher learning', and 'nonprofit organization'.".

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

"2360. Research and development laboratories: contracts for services of university students.".

## TITLE VII—MILITARY TRAINING STUDENT LOADS

### AUTHORIZATION OF TRAINING STUDENT LOADS

SEC. 701. (a) For fiscal year 1982, the components of the Armed Forces are authorized average military training student loads as follows:

(1) The Army, 57,996.
(2) The Navy, 65,133.
(3) The Marine Corps, 18,311.
(4) The Air Force, 46,389.
(5) The Army National Guard of the United States, 7,467.
(6) The Army Reserve, 8,456.
(7) The Naval Reserve, 1,041.
(8) The Marine Corps Reserve, 2,835.
(9) The Air National Guard of the United States, 2,377.
(10) The Air Force Reserve, 1,405.

(b) In addition to the number authorized in subsection (a), the following components of the Armed Forces are authorized a military training student load to be utilized solely for one station unit training of not less than the following:

(1) The Army, 17,732.
(2) The Army National Guard of the United States, 7,070.
(3) The Army Reserve, 2,374.

(c) The average military student loads for the Army, the Navy, the Marine Corps, and the Air Force and the reserve components authorized in subsection (a) for fiscal year 1982 shall be adjusted consistent with the manpower strengths authorized in titles IV, V, and VI of this Act. Such adjustment shall be apportioned among the Army, the Navy, the Marine Corps, and the Air Force and the reserve components in such manner as the Secretary of Defense shall prescribe.

### EXTENSION OF REDUCTION IN NUMBER OF STUDENTS REQUIRED TO BE IN A UNIT OF THE JUNIOR RESERVE OFFICERS' TRAINING CORPS

SEC. 702. (a) Section 602 of the Department of Defense Authorization Act, 1981 (Public Law 96-342; 94 Stat. 1087), is amended by striking out "August 31, 1981" and inserting in lieu thereof "August 31, 1982". 10 USC 2031 note.

(b) The amendment made by subsection (a) shall take effect as of August 31, 1981. Effective date. 10 USC 2031 note.

## TITLE VIII—CIVIL DEFENSE

### AUTHORIZATION OF APPROPRIATIONS

SEC. 801. There is hereby authorized to be appropriated for fiscal year 1982 to carry out the provisions of the Federal Civil Defense Act of 1950 the sum of $129,000,000. 50 USC app. 2251 note.

### AMOUNT AUTHORIZED FOR CONTRIBUTION FOR STATE PERSONNEL AND ADMINISTRATIVE EXPENSES

SEC. 802. Section 408 of the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2260) is amended by striking out "$40,000,000" and inserting in lieu thereof "$47,000,000".

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DUAL-USE POLICY

SEC. 803. (a)(1) Title II of the Federal Civil Defense Act of 1950 is amended by adding at the end thereof the following new section:

"DUAL-USE FOR ATTACK-RELATED CIVIL DEFENSE AND DISASTER-RELATED CIVIL DEFENSE

50 USC app. 2289.

"SEC. 207. Funds made available to the States under this Act may be used by the States for the purposes of preparing for, and providing emergency assistance in response to, natural disasters to the extent that the use of such funds for such purposes is consistent with, contributes to, and does not detract from attack-related civil defense preparedness. The Administrator shall prescribe regulations to carry out the preceding sentence. Such regulations shall authorize the use for natural disaster purposes of civil defense personnel, materials, and facilities supported in whole or in part through contributions under this Act if such personnel, materials, and facilities are utilized, as determined by the Administrator, in a manner that is consistent with, contributes to, and does not detract from attack-related civil defense preparedness. Regulations prescribed under this subsection shall provide terms and conditions authorizing such use to the greatest extent consistent with the purposes of this Act as expressed in section 2.".

50 USC app. 2286.

(2) Subsection (h) of section 205 of such Act (50 U.S.C. App. 2287) is repealed.

50 USC app. 2289 note.

(3) Regulations shall be prescribed under section 207 of the Federal Civil Defense Act of 1950, as added by paragraph (1), not later than the end of the 90-day period beginning on the date of the enactment of this Act.

(4) The table of contents of such Act is amended by inserting after the item relating to section 206 the following new item:

"Sec. 207. Dual-use for attack-related civil defense and disaster-related civil defense.".

(b) Section 2 of such Act (50 U.S.C. App. 2251) is amended—

(1) by striking out ", in this thermonuclear age," in the first sentence;

(2) by inserting "and from natural disasters" after "from attack" in the second sentence; and

(3) by striking out "basic" in the fourth sentence and inserting in lieu thereof "attack-related".

(c) Section 3 of such Act (50 U.S.C. App. 2252) is amended—

(1) by redesignating paragraphs (b), (c), (d), (e), (f), and (g) as paragraphs (c), (d), (e), (f), (g), and (h), respectively;

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

"Natural disaster."

"(b) The term 'natural disaster' means any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, drought, fire, or other catastrophe in any part of the United States which causes, or which may cause, substantial damage or injury to civilian property or persons and, for the purposes of this Act, any explosion, civil disturbance, or any other manmade catastrophe shall be deemed to be a natural disaster;";

(3) by inserting "or by a natural disaster" in clause (1) of paragraph (c) (as so redesignated) after "attack upon the United States"; and

(4) by inserting "or natural disaster" after "attack" each place it appears in such paragraph after clause (1).

(d)(1) Paragraph (c) of section 201 of the such Act (50 U.S.C. App. 2281(c)) is amended by striking out "of enemy attacks to the civilian population" and inserting in lieu thereof "to the civilian population of an attack or natural disaster".

(2) Paragraph (d) of such section is amended by inserting "and natural disasters" after "effects of attacks".

(3) Paragraph (g) of such section is amended by inserting "or natural disaster" after "attack" each place it appears in such paragraph.

(e) Section 205(d)(1) of such Act (50 U.S.C. App. 2286(d)(1)) is amended by inserting "and the areas which may be affected by natural disasters" after "target and support areas".

## TITLE IX—GENERAL PROVISIONS

### REQUIREMENT OF ANNUAL AUTHORIZATION OF APPROPRIATIONS FOR AMMUNITION AND FOR OTHER PROCUREMENT NOT CURRENTLY SUBJECT TO ANNUAL AUTHORIZATION

SEC. 901. (a) Section 138(a) of title 10, United States Code, is amended—

(1) by striking out "or" at the end of clause (6); and

(2) by inserting after clause (7) the following new clauses:

"(8) procurement of ammunition; or

"(9) other procurement by any armed force or by the activities and agencies of the Department of Defense (other than the military departments);".

(b) The amendments made by subsection (a) shall apply with respect to funds appropriated for fiscal years beginning after September 30, 1982. 10 USC 138 note.

### REQUIREMENT FOR ANNUAL REPORT ON NATIONAL GUARD AND RESERVE COMPONENT EQUIPMENT

SEC. 902. Section 138(b) of title 10, United States Code, is amended—

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

(2) by inserting "average" after "authorize the"; and

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

"(2) The Secretary of Defense shall submit to the Congress each year, not later than February 15, a written report concerning the equipment of the National Guard and the reserve components of the armed forces for each of the three succeeding fiscal years. Each such report shall include— Report to Congress.

"(A) recommendations as to the type and quantity of each major item of equipment which should be in the inventory of the Selected Reserve of the Ready Reserve of each reserve component of the armed forces;

"(B) the quantity and average age of each type of major item of equipment which is expected to be physically available in the inventory of the Selected Reserve of the Ready Reserve of each reserve component as of the beginning of each fiscal year covered by the report;

"(C) the quantity and cost of each type of major item of equipment which is expected to be procured for the Selective Reserve of the Ready Reserve of each reserve component from

commercial sources or to be transferred to each such Selected Reserve from the active-duty components of the armed forces; and

"(D) the quantity of each type of major item of equipment which is expected to be retired, decommissioned, transferred, or otherwise removed from the physical inventory of the Selected Reserve of the Ready Reserve of each reserve component and the plans for replacement of that equipment.

The report required by this paragraph shall be prepared and expressed in the same format and with the same level of detail as the information presented in the annual Five Year Defense Program Procurement Annex prepared by the Department of Defense.".

DEFERRAL OF PERSONNEL END-STRENGTH LIMITATIONS DURING A NATIONAL EMERGENCY

SEC. 903. Section 138(c) of title 10, United States Code, is amended by adding at the end thereof the following new paragraph:

"(4) If at the end of any fiscal year there is in effect a war or national emergency, the President may defer the effectiveness of any end-strength limitation with respect to that fiscal year prescribed by law for any military or civilian component of the armed forces or of the Department of Defense. Any such deferral may not extend beyond November 30 of the following fiscal year. The President shall promptly notify Congress of any deferral of an end-strength limitation under this paragraph.".

Notification to Congress.

PROHIBITION OF CERTAIN CIVILIAN PERSONNEL MANAGEMENT CONSTRAINTS

SEC. 904. (a) Chapter 4 of title 10, United States Code, is amended by adding at the end thereof the following new section:

10 USC 140b.

**"§ 140b. Prohibition of certain civilian personnel management constraints**

"The civilian personnel of the Department of Defense shall be managed each fiscal year solely on the basis of and consistent with (1) the workload required to carry out the functions and activities of the department, (2) the funds made available to the department for such fiscal year, and (3) the authorized end strength for the civilian personnel of the department for such fiscal year. The management of such personnel in any fiscal year shall not be subject to any man-year constraint or limitation.".

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

"140b. Prohibition of certain civilian personnel management constraints.".

AUTHORIZATION OF MILITARY COOPERATION WITH CIVILIAN LAW ENFORCEMENT OFFICIALS

SEC. 905. (a)(1) Part I of subtitle A of title 10, United States Code, is amended by adding after chapter 17 the following new chapter:

**"CHAPTER 18—MILITARY COOPERATION WITH CIVILIAN LAW ENFORCEMENT OFFICIALS**

"Sec.
"371. Use of information collected during military operations.

**"§ 371. Use of information collected during military operations** 10 USC 371.

"The Secretary of Defense may, in accordance with other applicable law, provide to Federal, State, or local civilian law enforcement officials any information collected during the normal course of military operations that may be relevant to a violation of any Federal or State law within the jurisdiction of such officials.

**"§ 372. Use of military equipment and facilities** 10 USC 372.

"The Secretary of Defense may, in accordance with other applicable law, make available any equipment, base facility, or research facility of the Army, Navy, Air Force, or Marine Corps to any Federal, State, or local civilian law enforcement official for law enforcement purposes.

**"§ 373. Training and advising civilian law enforcement officials** 10 USC 373.

"The Secretary of Defense may assign members of the Army, Navy, Air Force, and Marine Corps to train Federal, State, and local civilian law enforcement officials in the operation and maintenance of equipment made available under section 372 of this title and to provide expert advice relevant to the purposes of this chapter.

**"§ 374. Assistance by Department of Defense personnel** 10 USC 374.

"(a) Subject to subsection (b), the Secretary of Defense, upon request from the head of an agency with jurisdiction to enforce—

"(1) the Controlled Substances Act (21 U.S.C. 801 et seq.) or the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.);

"(2) any of sections 274 through 278 of the Immigration and Nationality Act (8 U.S.C. 1324-1328); or

"(3) a law relating to the arrival or departure of merchandise (as defined in section 401 of the Tariff Act of 1930 (19 U.S.C. 1401)) into or out of the customs territory of the United States (as defined in general headnote 2 of the Tariff Schedules of the United States (19 U.S.C. 1202)) or any other territory or possession of the United States,

may assign personnel of the Department of Defense to operate and maintain or assist in operating and maintaining equipment made available under section 372 of this title with respect to any criminal violation of any such provision of law.

"(b) Except as provided in subsection (c), equipment made available under section 372 of this title may be operated by or with the assistance of personnel assigned under subsection (a) only to the extent the equipment is used for monitoring and communicating the movement of air and sea traffic.

"(c)(1) In an emergency circumstance, equipment operated by or with the assistance of personnel assigned under subsection (a) may be used outside the land area of the United States (or any territory or possession of the United States) as a base of operations by Federal law enforcement officials to facilitate the enforcement of a law listed in subsection (a) and to transport such law enforcement officials in connection with such operations, if—

"(A) equipment operated by or with the assistance of personnel assigned under subsection (a) is not used to interdict or to interrupt the passage of vessels or aircraft; and

"(B) the Secretary of Defense and the Attorney General jointly determine that an emergency circumstance exists.

Emergency circumstance.

"(2) For purposes of this subsection, an emergency circumstance may be determined to exist only when—

"(A) the size or scope of the suspected criminal activity in a given situation poses a serious threat to the interests of the United States; and

"(B) enforcement of a law listed in subsection (a) would be seriously impaired if the assistance described in this subsection were not provided.

10 USC 375.

**"§ 375. Restriction on direct participation by military personnel**

"The Secretary of Defense shall issue such regulations as may be necessary to insure that the provision of any assistance (including the provision of any equipment or facility or the assignment of any personnel) to any civilian law enforcement official under this chapter does not include or permit direct participation by a member of the Army, Navy, Air Force, or Marine Corps in an interdiction of a vessel or aircraft, a search and seizure, arrest, or other similar activity unless participation in such activity by such member is otherwise authorized by law.

10 USC 376.

**"§ 376. Assistance not to affect adversely military preparedness**

"Assistance (including the provision of any equipment or facility or the assignment of any personnel) may not be provided to any civilian law enforcement official under this chapter if the provision of such assistance will adversely affect the military preparedness of the United States. The Secretary of Defense shall issue such regulations as may be necessary to insure that the provision of any such assistance does not adversely affect the military preparedness of the United States.

10 USC 377.

**"§ 377. Reimbursement**

"The Secretary of Defense shall issue regulations providing that reimbursement may be a condition of assistance to a civilian law enforcement official under this chapter.

10 USC 378.

**"§ 378. Nonpreemption of other law**

"Nothing in this chapter shall be construed to limit the authority of the executive branch in the use of military personnel or equipment for civilian law enforcement purposes beyond that provided by law prior to the enactment of this chapter.".

(2) The tables of chapters at the beginning of subtitle A of such title and at the beginning of part I of subtitle A of such title are amended by adding after the item relating to chapter 17 the following new item:

"18. Military Cooperation With Civilian Law Enforcement Officials ..... 371".

Report to Congress.

(b) Not later than 30 days after the end of the 180-day period beginning on the date of the enactment of this Act, the Secretary of Defense shall submit a comprehensive report to Congress on the operation through the end of such period of chapter 18 of title 10, United States Code (as added by subsection (a)). Such report shall include findings of the Secretary concerning the effect of assistance provided under such chapter.

DETERMINATION OF CHARGES FOR CHAMPUS PAYMENTS

SEC. 906. (a)(1) Subsection (h) of section 1079 of title 10, United States Code, is amended to read as follows:

"(h)(1) Payment for a charge for services by an individual health-care professional (or other noninstitutional health-care provider) for which a claim is submitted under a plan contracted for under subsection (a) may be denied only to the extent that the charge exceeds the amount equivalent to the 90th percentile of billed charges made for similar services in the same locality during the base period.

"(2) For the purposes of paragraph (1), the 90th percentile of charges shall be determined by the Secretary of Defense, in consultation with the Secretary of Health and Human Services, and the base period shall be a period of twelve calendar months. The base period shall be adjusted at least once a year.".

(2) Section 1086(f) of such title is amended by striking out "physician services" and inserting in lieu thereof "services by an individual health-care professional (or other noninstitutional health-care provider)".

(b) The amendments made by subsection (a) shall apply with respect to claims submitted for payment for services provided after the end of the 30-day period beginning on the date of the enactment of this Act.

Effective date. 10 USC 1079 note.

INCREASES IN DOLLAR THRESHOLDS FOR CERTAIN DEFENSE CONTRACT REGULATIONS

SEC. 907. (a) Sections 2304(a)(3) and 2304(g) of title 10, United States Code, are amended by striking out "$10,000" and inserting in lieu thereof "$25,000".

(b) Section 2306(f)(1) of such title is amended by striking out "$100,000" each place it appears and inserting in lieu thereof "$500,000".

(c) Section 2311 of such title is amended by striking out "$100,000" and inserting in lieu thereof "$5,000,000".

PROCUREMENT OF AUTOMATIC DATA PROCESSING EQUIPMENT

SEC. 908. (a)(1) Chapter 137 of title 10, United States Code, is amended by adding at the end thereof the following new section:

**"§ 2315. Law inapplicable to the procurement of automatic data processing equipment and services for certain defense purposes**

10 USC 2315.

"(a) Section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 795) is not applicable to the procurement by the Department of Defense of automatic data processing equipment or services if the function, operation, or use of the equipment or services—

40 USC 759.

"(1) involves intelligence activities;

"(2) involves cryptologic activities related to national security;

"(3) involves the command and control of military forces;

"(4) involves equipment that is an integral part of a weapon or weapons system; or

"(5) subject to subsection (b), is critical to the direct fulfillment of military or intelligence missions.

"(b) Subsection (a)(5) does not include procurement of automatic data processing equipment or services to be used for routine administrative and business applications (including payroll, finance, logistics, and personnel management applications).".

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

"2315. Law inapplicable to the procurement of automatic data processing equipment and services for certain defense purposes.".

Restriction. 10 USC 2315 note.

(b) Section 2315 of title 10, United States Code, as added by subsection (a), does not apply to a contract made before the date of the enactment of this Act.

MULTIYEAR PROCUREMENT

SEC. 909. (a) Section 2301 of title 10, United States Code, is amended—

(1) by striking out "It is" and inserting in lieu thereof "(b) It is also"; and

(2) by inserting after the section heading the following:

Contracts.

"(a)(1) The Congress finds that in order to ensure national defense preparedness, to conserve fiscal resources, and to enhance defense production capability, it is in the interest of the United States to acquire property and services for the Department of Defense in the most timely, economic, and efficient manner. It is therefore the policy of the Congress that services and property (including weapon systems and associated items) for the Department of Defense be acquired by any kind of contract, other than cost-plus-a-percentage-of-cost contracts, but including multiyear contracts, that will promote the interest of the United States. Further, it is the policy of the Congress that such contracts, when practicable, provide for the purchase of property at times and in quantities that will result in reduced costs to the Government and provide incentives to contractors to improve productivity through investment in capital facilities, equipment, and advanced technology.

"(2) It is also the policy of the Congress that contracts for advance procurement of components, parts, and materials necessary for manufacture or for logistics support of a weapon system should, if feasible and practicable, be entered into in a manner to achieve economic-lot purchases and more efficient production rates.".

(b) Section 2306 of such title is amended—

(1) by striking out "to be performed outside the forty-eight contiguous States and the District of Columbia" in subsection (g); and

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

"(h)(1) To the extent that funds are otherwise available for obligation, the head of an agency may make multiyear contracts (other than contracts described in paragraph (6)) for the purchase of property, including weapon systems and items and services associated with weapon systems (or the logistics support thereof), whenever he finds—

"(A) that the use of such a contract will promote the national security of the United States and will result in reduced total costs under the contract;

"(B) that the minimum need for the property to be purchased is expected to remain substantially unchanged during the contemplated contract period in terms of production rate, procurement rate, and total quantities;

"(C) that there is a reasonable expectation that throughout the contemplated contract period the Department of Defense will request funding for the contract at the level required to avoid contract cancellation;

"(D) that there is a stable design for the property to be acquired and that the technical risks associated with such property are not excessive; and

"(E) that the estimates of both the cost of the contract and the anticipated cost avoidance through the use of a multiyear contract are realistic.

"(2)(A) The Secretary of Defense shall prescribe defense acquisition regulations to promote the use of multiyear contracting as authorized by paragraph (1) in a manner that will allow the most efficient use of multiyear contracting. Regulations.

"(B) Such regulations may provide for cancellation provisions in such multiyear contracts to the extent that such provisions are necessary and in the best interests of the United States. Such cancellation provisions may include consideration of both recurring and nonrecurring costs of the contractor associated with the production of the items to be delivered under the contract.

"(C) In order to broaden the defense industrial base, such regulations shall provide that, to the extent practicable—

"(i) multiyear contracting under paragraph (1) shall be used in such a manner as to seek, retain, and promote the use under such contracts of companies that are subcontractors, vendors, or suppliers; and

"(ii) upon accrual of any payment or other benefit under such a multiyear contract to any subcontractor, vendor, or supplier company participating in such contract, such payment or benefit shall be delivered to such company in the most expeditious manner practicable.

"(D) Such regulations shall also provide that, to the extent practicable, the administration of this subsection, and of the regulations prescribed under this subsection, shall not be carried out in a manner to preclude or curtail the existing ability of agencies in the Department of Defense to—

"(i) provide for competition in the production of items to be delivered under such a contract; or

"(ii) provide for termination of a prime contract the performance of which is deficient with respect to cost, quality, or schedule.

"(3) Before any contract described in paragraph (1) that contains a clause setting forth a cancellation ceiling in excess of $100,000,000 may be awarded, the head of the agency concerned shall give written notification of the proposed contract and of the proposed cancellation ceiling for that contract to the Committees on Armed Services and on Appropriations of the Senate and House of Representatives, and such contract may not then be awarded until the end of a period of 30 days beginning on the date of such notification. Cancellation notification to congressional committees.

"(4) Contracts made under this subsection may be used for the advance procurement of components, parts, and materials necessary to the manufacture of a weapon system, and contracts may be made under this subsection for such advance procurement, if feasible and practical, in order to achieve economic-lot purchases and more efficient production rates.

"(5) In the event funds are not made available for the continuation of a contract made under this subsection into a subsequent fiscal

year, the contract shall be canceled or terminated, and the costs of cancellation or termination may be paid from—

"(A) appropriations originally available for the performance of the contract concerned;

"(B) appropriations currently available for procurement of the type of property concerned, and not otherwise obligated; or

"(C) funds appropriated for those payments.

Restrictions.

"(6) This subsection does not apply to contracts for the construction, alteration, or major repair of improvements to real property or contracts for the purchase of property to which section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759) applies.

"(7) This subsection does not apply to the Coast Guard or the National Aeronautics and Space Administration.

Multiyear contract.

"(8) For the purposes of this subsection, a multiyear contract is a contract for the purchase of property or services for more than one, but not more than five, program years. Such a contract may provide that performance under the contract during the second and subsequent years of the contract is contingent upon the appropriation of funds and (if it does so provide) may provide for a cancellation payment to be made to the contractor if such appropriations are not made.".

(c) Section 139(c) of such title is amended—

(1) by striking out "and" at the end of clause (2);

(2) by striking out the period at the end of clause (3) and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following:

"(4) the most efficient production rate and the most efficient acquisition rate consistent with the program priority established for such weapon system by the Secretary concerned.".

Regulation and directive modifications. 10 USC 2301 note.

(d) Not later than the end of the 90-day period beginning on the date of the enactment of this Act—

(1) the Secretary of Defense shall issue such modifications to existing regulations governing defense acquisitions as may be necessary to implement the amendments made by subsections (a), (b), and (c); and

(2) the Director of the Office of Management and Budget shall issue such modifications to existing Office of Management and Budget directives as may be necessary to take into account the amendments made by subsections (a) and (b).

Repeal.

(e) Section 810 of the Department of Defense Appropriation Authorization Act, 1976 (Public Law 94-106; 89 Stat. 539), is repealed.

(f) Section 2311 of title 10, United States Code, is amended—

(1) by striking out "(1)"; and

(2) by striking out ", and (2) authorizing contracts in excess of three years under section 2306(g) of this title".

RESEARCH GRANTS

SEC. 910. Section 2358(1) of title 10, United States Code, is amended by inserting ", or by grant to," after "by contract with".

MODIFICATION OF DEFENSE CONTRACT PROFIT LIMITATION PROVISIONS

SEC. 911. (a)(1) Section 2382 of title 10, United States Code, is amended to read as follows:

**"§ 2382. Contract profit controls during emergency periods**

Regulations.
10 USC 2382.

"(a)(1) Upon a declaration of war by Congress or a declaration of national emergency by the President or by Congress, the President is authorized to prescribe such regulations to control excessive profits on defense contracts as he determines are necessary during the period of such war or national emergency. Such regulations shall be prescribed only after consultation with the Secretary of Defense, the Secretary of the Treasury, and the Secretary of Commerce and shall apply to appropriate defense contracts and subcontracts (as determined by the President), and to appropriate major modifications of defense contracts and subcontracts (as determined by the President), that are entered into during such war or national emergency. Such regulations, if prescribed by the President, shall be transmitted to Congress within sixty days after the declaration of such war or national emergency. Any material amendment to such regulations shall be prescribed in the same manner and shall promptly be submitted to Congress.

Transmittal to Congress.

"(2) Such regulations, if prescribed by the President, shall set forth standards and procedures for determining what constitutes excessive profits and shall establish thresholds for coverage of contracts and exemptions (including contracts awarded under competition and contracts for standard commercial articles and services) that will minimize administrative expenses and not impose unfair burdens on contractors.

"(3) In this subsection, 'excessive profits' means profits that are unconscionable or amount to an unjust enrichment of contractors or subcontractors, as determined under such regulations as may be prescribed by the President under subsection (a), taking into consideration all relevant circumstances, including the character of the business, complexity of the work or services performed under the contract or subcontract, the amount of assets and capital required to perform the contract or subcontract, and the extent to which profit limitations are imposed on nondefense contractors.

"Excessive profits."

"(b) Regulations transmitted by the President under subsection (a) (including any material amendment to such regulations) shall take effect unless both Houses of Congress, within sixty legislative days after the date upon which the President transmits the regulations, adopt a concurrent resolution stating in substance that the Congress disapproves the regulations. For the purposes of the preceding sentence, a legislative day is a day on which either House of Congress is in session.

"(c) Regulations not disapproved by both Houses of Congress shall remain in effect for a period of not more than five years after the date on which they take effect unless they are extended by a concurrent resolution adopted by both Houses of the Congress before the date on which they would expire. Any such extension may not be for a period in excess of one year.

"(d) The United States Court of Claims shall have exclusive jurisdiction over claims arising from actions taken under this section and under regulations prescribed under this section.

"(e) The President shall transmit a report to Congress on the operation of this section at the end of each one-year period during which regulations issued under this section are in effect and at the end of any war or national emergency during which such regulations are in effect.".

Report to Congress.

(2) The item relating to section 2382 in the table of sections at the beginning of chapter 141 of title 10, United States Code, is amended to read as follows:

"2382. Contract profit controls during emergency periods.".

Repeal.

(b)(1) Section 7300 of title 10, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 633 of such title is amended by striking out the item relating to section 7300.

10 USC 2382 note.

(c) No regulation may be issued or other action taken for the purpose of enforcing any provision of section 2382 or section 7300 of title 10, United States Code, with respect to any contract entered into during the period beginning on October 1, 1976, and ending on the date of the enactment of this Act.

MILITARY BASE REUSE STUDIES AND COMMUNITY PLANNING ASSISTANCE

SEC. 912. (a)(1) Chapter 141 of title 10, United States Code, is amended by adding at the end thereof the following new section:

10 USC 2391.

"§ 2391. Military base reuse studies and community planning assistance

"(a) Whenever the Secretary of Defense or the Secretary of the military department concerned publicly announces that a military installation is a candidate for closure or that a final decision has been made to close a military installation and the Secretary of Defense determines, because of the location, facilities, or other particular characteristics of the installation, that the installation may be suitable for some specific Federal, State, or local use potentially beneficial to the Nation, the Secretary of Defense may conduct such studies, including the preparation of an environmental impact statement in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), in connection with such installation and such potential use as may be necessary to provide information sufficient to make sound conclusions and recommendations regarding the possible use of the installation.

"(b)(1) The Secretary of Defense may make grants, conclude cooperative agreements, and supplement funds made available under Federal programs administered by agencies other than the Department of Defense in order to assist State and local governments, and regional organizations composed of State and local governments, in planning community adjustments required (A) by the proposed or actual establishment, realignment, or closure of a military installation, or (B) by the cancellation or termination of a Department of Defense contract or the failure to proceed with an approved major weapon system program, if the Secretary of Defense determines that the action is likely to impose a significant impact on the affected community.

"(2) In the case of the establishment or expansion of a military installation, assistance may be made under paragraph (1) only if (A) community impact assistance or special impact assistance is not otherwise available, and (B) the establishment or expansion involves the assignment to the installation of (i) more than 2,500 military, civilian, and contractor Department of Defense personnel, or (ii) more military, civilian, and contractor Department of Defense personnel than the number equal to 10 percent of the number of persons employed in counties or independent municipalities within fifteen miles of the installation, whichever is lesser.

"(3) In the case of the cancellation or termination of a Department of Defense contract or the failure to proceed with an approved major weapon system program, assistance may be made under paragraph (1) only if the cancellation, termination, or failure to proceed involves the loss of 2,500 or more full-time Department of Defense and contractor employee positions in the locality of the affected community.

"(4) Funds provided to State and local governments and regional organizations under this section may be used as part or all of any required non-Federal contribution to a Federal grant-in-aid program for the purposes stated in paragraph (1).

"(5) Not more than $2,000,000 in assistance may be provided under this subsection in any fiscal year.

"(c) The Secretary of Defense shall submit a report not later than December 1 of each year to the Committees on Armed Services of the Senate and House of Representatives concerning the operation of this section during the preceding fiscal year. Each such report shall identify each State, unit of local government, and regional organization that received a grant under this section during such fiscal year and the total amount granted under this section during such year to each such State, unit of local government, and regional organization. Report to congressional committees.

"(d) In this section, 'military installation' means any camp, post, station, base, yard, or other installation under the jurisdiction of a military department that is located within any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, or Guam. "Military installation."

"(e) The authority of the Secretary of Defense to make grants under this section in any fiscal year is subject to the availability of appropriations for that purpose.".

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

"2391. Military base reuse studies and community planning assistance.".

(b) Section 610 of the Military Construction Authorization Act, 1977 (Public Law 94-431; 90 Stat. 1365), is repealed. Repeal. 10 USC 133 note.

(c) The first report under subsection (c) of section 2391 of title 10, United States Code, as added by subsection (a), shall be submitted not later than December 1, 1982. 10 USC 2391 note.

PROHIBITION ON USE OF FUNDS TO RELIEVE ECONOMIC DISLOCATIONS

SEC. 913. (a)(1) Chapter 141 of title 10, United States Code, is amended by adding after section 2391 (as added by section 912) the following new section:

**"§ 2392. Prohibition on use of funds to relieve economic dislocations** 10 USC 2392.

"(a) In order to help avoid the uneconomic use of Department of Defense funds in the procurement of goods and services, the Congress finds that it is necessary to prohibit the use of such funds for certain purposes.

"(b) No funds appropriated to or for the use of the Department of Defense may be used to pay, in connection with any contract awarded by the Department of Defense, a price differential for the purpose of relieving economic dislocations.".

(2) The table of sections at the beginning of chapter 141 of such title is amended by adding after the item relating to section 2391 (as added by section 912) the following new item:

"2392. Prohibition on use of funds to relieve economic dislocations.".

10 USC 2392 note.

(b) The Secretary of Defense may conduct a test program during fiscal year 1982 in accordance with this subsection to test the effect of exempting certain contracts of the Department of Defense from the provisions of section 2392 of title 10, United States Code (as added by the amendments made by subsection (a)), and paying a price differential under such contracts for the purpose of relieving economic dislocations. Under such test program, the Secretary of Defense may exempt from the provisions of such section any contract (other than a contract for the purchase of fuel) made by the Defense Logistics Agency during fiscal year 1982 if the Secretary determines—

(1) that the payment of a price differential under such contract will not adversely affect the national security of the United States;

(2) that there is a reasonable expectation that bids will be received from a sufficient number of responsible bidders so that the award of such contract will be made at reasonable cost to the United States;

(3) that the price differential to be paid under such contract will not exceed 5 percent; and

(4) the value of such contract, when added to the cumulative value of all other contracts awarded under the test program, will not exceed $3,400,000,000.

Report to Congress.

(c) Not later than April 15, 1982, the President shall submit a report to Congress on the implementation and results to that date of the test program authorized by subsection (b). The report shall include an assessment of the costs and benefits of the test program.

PROHIBITION AGAINST DOING BUSINESS WITH CERTAIN OFFERORS OR CONTRACTORS

SEC. 914. (a) Chapter 141 of title 10, United States Code, is amended by adding after section 2392 (as added by section 913) the following new section:

10 USC 2393.

**"§ 2393. Prohibition against doing business with certain offerors or contractors**

"(a)(1) Except as provided in paragraph (2), the Secretary of a military department may not solicit an offer from, award a contract to, extend an existing contract with, or, when approval by the Secretary of the award of a subcontract is required, approve the award of a subcontract to, an offeror or contractor which to the Secretary's knowledge has been debarred or suspended by another Federal agency unless—

"(A) in the case of a debarment, the debarment of the offeror or contractor by all other agencies has been terminated or the period of time specified for such debarment has expired; and

"(B) in the case of a suspension, the period of time specified by all other agencies for the suspension of the offeror or contractor has expired.

"(2) Paragraph (1) does not apply in any case in which the Secretary concerned determines that there is a compelling reason to solicit an offer from, award a contract to, extend a contract with, or approve a subcontract with such offeror or contractor.

Public inspection.

"(b) Whenever the Secretary concerned makes a determination described in subsection (a)(2), he shall, at the time of the determination, transmit a notice to the Administrator of General Services describing the determination. The Administrator of General Services

shall maintain each such notice in a file available for public inspection.

"(c) In this section: Definitions.

"(1) 'Debar' means to exclude, pursuant to established administrative procedures, from Government contracting and subcontracting for a specified period of time commensurate with the seriousness of the failure or offense or the inadequacy of performance.

"(2) 'Suspend' means to disqualify, pursuant to established administrative procedures, from Government contracting and subcontracting for a temporary period of time because a concern or individual is suspected of engaging in criminal, fraudulent, or seriously improper conduct.".

(b) The table of sections at the beginning of such chapter is amended by adding after the item relating to section 2392 (as added by section 913) the following new item:

"2393. Prohibition against doing business with certain offerors or contractors.".

CIVIL RESERVE AIR FLEET

SEC. 915. Chapter 931 of title 10, United States Code, is amended—

(1) by inserting after the chapter heading the following:

| "Subchapter | Sec. |
|---|---|
| "I. General | 9501 |
| "II. Civil Reserve Air Fleet | 9511 |

"SUBCHAPTER I—GENERAL"; and

(2) by adding at the end thereof the following new subchapter:

"SUBCHAPTER II—CIVIL RESERVE AIR FLEET

"Sec.
"9511. Definitions.
"9512. Contracts to modify aircraft: cargo-convertible features.
"9513. Contracts to modify aircraft: commitment of aircraft to Civil Reserve Air Fleet.

**"§ 9511. Definitions** 10 USC 9511.

"In this subchapter:

"(1) 'Aircraft', 'citizen of the United States', 'person', and 'public aircraft' have the meaning given those terms by section 101 of the Federal Aviation Act of 1958 (49 U.S.C. 1301).

"(2) 'Cargo air service' means the carriage of property or mail on the main deck of a civil aircraft.

"(3) 'Cargo-capable aircraft' means a civil aircraft equipped so that all or substantially all of the aircraft's capacity can be used for the carriage of property or mail.

"(4) 'Passenger aircraft' means a civil aircraft equipped so that its main deck can be used for the carriage of individuals and cannot be used principally, without major modification, for the carriage of property or mail.

"(5) 'Cargo-convertible feature' means equipment or design features included or incorporated in a passenger aircraft that can readily enable all or substantially all of that aircraft's main deck to be used for the carriage of property or mail.

"(6) 'Civil aircraft' means an aircraft other than a public aircraft.

"(7) 'Civil Reserve Air Fleet' means those aircraft allocated, or identified for allocation, to the Department of Defense under section 101 of the Defense Production Act of 1950 (50 U.S.C. App. 2071), or made available (or agreed to be made available) for use by the Department of Defense under a contract made under this title, as part of the program developed by the Department of Defense through which the Department of Defense augments its airlift capability by use of civil aircraft.

"(8) 'Contractor' means a citizen of the United States (A) who owns or controls, or who will own or control, a civil aircraft and who contracts with the Secretary of the Air Force to modify that aircraft by including or incorporating cargo-convertible features suitable for defense purposes in that aircraft and to commit that aircraft to the Civil Reserve Air Fleet, or (B) who subsequently obtains ownership or control of a civil aircraft covered by such a contract and assumes all existing obligations under that contract.

"(9) 'Existing aircraft' means a civil aircraft other than a new aircraft.

"(10) 'New aircraft' means a civil aircraft that a manufacturer has not begun to assemble before the aircraft is covered by a contract under section 9512 of this title.

"(11) 'Secretary' means the Secretary of the Air Force.

10 USC 9512.

**"§ 9512. Contracts to modify aircraft: cargo-convertible features**

10 USC 2301 *et seq.*

"(a) Subject to chapter 137 of this title, and to the extent that funds are otherwise available for obligation, the Secretary may contract with any citizen of the United States (1) for the modification of any new aircraft to be owned or controlled by that citizen by the inclusion of cargo-convertible features suitable for defense purposes in that aircraft, or (2) for the modification of any existing passenger aircraft owned or controlled by that citizen by the incorporation of cargo-convertible features suitable for defense purposes in that aircraft.

"(b) Each contract made under subsection (a) shall include the terms required by section 9513 of this title and the following terms:

"(1) The contractor shall agree that each aircraft covered by the contract that is not already registered under section 501 of the Federal Aviation Act of 1958 (49 U.S.C. 1401) shall be registered under that section not later than the completion of the manufacture of the aircraft or the completion of the modification of the aircraft under the contract.

Repayment to U.S.

"(2) The contractor shall agree to repay to the United States a percentage (to be established in the contract) of any amount paid by the United States to the contractor under the contract with respect to any aircraft if—

"(A) the aircraft is destroyed or becomes unusable, as defined in the contract;

"(B) the cargo-convertible features specified in the contract are rendered unusable or removed from the aircraft;

"(C) control over the aircraft is transferred to any person that is unable or unwilling to assume the contractor's obligations under the contract;

"(D) the registration of the aircraft under section 501 of the Federal Aviation Act of 1958 is terminated for any reason not beyond the control of the contractor; or

"(E) having agreed in the contract that the main deck of the aircraft will not be used for cargo air service, the contractor uses, or permits the use of, the main deck of the aircraft for cargo air service.

"(c) A contract made under subsection (a) with respect to any aircraft may include the following terms:

"(1) If the contractor agrees that the main deck of the aircraft will not be used in cargo air service, the Secretary may agree to pay the contractor—

"(A) an amount not to exceed 100 percent of the cost of modifying the aircraft to include or incorporate cargo-convertible features suitable for defense purposes in that aircraft, as described in subsection (a);

"(B) an amount to compensate the contractor for the loss of use of the aircraft during the time required to make such modification, such amount to be determined by taking into consideration the fair market rental cost of a similar aircraft (not including crews, ground facilities, or other support costs) for that time, the estimated loss of revenue by the contractor attributable to the aircraft being out of service during that time, and such other factors as the Secretary considers appropriate; and

"(C) in the case of an existing aircraft, 100 percent of the cost of positioning the aircraft for modification, recertification of that aircraft after modification, returning that aircraft to service, and other costs directly associated with the modification.

"(2) If the contractor does not agree that the main deck of the aircraft will not be used for cargo air service, the Secretary may agree to pay the contractor an amount not to exceed 50 percent of the cost of modifying the aircraft to include or incorporate cargo-convertible features suitable for defense purposes.

"(3) The Secretary may under the contract be authorized to contract directly with a person chosen by the contractor to perform the modification of the aircraft to include or incorporate cargo-convertible features suitable for defense purposes in that aircraft and to pay to that person chosen by the contractor—

"(A) if the contractor agrees that the main deck of that aircraft will not be used for cargo air service, an amount less than or equal to the amount to which the contractor would otherwise be entitled under paragraph (1)(A); or

"(B) if the contractor does not agree that the main deck of that aircraft will not be used for cargo air service, an amount less than or equal to the amount to which the contractor would otherwise be entitled to under paragraph (2).

"(d) In addition to any amount the Secretary may agree under subsection (c)(1) or (c)(3)(A) to pay under a contract made under subsection (a), the Secretary may agree under such a contract that, if the contractor agrees that the main deck of the aircraft will not be used in cargo air service, the Secretary shall make a lump sum or annual payments (or a combination thereof) to the contractor to cover any increased costs of operation or any loss of revenue attributable to the inclusion or incorporation of cargo-convertible features suitable for defense purposes in the aircraft.

"(e)(1) Subject to paragraph (2), the Secretary may agree, in any contract made under subsection (a), to pay the contractor an amount for any loss resulting from the subsequent sale of an aircraft modified under that contract if the sale of that aircraft is for a price less than

the fair market value, at the time of the sale, of an aircraft substantially similar to the aircraft being sold but without the cargo-convertible features.

Payment.

"(2) The Secretary may not agree to make a payment under this subsection with respect to the sale of a modified aircraft unless—

"(A) the sale is within 16 years and 6 months after the modified aircraft was initially delivered by the manufacturer to its original owner, in the case of an aircraft that was modified during manufacture, or by the modifier to the owner at the time of modification, in the case of an aircraft that was modified after manufacture;

"(B) the Secretary received written notice of the proposed sale at least 60 days before the sale;

"(C) the contractor used its best efforts to obtain bids for the purchase of the aircraft;

"(D) the sale is a bona fide, arm's-length transaction made to the highest bidder for a price that is less than the fair market value of an aircraft substantially similar to the modified aircraft but without the cargo-convertible features; and

"(E) before the sale the Secretary was given an opportunity to and refused to purchase the modified aircraft for a price equal to the fair market value, at the time of the sale, of an aircraft substantially similar to the modified aircraft but without the cargo-convertible features.

"(3) Any amount that may be payable under a contract provision made under this subsection may not exceed the difference between (A) the sales price of the modified aircraft, and (B) the fair market value, at the time of the sale, of an aircraft substantially similar to the modified aircraft but without the cargo-convertible features included or incorporated into the modified aircraft under the contract.

"(4) The Secretary may use any funds appropriated for Air Force procurement for fiscal year 1982 or thereafter to pay any obligation under a contract provision made under this subsection.

10 USC 9513.

**"§ 9513. Contracts to modify aircraft: commitment of aircraft to Civil Reserve Air Fleet**

"(a) Each contract under section 9512 of this title shall provide—

"(1) that any aircraft covered by the contract shall be committed to the Civil Reserve Air Fleet;

"(2) that, so long as the aircraft is owned or controlled by a contractor, the contractor shall operate the aircraft for the Department of Defense as needed during any activation of the full Civil Reserve Air Fleet, notwithstanding any other contract or commitment of that contractor; and

"(3) that the contractor operating the aircraft for the Department of Defense shall be paid for that operation at fair and reasonable rates.

"(b) Notwithstanding section 101 of the Defense Production Act of 1950 (50 U.S.C. App. 2071), each aircraft covered by a contract under section 9512 of this title shall be committed exclusively to the Civil Reserve Air Fleet for use by the Department of Defense as needed during any activation of the full Civil Reserve Air Fleet unless the aircraft is released from that use by the Secretary of Defense.".

FACILITATION OF SELECTIVE SERVICE REGISTRATION AND OF MILITARY RECRUITING

SEC. 916. (a) Section 3 of the Military Selective Service Act (50 U.S.C. App. 453) is amended—

(1) by inserting "(a)" after "SEC. 3."; and

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

"(b) Regulations prescribed pursuant to subsection (a) may require that persons presenting themselves for and submitting to registration under this section provide, as part of such registration, such identifying information (including date of birth, address, and social security account number) as such regulations may prescribe.".

(b) Section 12 of such Act (50 U.S.C. App. 462) is amended by adding at the end thereof the following new subsection:

"(e) The President may require the Secretary of Health and Human Services to furnish to the Director, from records available to the Secretary, the following information with respect to individuals who are members of any group of individuals required by a proclamation of the President under section 3 to present themselves for and submit to registration under such section: name, date of birth, social security account number, and address. Information furnished to the Director by the Secretary under this subsection shall be used only for the purpose of the enforcement of this Act.".

(c) Section 15 of such Act (50 U.S.C. App. 465) is amended by adding at the end thereof the following new subsection:

"(e) In order to assist the Armed Forces in recruiting individuals for voluntary service in the Armed Forces, the Director shall, upon the request of the Secretary of Defense or the Secretary of Transportation, furnish to the Secretary the names and addresses of individuals registered under this Act. Names and addresses furnished pursuant to the preceding sentence may be used by the Secretary of Defense or Secretary of Transportation only for recruiting purposes.".

REPORTS ON UNIT COSTS OF MAJOR DEFENSE SYSTEMS

SEC. 917. (a)(1) The program manager (as designated by the Secretary concerned) for each major defense system included in the Selected Acquisition Report dated March 31, 1981, and submitted to the Congress pursuant to section 811 of the Department of Defense Appropriation Authorization Act, 1976 (Public Law 94-106; 10 U.S.C. 139 note), shall submit to the Secretary concerned, within seven days after the end of each quarter of fiscal year 1982, a written report on the major defense system included in such selected acquisition report for which such manager has responsibility. The program manager shall include in each such report—

(A) the total program acquisition unit cost for such major defense system as of the last day of such quarter; and

(B) in the case of a major defense system for which procurement funds are authorized to be appropriated by this Act, the current procurement unit cost for such major defense system as of the last day of such quarter.

(2) If at any time during any quarter of fiscal year 1982, the program manager of a major defense system referred to in paragraph (1) has reasonable cause to believe that (A) the total program acquisition unit cost, or (B) in the case of a major defense system for which procurement funds are authorized to be appropriated by this Act, the current procurement unit cost has exceeded the applicable percentage increase specified in subsection (b), such manager shall

immediately submit to the Secretary concerned a report containing the information, as of the date of such report, required by paragraph (1).

(3) The program manager shall also include in each report submitted pursuant to paragraph (1) or (2) any change from the Selected Acquisition Report of March 31, 1981, in schedule milestones or system performances with respect to such system that are known, expected, or anticipated by such manager.

(b)(1) If the Secretary concerned determines, on the basis of any report submitted to him pursuant to subsection (a), that the total program acquisition unit cost (including any increase for expected inflation) for any major defense system for which no procurement funds are authorized to be appropriated by this Act has increased by more than 15 percent over the total program acquisition unit cost for such system reflected in the Selected Acquisition Report of March 31, 1981, then (except as provided in paragraph (3)) no additional funds may be obligated in connection with such system after the end of the 30-day period beginning on the day on which the Secretary makes such determination. The Secretary shall notify the Congress promptly in writing of such increase upon making such a determination with respect to any such major defense system and shall include in such notice the date on which such determination was made.

Notification to Congress.

(2) If the Secretary concerned determines, on the basis of a report submitted to him pursuant to subsection (a), that—

(A) the procurement unit cost of a major defense system for which procurement funds are authorized to be appropriated by this Act has increased by more than 15 percent over the procurement unit cost derived from the Selected Acquisition Report of March 31, 1981, or

(B) the total program acquisition unit cost (including any increase for expected inflation) of such system has increased by more than 15 percent over the total program acquisition unit cost for such system as reflected in the Selected Acquisition Report of March 31, 1981,

then (except as provided in paragraph (3)) no additional funds may be obligated in connection with such system after the end of the 30-day period beginning on the day on which the Secretary makes such determination. The Secretary shall notify the Congress promptly in writing of such increase upon making such a determination with respect to any such major defense system and shall include in such notice the date on which such determination was made.

Notification to Congress.

(3) The prohibition contained in paragraphs (1) and (2) on the obligation of funds shall not apply in the case of any major defense system to which such prohibition would otherwise apply if the Secretary concerned submits to the Congress, before the end of the 30-day period referred to in paragraph (1) or (2), a written report which includes—

(A) a statement of the reasons for such increase in total program acquisition unit cost or procurement unit cost;

(B) the identities of the military and civilian officers responsible for program management and cost control of the major defense system;

(C) the action taken and proposed to be taken to control future cost growth of such system;

(D) any changes made in the performance or schedule milestones of such system and the degree to which such changes have contributed to the increase in total program acquisition unit cost or procurement unit cost;

(E) the identities of the principal contractors for the major defense system; and

(F) an index of all testimony and documents formally provided to the Congress on the estimated cost of such system.

(c)(1) If the Secretary concerned—

(A) on the basis of a report submitted to him pursuant to subsection (a), determines (i) that the total program acquisition unit cost (including any increase for expected inflation) for a major defense system has increased by more than 25 percent over the total program acquisition unit cost for such system reflected in the Selected Acquisition Report of March 31, 1981, or (ii) in the case of any such system for which procurement funds are authorized to be appropriated by this Act, that the current procurement unit cost of such system has increased by more than 25 percent over the procurement unit cost derived from the Selected Acquisition Report of March 31, 1981, and

(B) has submitted a report to the Congress with respect to such system pursuant to subsection (b)(3),

then (except as provided in paragraph (2)) no additional funds may be obligated in connection with such system after the end of the 60-day period beginning on the day on which the Secretary makes such determination.

(2) The prohibition contained in paragraph (1) on the obligation of funds shall not apply in the case of a major defense system to which such prohibition would otherwise apply if the Secretary of Defense submits to the Congress, before the end of the 60-day period referred to in such paragraph, a written certification stating that—

(A) such system is essential to the national security;

(B) there are no alternatives to such system which will provide equal or greater military capability at less cost;

(C) the new estimates of the total program acquisition unit cost or procurement unit cost are reasonable; and

(D) the management structure for such major defense system is adequate to manage and control total program acquisition unit cost or procurement unit cost.

(d) As used in this section: Definitions.

(1) The term "total program acquisition unit cost" means, in the case of a major defense system, the amount equal to (A) the total cost for development and procurement of, and system-specific military construction for, such system, divided by (B) the number of fully-configured end items to be produced for such system.

(2) The term "procurement unit cost" means, in the case of a major defense system, the amount equal to (A) the total of all procurement funds available for such system in any fiscal year, divided by (B) the number of fully-configured end items to be procured with such funds during such fiscal year.

(3) The term "Secretary concerned" has the same meaning as provided in section 101(8) of title 10, United States Code.

(e) Section 811 of the Department of Defense Appropriation Authorization Act, 1976 (Public Law 94-106; 10 U.S.C. 139 note), is amended by adding at the end thereof the following new subsection:

"(c)(1) Each report required to be submitted under subsection (a) shall include the history of the total program acquisition unit cost of each major defense system from the date on which funds were first authorized to be appropriated for such system.

"(2) As used in this subsection, the term 'total program acquisition unit cost' means the amount equal to (A) the total cost for develop-

ment and procurement of, and system-specific military construction for, a major defense system, divided by (B) the number of fully-configured end items to be produced for such system.".

RECOMMENDATIONS WITH RESPECT TO THE ELIMINATION OF WASTE, FRAUD, ABUSE, AND MISMANAGEMENT IN THE DEPARTMENT OF DEFENSE

Report to Congress.
10 USC 133 note.

SEC. 918. (a) Not later than January 15, 1982, the Secretary of Defense shall submit to Congress a report containing such recommendations as he considers necessary or appropriate to improve the efficiency and management of, and to eliminate waste, fraud, abuse, and mismanagement in, the operation of the Department of Defense.

(b) In the report required by subsection (a), the Secretary of Defense shall—

(1) set forth each recommendation by the Comptroller General since October 1, 1980, for the elimination of waste, fraud, abuse, or mismanagement in the Department of Defense; and

(2) provide a statement of—

(A) which recommendations set forth pursuant to paragraph (1) have been adopted and, to the extent practicable, the actual and projected cost savings from each; and

(B) which recommendations set forth pursuant to paragraph (1) have not been adopted and, to the extent practicable, the projected cost savings from each and an explanation of why each such recommendation has not been adopted.

Report to Congress.

(c) Not later than January 15, 1983, the Secretary of Defense shall submit to Congress a report—

(1) that sets forth each recommendation by the Comptroller General since January 1, 1979, for the elimination of waste, fraud, abuse, or mismanagement in the Department of Defense; and

(2) that provides a statement of—

(A) which recommendations set forth pursuant to paragraph (1) have been adopted and, to the extent practicable, the actual and projected cost savings from each; and

(B) which recommendations set forth pursuant to paragraph (1) have not been adopted and, to the extent practicable, the projected cost savings from each and an explanation of why each such recommendation has not been adopted.

REPORT ON CONTRIBUTIONS TO THE COMMON DEFENSE

22 USC 1928 note.

SEC. 919. Section 1006(c) of the Department of Defense Authorization Act, 1981 (Public Law 96-342; 94 Stat. 1120), is amended—

(1) by striking out "March 1, 1981" and inserting in lieu thereof "March 1, 1982"; and

(2) by striking out "fiscal year 1981" both places it appears and inserting in lieu thereof "fiscal year 1982".

ASSISTANCE TO YORKTOWN BICENTENNIAL CELEBRATION

SEC. 920. (a) Notwithstanding any other provision of law, the Secretary of Defense is authorized, in connection with the observance on October 19, 1981, of the two-hundredth anniversary of the surrender of Lord Cornwallis to General George Washington at Yorktown, Virginia, which date has been proclaimed by Public Law 96-414 (94 Stat. 1724) as a National Day of Observance of that historic event—

(1) to provide logistical support and personnel services for the national observance of such event;

(2) to lend and provide equipment to officials of the Yorktown Bicentennial Committee as requested by the Secretary of the Interior; and

(3) to provide such other services as the Secretary of the Interior may consider necessary and the Secretary of Defense may consider advisable.

(b) There is authorized to be appropriated to the Secretary of Defense an amount not to exceed $750,000 for the purpose of carrying out subsection (a). Appropriation authorization.

(c) No funds may be obligated or expended for carrying out the purposes of subsection (a) unless such funds have been specifically appropriated for such purposes.

Approved December 1, 1981.

LEGISLATIVE HISTORY—S. 815 (H.R. 3519):

HOUSE REPORTS: No. 97-71, Pt. I (Comm. on Armed Services), Pt. 2 (Comm. on the Judiciary), Pt. 3 (Comm. on Government Operations) accompanying H.R. 3519 and No. 97-311 (Comm. of Conference).

SENATE REPORT No. 97-58 (Comm. on Armed Services).

CONGRESSIONAL RECORD, Vol. 127 (1981):

May 12-14, considered and passed Senate.

June 24, July 8-10, 14-16, H.R. 3519 considered and passed House; proceedings vacated and S. 815, amended, passed in lieu.

Nov. 5, Senate agreed to conference report.

Nov. 17, House agreed to conference report.