

105TH CONGRESS  
1ST SESSION

# S. 450

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

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## IN THE SENATE OF THE UNITED STATES

MARCH 17, 1997

Mr. THURMOND (for himself and Mr. LEVIN) (by request) introduced the following bill; which was read twice and referred to the Committee on Armed Services

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## A BILL

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

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

### 3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Defense Au-  
5 thorization Act for Fiscal Years 1998 and 1999”.

### 6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents for this Act is as follows:

TITLE I—PROCUREMENT

## AUTHORIZATION OF APPROPRIATIONS

- Sec. 101. Army.
- Sec. 102. Navy and Marine Corps.
- Sec. 103. Air Force.
- Sec. 104. Defense-wide activities.
- Sec. 105. Defense Inspector General.
- Sec. 106. Defense Health Program.
- Sec. 107. Chemical Demilitarization Program.
- Sec. 108. Transfer from the National Defense Stockpile Transaction Fund.
- Sec. 109. National Guard and Reserve Component Equipment: Annual Report to Congress.

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

- Sec. 201. Authorization of appropriations.
- Sec. 202. Permanent authority to provide for use of test and evaluation installations by commercial entities.

## TITLE III—OPERATION AND MAINTENANCE

## SUBTITLE A—AUTHORIZATION OF APPROPRIATIONS

- Sec. 301. Operation and maintenance funding.
- Sec. 302. Working capital funds.
- Sec. 303. Armed Forces Retirement Home.
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- Sec. 305. Transfer from the National Defense Stockpile Transaction Fund.
- Sec. 306. Repeal of Defense Business Operations Fund.

## SUBTITLE B—ENVIRONMENTAL PROVISIONS

- Sec. 311. Amendments to authority to enter into agreements with other agencies in support of environmental technology certification.
- Sec. 312. Storage and disposal of nondefense toxic and hazardous materials.

## SUBTITLE C—OTHER MATTERS

- Sec. 321. Programs to commemorate the 50th anniversaries of the Marshall Plan and the Korean War.
- Sec. 322. Admission of civilian students to the Naval Post Graduate School.

## TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

## SUBTITLE A—ACTIVE FORCES

- Sec. 401. End strengths for active forces.

## SUBTITLE B—RESERVE FORCES

- Sec. 411. End strengths for Selected Reserve.
- Sec. 412. End strengths for reserves on active duty in support of the Reserves.

## TITLE V—MILITARY PERSONNEL POLICY

## SUBTITLE A—OFFICER PERSONNEL POLICY

- Sec. 501. Authorization for personnel to serve in the management of non-federal entities.

- Sec. 502. Modifying selection board eligibility.
- Sec. 503. Limitations on promotion consideration eligibility.
- Sec. 504. Authority to permit non-unit assigned officers to be considered by Vacancy Promotion Board to general officer grades and for officers to be considered by a Vacancy Promotion Board to general officer grades when not serving in the higher graded position.
- Sec. 505. Exclusion of certain retired members from the limitation on the period of recall to active duty.

#### SUBTITLE B—ENLISTED PERSONNEL POLICY

- Sec. 511. Authorization for the Naval Postgraduate School to admit enlisted members of the U.S. Naval Service, Army, Air Force, and Coast Guard as members.
- Sec. 512. Scope of participation in Community College of the Air Force.

#### SUBTITLE C—RESERVE PERSONNEL POLICY

- Sec. 521. Correction to retire grade, general rule concerning nonregular service.
- Sec. 522. Grade requirement of Involuntary Separation Board composition.

#### SUBTITLE D—EDUCATION POLICY

- Sec. 531. Protection of Educational Assistance Program entitlements for selected reserve members serving on active duty in support of a contingency operation.

### TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

#### SUBTITLE A—PAY AND ALLOWANCES

- Sec. 601. Military pay raise for fiscal year 1998.
- Sec. 602. Change in requirements for pay of ready reserve muster duty allowance.

#### SUBTITLE B—BONUSES AND SPECIAL PAYS

- Sec. 611. Nuclear qualified officers: Bonuses and special pay
- Sec. 612. Incentive for enlisted members to extend tours of duty overseas.
- Sec. 613. Amendments to Selected Reserve reenlistment bonus.
- Sec. 614. Amendments to Selected Reserve prior service enlistment bonus.

#### SUBTITLE C—ALLOWANCES

- Sec. 621. Travel and transportation allowances for dependents prior to approval of a member's court-martial sentence.
- Sec. 622. Variable housing allowance at location of residence after a close proximity move.

#### SUBTITLE D—OTHER MATTERS

- Sec. 631. Authorization for reimbursement of tax liabilities incurred by participants in the F. Edward Hebert Armed Forces Health Professions Scholarship Program.
- Sec. 632. Authorization for increased stipend payments made under the F. Edward Hebert Armed Forces Health Professions Scholarship Program.

## TITLE VIII—HEALTH CARE PROVISIONS

- Sec. 701. Repeal of the statutory restriction on use of funds for abortions.
- Sec. 702. Expanding the limits imposed on providing prosthetic devices to military health care beneficiaries.

## TITLE VIII—REPEAL OF ACQUISITION REPORTS AND ACQUISITION POLICY

## SUBTITLE A—REPEAL OF CERTAIN ACQUISITION REPORTS

- Sec. 801. Repeal of acquisition reports required by Defense Authorization Acts.
- Sec. 802. Repeal of extraneous acquisition reporting requirements.

## SUBTITLE B—ACQUISITION POLICY

- Sec. 811. Use of single payment date for mixed invoices.
- Sec. 812. Retention of expired funds during the pendency of contract litigation
- Sec. 813. Expanding the authority to cross fiscal years to all severable service contracts not exceeding a year.
- Sec. 814. Small arms weapons procurement objectives for the Army.
- Sec. 815. Availability of simplified procedures to commercial item procurements.
- Sec. 816. Unit cost reports.
- Sec. 817. Repeal of additional documentation requirement for competition exception for international agreements.
- Sec. 818. Elimination of drug-free workplace certification requirement for grants.
- Sec. 819. Vestiture of title.
- Sec. 820. Undefined contract actions.
- Sec. 821. Authority of directors of Department of Defense agencies to lease non-excess property.

## TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

- Sec. 901. Amendment to frequency of providing policy guidance for contingency plans.
- Sec. 902. Revision of membership terms for Strategic Environmental Research and Development Program Scientific Advisory Board.
- Sec. 903. Closure of the Uniform Services University of the Health Sciences.
- Sec. 904. Repeal of requirement to operate Naval Academy Dairy Farm, Gambrills, Maryland.
- Sec. 905. Inclusion of Information Resources Management College in the National Defense University.

## TITLE X—GENERAL PROVISIONS

## SUBTITLE A—FINANCIAL MATTERS

- Sec. 1001. Two-year extension of counterproliferation authorities.

## SUBTITLE B—NAVAL VESSELS

- Sec. 1010. Negotiating sales of vessels stricken from the naval register.
- Sec. 1011. Authority to charter vessel for longer than five years in support of surveillance towed array sensor (SURTASS) Program.
- Sec. 1012. Eighteen month shipbuilding claims.

## SUBTITLE C—OTHER MATTERS

- Sec. 1020. Arrest authority for special agents of the Defense Criminal Investigative Service.
- Sec. 1021. Access to pre-accession offender records.
- Sec. 1022. Extension of authority to provide additional support for counter-drug activities of Mexico.
- Sec. 1023. Asia-Pacific Center for Security Studies.
- Sec. 1024. Protection of certain imagery and geospatial information and data.
- Sec. 1025. National Guard Civilian Youth Opportunities Pilot Program.
- Sec. 1026. Repeal of Annual Department of Defense Convention Standoff Weapons Master Plan and Report on Standoff Munitions.
- Sec. 1027. Revisions to the Ballistic Missile Defense Act of 1995.
- Sec. 1028. Repeal of reporting requirements, special operations forces: Training with friendly foreign forces.

## SUBTITLE D—MILITARY CONSTRUCTION PROVISIONS

- Sec. 1031. Authority for the Secretary of the Army to construct a heliport at Fort Irwin, California.
- Sec. 1032. Repeal of reports required by Military Construction Authorization Acts.
- Sec. 1033. Financial incentive for energy savings.
- Sec. 1034. Water conservation financial incentives.
- Sec. 1035. Privatization of Government owned utility systems.

## TITLE XI—DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL

- Sec. 1101. Extension of voluntary separation incentive pay authorization.
- Sec. 1102. Elimination of time limitation for placement consideration of involuntary separated reserve technicians.
- Sec. 1103. Pay practices when overseas teachers transfer to general schedule positions.
- Sec. 1104. Citizenship requirements for staff of the George C. Marshall Center for Security Studies.
- Sec. 1105. Preservation of civil service rights for employees of the former Defense Mapping Agency.
- Sec. 1106. Authorization for the Marine Corps University to employ civilian professors.

# **TITLE I—PROCUREMENT**

## **Authorization of Appropriations**

### **SEC. 101. ARMY.**

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

- (1) \$1,162,459,000 for fiscal year 1998.
- (2) \$1,240,541,000 for fiscal year 1999.

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

4 (1) \$1,178,151,000 for fiscal year 1998.

5 (2) \$1,541,375,000 for fiscal year 1999.

6 (c) WEAPONS AND TRACKED COMBAT VEHICLES.—  
7 Funds are hereby authorized to be appropriated for pro-  
8 curement of weapons and tracked combat vehicles for the  
9 Army as follows:

10 (1) \$1,065,707,000 for fiscal year 1998.

11 (2) \$1,475,106,000 for fiscal year 1999.

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

15 (1) \$890,902,000 for fiscal year 1998.

16 (2) \$975,973,000 for fiscal year 1999.

17 (e) OTHER PROCUREMENT.—Funds are hereby au-  
18 thorized to be appropriated for procurement of ammuni-  
19 tion for the Army as follows:

20 (1) \$2,455,030,000 for fiscal year 1998.

21 (2) \$3,139,830,000 for fiscal year 1999.

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

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

1 (1) \$6,085,965,000 for fiscal year 1998.

2 (2) \$7,669,355,000 for fiscal year 1999.

3 (b) WEAPONS.—Funds are hereby authorized to be  
4 appropriated for procurement of weapons (including mis-  
5 siles and torpedoes) for the Navy as follows:

6 (1) \$1,136,293,000 for fiscal year 1998.

7 (2) \$1,435,740,000 for fiscal year 1999.

8 (c) NAVY AND MARINE CORPS AMMUNITION.—Funds  
9 are hereby authorized to be appropriated for ammunition  
10 for the Navy and Marine Corps as follows:

11 (1) \$336,797,000 for fiscal year 1998.

12 (2) \$502,625,000 for fiscal year 1999.

13 (d) SHIPBUILDING AND CONVERSION.—Funds are  
14 hereby authorized to be appropriated for shipbuilding and  
15 conversion for the Navy as follows:

16 (1) \$7,438,158,000 for fiscal year 1998.

17 (2) \$5,958,044,000 for fiscal year 1999.

18 (e) OTHER PROCUREMENT, NAVY.—Funds are here-  
19 by authorized to be appropriated for other procurement  
20 for the Navy as follows:

21 (1) \$2,825,500,000 for fiscal year 1998.

22 (2) \$4,185,375,000 for fiscal year 1999.

23 (f) MARINE CORPS.—Funds are hereby authorized to  
24 be appropriated for procurement for the Marine Corps as  
25 follows:

1 (1) \$374,306,000 for fiscal year 1998.

2 (2) \$695,536,000 for fiscal year 1999.

3 **SEC. 103. AIR FORCE.**

4 (a) AIRCRAFT.—Funds are hereby authorized to be  
5 appropriated for procurement of aircraft for the Air Force  
6 as follows:

7 (1) \$5,817,847,000 for fiscal year 1998.

8 (2) \$8,079,811,000 for fiscal year 1999.

9 (b) MISSILES.—Funds are hereby authorized to be  
10 appropriated for procurement of missiles for the Air Force  
11 as follows:

12 (1) \$255,774,000 for fiscal year 1998.

13 (2) \$2,892,106,000 for fiscal year 1999.

14 (c) AMMUNITION.—Funds are hereby authorized to  
15 be appropriated for ammunition for the Air Force as fol-  
16 lows:

17 (1) \$403,984,000 for fiscal year 1998.

18 (2) \$456,503,000 for fiscal year 1999.

19 (d) OTHER PROCUREMENT.—Funds are hereby au-  
20 thorized to be appropriated for other procurement for the  
21 Air Force as follows:

22 (1) \$6,561,253,000 for fiscal year 1998.

23 (2) \$6,754,879,000 for fiscal year 1999.



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

2           Funds are hereby authorized to be appropriated for  
3   Defense-wide procurement as follows:

4                   (1) \$1,695,085,000 for fiscal year 1998.

5                   (2) \$2,616,431,000 for fiscal year 1999.

6   **SEC. 105. DEFENSE INSPECTOR GENERAL.**

7           Funds are hereby authorized to be appropriated for  
8   procurement for the Inspector General of the Department  
9   of Defense as follows:

10                   (1) \$1,800,000 for fiscal year 1998.

11                   (2) \$1,100,000 for fiscal year 1999.

12   **SEC. 106. DEFENSE HEALTH PROGRAM.**

13           Funds are hereby authorized to be appropriated for  
14   procurement for carrying out health care programs,  
15   projects, and activities of the Department of Defense as  
16   follows:

17                   (1) \$274,068,000 for fiscal year 1998.

18                   (2) \$246,133,000 for fiscal year 1999.

19   **SEC. 107. CHEMICAL DEMILITARIZATION PROGRAM.**

20           Funds are hereby authorized to be appropriated for  
21   the destruction of lethal chemical weapons in accordance  
22   with section 1412 of the Department of Defense Author-  
23   ization Act, 1986 (50 U.S.C. 1521) and the destruction  
24   of chemical warfare material of the United States that is  
25   not covered by section 1412 of such Act as follows:

26                   (1) \$620,700,000 for fiscal year 1998.

1 (2) \$1,094,200,000 for fiscal year 1999.

2 **SEC. 108. TRANSFER FROM THE NATIONAL DEFENSE**  
3 **STOCKPILE TRANSACTION FUND.**

4 (a) TRANSFER AUTHORITY.—To the extent provided  
5 in appropriations Acts, not more than \$400,000,000 is au-  
6 thorized to be transferred from the National Defense  
7 Stockpile Transaction Fund to procurement accounts for  
8 fiscal year 1998 in amounts as follows:

9 (1) For Aircraft Procurement, Army,  
10 \$133,000,000.

11 (2) For Aircraft Procurement, Navy,  
12 \$134,000,000.

13 (3) For Aircraft Procurement, Air Force,  
14 \$133,000,000.

15 (b) TREATMENT OF TRANSFERS.—Amounts trans-  
16 ferred under this section—

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

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

1 **SEC. 109. NATIONAL GUARD AND RESERVE COMPONENT**  
2 **EQUIPMENT: ANNUAL REPORT TO CONGRESS.**

3 Section 10541(b)(5)(A) of title 10, United States  
4 Code, is amended by striking “, shown in accordance with  
5 deployment schedules and requirements over successive  
6 30-day periods following mobilization”.

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

10 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

11 (a) FISCAL YEAR 1998.—Funds are hereby author-  
12 ized to be appropriated for fiscal year 1998 for the use  
13 of the Armed Forces for research, development, test, and  
14 evaluation, as follows:

15 (1) For the Army, \$4,510,843,000.

16 (2) For the Navy, \$7,611,022,000.

17 (3) For the Air Force, \$14,451,379,000.

18 (4) For Defense-wide activities,  
19 \$9,361,247,000, of which—

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

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

25 (b) FISCAL YEAR 1999.—Funds are hereby author-  
26 ized to be appropriated for fiscal year 1999 for the use

1 of the Armed Forces for research, development, test, and  
2 evaluation, as follows:

3 (1) For the Army, \$4,496,724,000.

4 (2) For the Navy, \$7,756,314,000.

5 (3) For the Air Force, \$13,799,985,000.

6 (4) For Defense-wide activities,  
7 \$8,991,567,000, of which—

8 (A) \$278,767,000 is authorized for the ac-  
9 tivities of the Director, Test and Evaluation;  
10 and

11 (B) \$23,447,000 is authorized for the Di-  
12 rector of Operational Test and Evaluation.

13 **SEC. 202. PERMANENT AUTHORITY TO PROVIDE FOR USE**  
14 **OF TEST AND EVALUATION INSTALLATIONS**  
15 **BY COMMERCIAL ENTITIES.**

16 Section 2681 of title 10, United States Code, is  
17 amended—

18 (1) by striking subsection (g); and

19 (2) by redesignating subsection (h) as sub-  
20 section (g).

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

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

(a) FISCAL YEAR 1998.—Funds are hereby authorized to be appropriated for fiscal year 1998 for the use of the Armed Forces of the United States and other activities and agencies of the Department of Defense, for expenses, not otherwise provided for, for operation and maintenance, in amounts as follows:

(1) For the Army, \$17,215,484,000.

(2) For the Navy, \$21,581,130,000.

(3) For the Marine Corps, \$2,305,345,000.

(4) For the Air Force, \$18,910,785,000.

(5) For Defense-wide activities,  
\$10,403,938,000.

(6) For the Army Reserve, \$1,192,891,000.

(7) For the Naval Reserve, \$834,711,000.

(8) For the Marine Corps Reserve,  
\$110,366,000.

(9) For the Air Force Reserve, \$1,624,420,000.

(10) For the Army National Guard,  
\$2,258,932,000.

1           (11) For the Air National Guard,  
2       \$2,991,219,000.

3           (12) For the Defense Inspector General,  
4       \$136,580,000.

5           (13) For Drug Interdiction and Counter-drug  
6       Activities, Defense-wide, \$652,582,000.

7           (14) For the United States Court of Appeals  
8       for the Armed Forces, \$6,952,000.

9           (15) For Environmental Restoration, Army,  
10      \$377,337,000.

11          (16) For Environmental Restoration, Navy,  
12      \$277,500,000.

13          (17) For Environmental Restoration, Air Force,  
14      \$378,900,000.

15          (18) For Environmental Restoration, Defense-  
16      wide, \$27,900,000.

17          (19) For Environmental Restoration, Formerly  
18      Used Defense Sites, \$202,300,000.

19          (20) For Medical Programs, Defense,  
20      \$9,766,582,000.

21          (21) For Overseas Humanitarian, Disaster, and  
22      Civic Aid, \$80,130,000.

23          (22) For Former Soviet Union Threat Reduc-  
24      tion, \$382,200,000.

1           (23) For the Overseas Contingency Operations  
2       Transfer Fund, \$1,467,500,000.

3           (24) For the Kaho'olawe Island Conveyance,  
4       Remediation, and Environmental Restoration Trust  
5       Fund, \$10,000,000.

6       (b) FISCAL YEAR 1999.—Funds are hereby author-  
7       ized to be appropriated for fiscal year 1999 for the use  
8       of the Armed Forces of the United States and other activi-  
9       ties and agencies of the Department of Defense, for ex-  
10      penses, not otherwise provided for, for operation and  
11      maintenance, in amounts as follows:

12           (1) For the Army, \$16,891,339,000.

13           (2) For the Navy, \$21,518,405,000.

14           (3) For the Marine Corps, \$2,403,946,000.

15           (4) For the Air Force, \$18,628,356,000.

16           (5)     For     the     Defense     Agencies,  
17      \$10,542,807,000.

18           (6) For the Army Reserve, \$1,209,605,000.

19           (7) For the Naval Reserve, \$858,057,000.

20           (8)     For     the     Marine     Corps     Reserve,  
21      \$115,481,000.

22           (9) For the Air Force Reserve, \$1,631,287,000.

23           (10)    For    the    Army    National    Guard,  
24      \$2,366,670,000.

1           (11) For the Air National Guard,  
2     \$2,981,789,000.

3           (12) For the Defense Inspector General,  
4     \$133,798,000.

5           (13) For Drug Interdiction and Counter-drug  
6     Activities, Defense-wide, \$652,182,000.

7           (14) For the United States Court of Appeals  
8     for the Armed Forces, \$6,950,000.

9           (15) For Environmental Restoration, Army,  
10    \$385,640,000.

11          (16) For Environmental Restoration, Navy,  
12    \$287,600,000.

13          (17) For Environmental Restoration, Air Force,  
14    \$387,100,000.

15          (18) For Environmental Restoration, Defense-  
16    wide, \$25,600,000.

17          (19) For Environmental Restoration, Formerly  
18    Used Defense Sites, \$202,100,000.

19          (20) For Medical Programs, Defense,  
20    \$9,496,849,000.

21          (21) For Overseas Humanitarian, Disaster, and  
22    Civic Aid, \$51,211,000.

23          (22) For Former Soviet Union Threat Reduc-  
24    tion, \$344,700,000.



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

2 (a) FISCAL YEAR 1998.—Funds are hereby author-  
3 ized to be appropriated for fiscal year 1998 for the use  
4 of the Armed Forces of the United States and other activi-  
5 ties and agencies of the Department of Defense for provid-  
6 ing capital for working capital and revolving funds in  
7 amounts as follows:

8 (1) For the Defense Working Capital Funds,  
9 \$33,400,000.

10 (2) For the National Defense Sealift Fund,  
11 \$1,191,426,000.

12 (3) For the Military Commissary Fund,  
13 \$938,552,000.

14 (b) FISCAL YEAR 1999.—Funds are hereby author-  
15 ized to be appropriated for fiscal year 1999 for the use  
16 of the Armed Forces of the United States and other activi-  
17 ties and agencies of the Department of Defense for provid-  
18 ing capital for working capital and revolving funds, in  
19 amounts as follows:

20 (1) For the Defense Working Capital Funds,  
21 \$30,800,000.

22 (2) For the National Defense Sealift Fund,  
23 \$689,994,000.

24 (3) For the Military Commissary Fund,  
25 \$938,694,000.

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

2       There is hereby authorized to be appropriated from  
3 the Armed Forces Retirement Home Trust Fund for the  
4 operation of the Armed Forces Retirement Home, includ-  
5 ing the United States Soldiers' and Airmen's Home and  
6 the Naval Home, as follows:

7           (1) \$79,977,000 for fiscal year 1998.

8           (2) \$73,332,000 for fiscal year 1999.

9 **SEC. 304. FISHER HOUSE TRUST FUNDS.**

10       There are hereby authorized to be appropriated for  
11 fiscal years 1998 and 1999 from the Fisher House Trust  
12 Fund, Department of the Army; the Fisher House Trust  
13 Fund, Department of the Navy, and from the Fisher  
14 House Trust Fund, Department of the Air Force,  
15 amounts which are available during fiscal years 1998 and  
16 1999 in each such Trust fund for the operation and main-  
17 tenance of the Fisher Houses of the Army, the Navy, and  
18 the Air Force.

19 **SEC. 305. TRANSFER FROM THE NATIONAL DEFENSE**  
20 **STOCKPILE TRANSACTION FUND.**

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

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

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

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

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

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

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

11 **SEC. 306. REPEAL OF DEFENSE BUSINESS OPERATIONS**  
12 **FUNDS.**

13 (a)(1) REPEAL.—Section 2216a of title 10, United  
14 States Code, is repealed.

15 (2) CONFORMING AMENDMENT.—The table of sec-  
16 tions for chapter 131 of title 10, United States Code, is  
17 amended by striking the item relating to section 2216a.

18 (b) DEPRECIATION COSTS.—Section 2208(c) of title  
19 10, United States Code, is amended by inserting before  
20 the period at the end “, including amounts for deprecia-  
21 tion of capital assets, set in accordance with generally ac-  
22 cepted accounting principles”.

23 (c) CONTRACTING FOR CAPITAL ASSETS.—Section  
24 2208 of title 10, United States Code, is amended by add-  
25 ing at the end the following new subsection (l):

1 “(l)(1) The Secretary of Defense may award  
 2 contracts for capital assets of a working capital fund  
 3 in advance of the availability of funds in the working  
 4 capital fund.

5 “(2) In this section, the term ‘capital assets’  
 6 means the following capital assets that have a devel-  
 7 opment or acquisition cost of not less than  
 8 \$100,000:

9 “(A) Minor construction projects financed  
 10 by a working capital fund pursuant to section  
 11 2805(c)(1) of this title.

12 “(B) Automatic data processing equip-  
 13 ment, software.

14 “(C) Equipment other than equipment de-  
 15 scribed in subparagraph (B).

16 “(D) Other capital improvements.”.

## 17 **Subtitle B—Environmental** 18 **Provisions**

### 19 **SEC. 311. AMENDMENTS TO AUTHORITY TO ENTER INTO** 20 **AGREEMENTS WITH OTHER AGENCIES IN** 21 **SUPPORT OF ENVIRONMENTAL TECHNOLOGY** 22 **CERTIFICATION.**

23 Section 327 of the National Defense Authorization  
 24 Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat.  
 25 2483) is amended—

1 (1) in subsection (a), by inserting “, or with an  
 2 Indian tribe,” after “with an agency of a State or  
 3 local government”; and

4 (2) in subsection (b)(1), by striking “in carry-  
 5 ing out its environmental restoration activities”.

6 **SEC. 312. STORAGE AND DISPOSAL OF NONDEFENSE TOXIC**  
 7 **AND HAZARDOUS MATERIALS.**

8 Section 2692 of title 10, United States Code, is  
 9 amended—

10 (1) in subsection (a)(1)—

11 (A) by inserting “with respect to materials  
 12 that will be or have been used in connection  
 13 with an activity of the Department of Defense  
 14 or in connection with a service to be performed  
 15 for the benefit of the Department of Defense,  
 16 or” after “Except”; and

17 (B) by inserting “or by a service member  
 18 or dependent living on that installation” after  
 19 “is not owned by the Department of Defense”;  
 20 and

21 (2) in subsection (b)(8)—

22 (A) by striking “by a private person”;

23 (B) by striking “by that person of an in-  
 24 dustrial-type” and inserting in lieu thereof “of  
 25 a”; and

(C) by inserting “including the use of a space launch facility located on a Department of Defense installation or on other land controlled by the United States, and including the use of Department of Defense facilities for testing material or training personnel” after “facility of the Department of Defense”; and  
 (3) in subsection (b)(9)—

(A) by striking “by a private person”;

(B) by striking “commercial”;

(C) by striking “by that person of an industrial-type” and inserting in lieu thereof “of a”;

(D) by striking “with that person” and inserting in lieu thereof “with the prospective user”; and

(E) in subparagraph (B), by striking “for that person’s” and inserting in lieu thereof “for the prospective user’s”.

## **Subtitle C—Other Matters**

### **SEC. 321. PROGRAMS TO COMMEMORATE THE 50TH ANNIVERSARY OF THE MARSHALL PLAN AND THE KOREAN WAR.**

(a) IN GENERAL.—The Secretary of Defense may—

1           (1) during fiscal year 1997, conduct a program  
2           to commemorate the 50th anniversary of the Mar-  
3           shall Plan;

4           (2) during fiscal years 1998 through 2003, con-  
5           duct a program to commemorate the 50th anniver-  
6           sary of the Korean war; and

7           (3) coordinate, support, and facilitate other pro-  
8           grams and activities of the Federal Government,  
9           State and local governments, and other persons in  
10          commemoration of the Marshall Plan or in com-  
11          memoration of the Korean war during the time peri-  
12          ods established in this subsection for each program,  
13          respectively.

14          (b) USE OF FUNDS.—During fiscal years 1997  
15          through 2003, funds appropriated to the Department of  
16          Defense for Operation and Maintenance, Army, shall be  
17          available to conduct the programs referred to in subsection  
18          (a).

19          (c) PROGRAM ACTIVITIES.—The program referred to  
20          in subsection (a) may include activities and ceremonies—

21               (1) to provide the people of the United States  
22               with a clear understanding and appreciation of the  
23               Marshall Plan;

24               (2) to pay tribute to General George C. Mar-  
25               shall for a lifetime of service to the United States;

1           (3) to provide the people of the United States  
2           with a clear understanding and appreciation of the  
3           lessons and history of the Korean war;

4           (4) to thank and honor veterans of the Korean  
5           war and their families;

6           (5) to pay tribute to the sacrifices and contribu-  
7           tions made on the home front by the people of the  
8           United States;

9           (6) to highlight advances in technology, science,  
10          and medicine related to military research conducted  
11          during the Korean war;

12          (7) to recognize the contributions and sacrifices  
13          made by Korean war allies of the United States; and

14          (8) to highlight the role of the Armed Forces of  
15          the United States, then and now, in maintaining  
16          world peace through strength.

17          (d) AUTHORITY OF THE SECRETARY.—(1) In connec-  
18          tion with the programs referred to in subsection (a), the  
19          Secretary of Defense may adopt, use, and register as  
20          trademarks and service marks: emblems, signs, insignia,  
21          or words. The Secretary shall have the exclusive right to  
22          the preexisting emblems, signs, insignia, or words, subject  
23          to the preexisting rights described in paragraph (3), and  
24          may grant exclusive or nonexclusive licenses in connection  
25          therewith.



1       (2) Without the consent of the Secretary of Defense,  
2 any person who knowingly uses any emblem, sign, insign-  
3 nia, or word adopted, used, or registered as a trademark  
4 or service mark by the Secretary in accordance with para-  
5 graph (1), or any combination or simulation thereof tend-  
6 ing to cause confusion, to cause mistake, to deceive, or  
7 to falsely suggest a connection with the program referred  
8 to in subsection (a), shall be subject to suit in a civil action  
9 by the Attorney General, upon complaint by the Secretary  
10 of Defense, for the remedies provided in the Act of July  
11 5, 1946, (60 Stat. 427; commonly known as the “Trade-  
12 mark Act of 1945”) (15 U.S.C. 1051, et seq.).

13       (3) Any person who used an emblem, sign, insignia,  
14 or word adopted, used, or registered as a trademark or  
15 service mark by the Secretary in accordance with para-  
16 graph (1), or any combination or simulation thereof, for  
17 any lawful purpose before such adoption, use, or registra-  
18 tion as a trademark or service mark by the Secretary is  
19 not prohibited by this section from continuing such lawful  
20 use for the same purpose and for the same goods or serv-  
21 ices.

22       (e) ESTABLISHMENT OF ACCOUNT.—(1) There is es-  
23 tablished in the Treasury of the United States an account  
24 to be known as the “Department of Defense 50th Anniver-  
25 sary of the Marshall Plan and Korean War Commemora-

tion Account” which shall be administered by the Secretary of Defense as a single account. There shall be deposited into the account all proceeds derived from activities described in subsection (d).

(2) The Secretary may use the funds in the account established in paragraph (1) only for the purposes of conducting the programs referred to in subsection (a).

(3) Not later than 60 days after the termination of the authority of the Secretary to conduct the commemoration programs referred to in subsection (a), the Secretary shall transmit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report containing an accounting of all the funds deposited into and expended from the account or otherwise expended under this section, and of any amount remaining in the account. Unobligated funds which remain in the account after termination of the authority of the Secretary under this section shall be held in the account until transferred by law after the Committees receive the report.

(f) PROVISION OF VOLUNTARY SERVICES.—(1) Notwithstanding section 1342 of title 31, United States Code, the Secretary of Defense may accept from any person voluntary services to be provided in furtherance of the programs referred to in subsection (a).

1       (2) A person providing voluntary services under this  
 2 subsection shall be considered to be an employee for the  
 3 purposes of chapter 81 of title 5, United States Code, re-  
 4 lating to compensation for work-related injuries, and for  
 5 purposes of standards of conduct and the provisions of  
 6 sections 202, 203, 205, 207, 208, and 209 of title 18,  
 7 United States Code, shall be considered a special govern-  
 8 mental employee. Such a person who is not otherwise em-  
 9 ployed by the Federal Government shall not be considered  
 10 to be a Federal employee for any other purposes by reason  
 11 of the provision of such service.

12       (3) The Secretary of Defense may provide for reim-  
 13 bursement of incidental expenses which are incurred by  
 14 a person providing voluntary services under this sub-  
 15 section. The Secretary of Defense shall determine which  
 16 expenses are eligible for reimbursement under this para-  
 17 graph.

18 **SEC. 322. ADMISSION OF CIVILIAN STUDENTS TO THE**  
 19 **NAVAL POSTGRADUATE SCHOOL.**

20       (a) NAVAL POSTGRADUATE SCHOOL: ADMISSION.—  
 21 Section 7047 of title 10, United States Code, is amended  
 22 to read as follows:

23 **“§ 7047. Admission of civilians**

24       “(a) ADMISSION PURSUANT TO RECIPROCAL AGREE-  
 25 MENT.—Under regulations prescribed by the Secretary of

1 the Navy, the Superintendent of the Naval Postgraduate  
2 School may enter into an agreement with an accredited  
3 institution of higher education (or a consortium of such  
4 institutions) to permit a student described in subsection  
5 (c) who is enrolled at that institution to receive instruction  
6 at the Naval Postgraduate School on a tuition-free basis.  
7 In exchange for the admission of the student under this  
8 subsection, the accredited institution of higher education  
9 shall enroll, on a tuition-free basis, an officer of the armed  
10 forces or other person properly admitted for instruction  
11 at the Naval Postgraduate School in courses offered by  
12 that institution corresponding in length to the instruction  
13 provided to the student at the Naval Postgraduate School.

14 “(b) ADMISSION ON A SPACE AVAILABLE BASIS.—  
15 Under regulations prescribed by the Secretary of the  
16 Navy, the Superintendent of the Naval Postgraduate  
17 School may permit a student described in subsection (c),  
18 who is enrolled at an accredited institution of higher edu-  
19 cation that is a party to an agreement under subsection  
20 (a), to receive instruction at the Naval Postgraduate  
21 School on a cost-reimbursable, space-available basis.

22 “(c) ELIGIBLE STUDENTS.—A student enrolled at an  
23 accredited institution of higher education may be admitted  
24 to the Naval Postgraduate School under subsection (a) or  
25 (b) if—

1           “(1) the student is a citizen of the United  
2           States or is lawfully admitted for permanent resi-  
3           dence in the United States;

4           “(2) the Superintendent determines that the  
5           student has a demonstrated ability in a field of  
6           study designated by the Superintendent as related to  
7           naval warfare, armed conflict or national security;  
8           and

9           “(3) the student meets the academic require-  
10          ments for admission to the Naval Postgraduate  
11          School.

12          “(d) RETENTION OF FUNDS COLLECTED.—Amounts  
13          collected under subsection (b) to reimburse the Naval  
14          Postgraduate School for the costs of providing instruction  
15          to students permitted to attend the Naval Postgraduate  
16          School under this section shall be credited as an addition  
17          to the appropriation supporting the operation and mainte-  
18          nance of the Naval Postgraduate School.”.

19          (b) CLERICAL AMENDMENT.—The table of sections  
20          at the beginning of chapter 605 of title 10, United States  
21          Code, is amended by striking out the item relating to sec-  
22          tion 7047 and inserting in lieu thereof the following new  
23          item:

“7047. Admission of civilians.”.

**TITLE IV—PERSONNEL**  
**AUTHORIZATIONS**  
**Subtitle A—Active Forces**

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

(a) FISCAL YEAR 1998.—The Armed Forces are authorized strengths for active duty personnel as of September 30, 1998, as follows:

- (1) The Army, 495,000.
- (2) The Navy, 390,802.
- (3) The Marine Corps, 174,000.
- (4) The Air Force, 371,577.

(b) FISCAL YEAR 1999.—The Armed Forces are authorized strengths for active duty personnel as of September 30, 1999, as follows:

- (1) The Army, 495,000.
- (2) The Navy, 384,888.
- (3) The Marine Corps, 174,000.
- (4) The Air Force, 370,821.

**Subtitle B—Reserve Forces**

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

(a) FISCAL YEAR 1998.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 1998, as follows:

- (1) The Army National Guard of the United States, 366,516.

1           (2) The Army Reserve, 208,000.

2           (3) The Naval Reserve, 94,294.

3           (4) The Marine Corps Reserve, 42,000.

4           (5) The Air National Guard of the United  
5 States, 107,377.

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

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

8           (b) FISCAL YEAR 1999.—The Armed Forces are au-  
9 thorized strengths for Selected Reserve personnel of the  
10 reserve components as of September 30, 1999, as follows:

11           (1) The Army National Guard of the United  
12 States, 366,516.

13           (2) The Army Reserve, 208,000.

14           (3) The Naval Reserve, 93,582.

15           (4) The Marine Corps Reserve, 42,000.

16           (5) The Air National Guard of the United  
17 States, 107,049.

18           (6) The Air Force Reserve, 73,703.

19           (7) The Coast Guard Reserve, 8,000.

20           (c) WAIVER AUTHORITY.—The Secretary of Defense  
21 may vary the end strength authorized by subsection (a)  
22 or subsection (b) by not more than 2 percent.

23           (d) ADJUSTMENTS.—The end strengths prescribed by  
24 subsection (a) or (b) for the Selected Reserve of any re-  
25 serve component shall be proportionately reduced by—

1           (1) the total authorized strength of units orga-  
 2           nized to serve as units of the Selected Reserve of  
 3           such component which are on active duty (other  
 4           than for training) at the end of the fiscal year, and

5           (2) the total number of individual members not  
 6           in units organized to serve as units of the Selected  
 7           Reserve of such component who are on active duty  
 8           (other than for training or for unsatisfactory partici-  
 9           pation in training) without their consent at the end  
 10          of the fiscal year.

11 Whenever such units or such individual members are re-  
 12 leased from active duty during any fiscal year, the end  
 13 strength prescribed for such fiscal year for the Selected  
 14 Reserve of such reserve component shall be proportion-  
 15 ately increased by the total authorized strengths of such  
 16 units and by the total number of such individual members.

17 **SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE**  
 18 **DUTY IN SUPPORT OF THE RESERVES.**

19          (a) FISCAL YEAR 1998.—Within the end strengths  
 20 prescribed in section 411(a), the reserve components of  
 21 the Armed Forces are authorized, as of September 30,  
 22 1998, the following number of Reserves to be serving on  
 23 full-time active duty or full-time duty, in the case of mem-  
 24 bers of the National Guard, for the purpose of organizing,



1 administering, recruiting, instructing, or training the re-  
2 serve components:

3 (1) The Army National Guard of the United  
4 States, 22,310.

5 (2) The Army Reserve, 11,500.

6 (3) The Naval Reserve, 16,136.

7 (4) The Marine Corps Reserve, 2,559.

8 (5) The Air National Guard of the United  
9 States, 10,616.

10 (6) The Air Force Reserve, 963.

11 (b) FISCAL YEAR 1999.—Within the end strengths  
12 prescribed in section 411(b), the reserve components of  
13 the Armed Forces are authorized, as of September 30,  
14 1999, the following number of Reserves to be serving on  
15 full-time active duty or full-time duty, in the case of mem-  
16 bers of the National Guard, for the purpose of organizing,  
17 administering, recruiting, instructing, or training the re-  
18 serve components:

19 (1) The Army National Guard of the United  
20 States, 21,380.

21 (2) The Army Reserve, 11,450.

22 (3) The Naval Reserve, 16,073.

23 (4) The Marine Corps Reserve, 2,559.

24 (5) The Air National Guard of the United  
25 States, 10,704.

1 (6) The Air Force Reserve, 984.

2 **TITLE V—MILITARY PERSONNEL**  
 3 **POLICY**

4 **Subtitle A—Officer Personnel**  
 5 **Policy**

6 **SEC. 501. AUTHORIZATION FOR PERSONNEL TO SERVE IN**  
 7 **THE MANAGEMENT OF NON-FEDERAL ENTI-**  
 8 **TIES.**

9 (a) IN GENERAL.—Chapter 53 of title 10, United  
 10 States Code, is amended by inserting after section 1032  
 11 the following:

12 **“§ 1033. Participation in the management of non-Fed-**  
 13 **eral entities**

14 “(a) A Secretary concerned may authorize members  
 15 of the armed forces or officers and employees of the mili-  
 16 tary department concerned or the Department of Trans-  
 17 portation when the Coast Guard is not operating as a serv-  
 18 ice in the Navy, as part of their official duties, to serve  
 19 as directors, officers, trustees, or otherwise participate,  
 20 without compensation, in the management of a military  
 21 society and other designated entities.

22 “(b) For purposes of this section—

23 “(1) ‘military welfare society’ means the:

24 “(A) Army Emergency Relief;

25 “(B) Air Force Aid Society;

1 “(C) Naval-Marine Corps Relief Society;

2 “(D) Coast Guard Mutual Assistance; and

3 “(2) ‘other designated entities’ means:

4 “(A) entities, including athletic con-  
5 ferences, regulating and supporting the athletic  
6 programs of the service academies;

7 “(B) entities regulating international ath-  
8 letic competitions;

9 “(C) entities, including regional agencies,  
10 which accredit service academies and other  
11 schools of the armed forces; and

12 “(D) entities, including health care asso-  
13 ciations and professional societies, regulating  
14 and supporting the performance, standards, and  
15 policies of military health care.”.

16 (b) CLERICAL AMENDMENT.—The table of sections  
17 at the beginning of such chapter 53 of title 10 is amended  
18 by inserting after the item relating to section 1032 the  
19 following:

“§ 1033. Participation in management of non-federal entities.”.

20 **SEC. 502. MODIFYING SELECTION BOARD ELIGIBILITY.**

21 Section 619(d) of title 10, United States Code, is  
22 amended in paragraph (1) by inserting “or board report”  
23 after “promotion list”.

1 **SEC. 503. LIMITATIONS ON PROMOTION CONSIDERATION**  
 2 **ELIGIBILITY.**

3 Subsection 14301(c) of title 10, United States Code,  
 4 is amended by striking paragraph (1) and inserting in lieu  
 5 thereof the following new paragraph:

6 “(1) an officer whose name is on a promotion  
 7 list or a board report for that grade as a result of  
 8 recommendation for promotion to that grade by an  
 9 earlier section board convened under that section or  
 10 section 14502 of this title or under chapter 36 of  
 11 this title;”.

12 **SEC. 504. AUTHORITY TO PERMIT NON-UNIT ASSIGNED OF-**  
 13 **FICERS TO BE CONSIDERED BY VACANCY**  
 14 **PROMOTION BOARD TO GENERAL OFFICER**  
 15 **GRADES AND FOR OFFICERS TO BE CONSID-**  
 16 **ERED BY A VACANCY PROMOTION BOARD TO**  
 17 **GENERAL OFFICER GRADES WHEN NOT**  
 18 **SERVING IN THE HIGHER GRADED POSITION.**

19 (a) CONVENING OF SELECTION BOARDS.—Section  
 20 14101(a)(2) of title 10, United States Code, is amended  
 21 by striking “(except in the case of a board convened to  
 22 consider officers as provided in section 14301(e) of this  
 23 title”).)

24 (b) ELIGIBILITY FOR CONSIDERATION.—Section  
 25 14301 of title 10, United States Code, is amended—

26 (1) by striking subsection (e); and

1           (2) by redesignating subsections (f) and (g) as  
2           subsections (e) and (f), respectively.

3           (c) GENERAL OFFICER PROMOTIONS.—Section  
4           14308 of title 10 is amended—

5           (1) in subsection (e)(2), by inserting “a grade  
6           below colonel in” after “(2) an officer in”; and

7           (2) by striking the first sentence in subsection  
8           (g) and inserting in lieu thereof the following new  
9           sentence: “A reserve officer of the Army who is on  
10          a promotion list for promotion to the grade of briga-  
11          dier general or major general as a result of selection  
12          by a vacancy promotion board may be promoted to  
13          that grade to fill a vacancy in the Army Reserve in  
14          that grade.”.

15          (d) VACANCY PROMOTIONS.—Section 14315(b)(1)(A)  
16          of title 10 is amended to read as follows:

17                       “(A) is eligible for assignment to the du-  
18                       ties of a general officer of the next higher re-  
19                       serve grade in the Army Reserve,”.

20       **SEC. 505. EXCLUSION OF CERTAIN RETIRED MEMBERS**  
21                       **FROM THE LIMITATION ON THE PERIOD OF**  
22                       **RECALL TO ACTIVE DUTY.**

23          Section 688(e) of title 10, United States Code, is  
24          amended—

1           (1) by designating the current sentence as para-  
2       graph (1); and

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

5           “(2) In the administration of paragraph (1),  
6       the following officers shall not be counted:

7               “(A) A chaplain who is assigned to duty as  
8       a chaplain for the period of active duty to which  
9       ordered.

10           “(B) A health care professional (as charac-  
11       terized by the Secretary concerned) who is as-  
12       signed to duty as a health care professional for  
13       the period of the active duty to which ordered.

14           “(C) Any officer assigned to the duty with  
15       the American Battle Monuments Commission  
16       for the period of active duty to which as-  
17       signed.”.

1       **Subtitle B—Enlisted Personnel**  
2                               **Policy**

3   **SEC. 511. AUTHORIZATION FOR THE NAVAL POST-**  
4                               **GRADUATE SCHOOL TO ADMIT ENLISTED**  
5                               **MEMBERS OF THE U.S. NAVAL SERVICE,**  
6                               **ARMY, AIR FORCE, AND COAST GUARD AS**  
7                               **STUDENTS.**

8       (a) OTHER UNITED STATES MILITARY PERSONNEL  
9   AUTHORIZED TO ATTEND.—Section 7045 of such title 10  
10 is amended to read as follows:

11   **“§ 7045. Other United States military personnel: ad-**  
12                               **mission**

13       “(a)(1) The Secretary of the Navy may permit offi-  
14   cers of the Army, Air Force, and Coast Guard to receive  
15   instruction at the Naval Postgraduate School. The num-  
16   bers and grades of such officers shall be agreed upon by  
17   the Secretary of the Navy with the Secretaries of the  
18   Army, Air Force, and Transportation, respectively.

19       “(2) The Superintendent may permit enlisted mem-  
20   bers of the U.S. Naval Service, Army, Air Force, or Coast  
21   Guard who are assigned to the Naval Postgraduate  
22   School, or to nearby commands, to receive instruction at  
23   the Naval Postgraduate School on a “space-available”  
24   basis.

1       “(b) The Department of the Army, the Department  
2 of the Air Force, and the Department of Transportation  
3 shall bear the cost of the instruction received by the stu-  
4 dents detailed for that instruction by the Secretaries of  
5 the Army, Air Force, and Transportation, respectively.

6       “(c) While receiving instruction at the Postgraduate  
7 School, officers and enlisted students of the Army, Air  
8 Force, and Coast Guard are subject to regulations, as de-  
9 termined appropriate by the Secretary of the Navy, as  
10 apply to students who are members of the naval service.”

11       (b) CLERICAL AMENDMENT.—The table of sections  
12 at the beginning of chapter 605 of such title 10 is amend-  
13 ed by striking the item relating to section 7045 and insert-  
14 ing in lieu thereof the following new item:

“§ 7045. Other United States military personnel: admission.”.

15 **SEC. 512. SCOPE OF PARTICIPATION IN COMMUNITY COL-**  
16 **LEGE OF THE AIR FORCE.**

17       (a) LIMITED EXPANSION.—Section 9315(a)(1) of  
18 title 10, United States Code, is amended to read as fol-  
19 lows:

20               “(1) prescribe programs for higher education  
21 for enlisted members of the Air Force, for enlisted  
22 members of other armed forces attending Air Force  
23 training schools whose jobs are closely related to  
24 Air Force jobs, and enlisted members of other armed  
25 forces who are serving as instructors at Air Force



1 training schools, designed to improve the technical,  
 2 managerial, and related skills of such members and  
 3 to prepare such members for military jobs which re-  
 4 quire the utilization of such skills; and ”.

5 (b) EFFECTIVE DATE.—The amendment made by  
 6 subsection (a) shall apply with respect to enrollments in  
 7 the Community College of the Air Force after March 31,  
 8 1996.

## 9 **Subtitle C—Reserve Personnel**

## 10 **Policy**

### 11 **SEC. 521. CORRECTION TO RETIRED GRADE, GENERAL**

### 12 **RULE CONCERNING NONREGULAR SERVICE.**

13 (a) RETIRED GRADE OF ARMY OFFICER.—Sub-  
 14 section 3961(a) of title 10, United States Code, is amend-  
 15 ed by striking “or for nonregular service under chapter  
 16 1223 of this title,”.

17 (b) RETIRED GRADE OF AIR FORCE OFFICER.—Sub-  
 18 section 8961(a) of title 10, United States Code, is amend-  
 19 ed by striking “or for nonregular service under chapter  
 20 1223 of this title,”.

### 21 **SEC. 522. GRADE REQUIREMENT FOR INVOLUNTARY SEPA-**

### 22 **RATION BOARD COMPOSITION.**

23 Section 14906(a)(2) of title 10, United States Code,  
 24 is amended by striking “above lieutenant colonel or com-

1   mander” and inserting in lieu thereof “of lieutenant colo-  
 2   nel or commander or higher,”.

### 3                   **Subtitle D—Education Policy**

#### 4   **SEC. 531. PROTECTION OF EDUCATIONAL ASSISTANCE PRO-** 5                   **GRAM ENTITLEMENTS FOR SELECTED RE-** 6                   **SERVE MEMBERS SERVING ON ACTIVE DUTY** 7                   **IN SUPPORT OF A CONTINGENCY OPER-** 8                   **ATION.**

9           (a) EXTENSION OF EDUCATIONAL ASSISTANCE.—  
 10   Section 16131(c) of title 10, United States Code, is  
 11   amended in paragraph (3)(B)(i)—

12               (1) by striking “, in connection with the Per-  
 13       sian Gulf War,”; and

14               (2) by inserting “or in support of a contingency  
 15       operation as defined in subsection 101(13) of this  
 16       title” after “of this title”.

17       (b) EXTENSION OF 10-YEAR PERIOD OF AVAILABIL-  
 18   ITY.—Section 16133(b) of title 10, United States Code,  
 19   is amended in paragraph (4)(A)—

20               (1) by striking “, during the Persian Gulf  
 21       War,”;

22               (2) by inserting “or in support of a contingency  
 23       operation as defined in subsection 101(13) of this  
 24       title” after “of this title”; and

25               (3) by striking subparagraph (4)(B).

1 **TITLE VI—COMPENSATION AND**  
2 **OTHER PERSONNEL BENEFITS**  
3 **Subtitle A—Pay and Allowances**

4 **SEC. 601. MILITARY PAY RAISE FOR FISCAL YEAR 1998.**

5 (a) WAIVER OF SECTION 1009 ADJUSTMENT.—Any  
6 adjustment required by section 1009 of title 37, United  
7 States Code, in elements of compensation of members of  
8 the uniformed services to become effective during fiscal  
9 year 1998 shall not be made.

10 (b) INCREASE IN BASIC PAY AND BAQ.—Effective  
11 on January 1, 1998, the rates of basic pay and basic al-  
12 lowance for quarters of members of the uniformed services  
13 are increased by 2.8 percent.

14 **SEC. 602. CHANGE IN REQUIREMENTS FOR PAY OF READY**  
15 **RESERVE MUSTER DUTY ALLOWANCE.**

16 Section 433(c) of title 37, United States Code, is  
17 amended by striking the first sentence and inserting in  
18 lieu thereof the following new sentence: “The allowance  
19 authorized by this section may not be disbursed in kind  
20 and may be paid to the member on or before the date  
21 on which the muster duty is performed, but shall be paid  
22 no later than 30 days after the date on which muster duty  
23 is performed.”.

1     **Subtitle B—Bonuses and Special**  
2                     **Pays**

3     **SEC. 611. NUCLEAR QUALIFIED OFFICERS: BONUSES AND**  
4                     **SPECIAL PAY.**

5             (a) SPECIAL PAY FOR NUCLEAR QUALIFIED OFFI-  
6     CERS EXTENDING PERIOD OF ACTIVE SERVICE.—Section  
7     312 of title 37, United States Code, is amended—

8                 (1) in subsection (a), by striking “\$12,000”  
9             and inserting in lieu thereof “\$15,000”; and

10                (2) in subsection (e), by striking “September  
11     30, 1998” and inserting in lieu thereof “September  
12     30, 2002”.

13             (b) SPECIAL PAY: NUCLEAR CAREER ACCESSION  
14     BONUS.—Section 312b of title 37, United States Code,  
15     is amended—

16                (1) in subsection (a)(1), by striking “\$8,000”  
17             and inserting in lieu thereof “\$10,000”; and

18                (2) in subsection (c), by striking “September  
19     30, 1998” and inserting in lieu thereof “September  
20     30, 2002”.

21             (c) SPECIAL PAY: NUCLEAR CAREER ANNUAL IN-  
22     CENTIVE BONUS.—Section 312c of title 37, United States  
23     Code, is amended—

24                (1) in subsection (a)(1), by striking “\$10,000”  
25             and inserting in lieu thereof “12,000”;

1           (2) in subsection (b)(1), by striking “\$4,500”  
2           and inserting in lieu thereof “\$5,500”; and

3           (3) in subsection (d), by striking “October 1,  
4           1998” and inserting in lieu thereof “October 1,  
5           2002”.

6 **SEC. 612. INCENTIVE FOR ENLISTED MEMBERS TO EXTEND**  
7 **TOURS OF DUTY OVERSEAS.**

8           (a) INCENTIVE.—Section 314 of title 37, United  
9 States Code, is amended—

10           (1) in subsection (a), by striking the remainder  
11           of the text after paragraph (4) and inserting in lieu  
12           thereof the following: “is entitled, upon acceptance  
13           of the agreement providing for such extension by the  
14           Secretary concerned, to either special pay for duty  
15           performed during the period of the extension at a  
16           rate of not more than \$80 per month, as prescribed  
17           by the Secretary concerned, or a bonus of up to  
18           \$2,000 per year, as prescribed by the Secretary con-  
19           cerned, for specialty requirements at designated lo-  
20           cations.”;

21           (2) by redesignating subsection (b) as sub-  
22           section (d);

23           (3) in subsection (d), as so redesignated, by in-  
24           serting “or bonus” after “special pay”; and

1           (4) by inserting after subsection (a) the follow-  
2           ing new subsections (b) and (c):

3           “(b) PAYMENT OF SPECIAL PAY AND BONUS.—Upon  
4           acceptance of a written agreement under subsection (a)  
5           by the Secretary concerned, the payment rate for special  
6           pay and bonuses payable pursuant to the agreement be-  
7           comes fixed. A bonus payable under subsection (a) may  
8           then be paid by the Secretary, either in a lump sum or  
9           installments.

10          “(c) REPAYMENT OF BONUS.—(1) If a member who  
11          has entered into a written agreement under subsection (a)  
12          and has received all or part of a bonus under this section  
13          fails to complete the total period of extension specified in  
14          the agreement, the Secretary concerned may require the  
15          member to repay the United States, on a pro rata basis  
16          and to the extent that the Secretary determines conditions  
17          and circumstances warrant, all sums paid under this sec-  
18          tion.

19          “(2) An obligation to repay the United States im-  
20          posed under paragraph (1) is for all purposes a debt owed  
21          to the United States.

22          “(3) A discharge in bankruptcy under title 11 that  
23          is entered less than 5 years after the termination of a writ-  
24          ten agreement entered into under subsection (a) does not  
25          discharge the member signing the agreement from a debt

1 arising under such agreement or under paragraph (1).  
 2 This paragraph applies to any case commenced under title  
 3 11 on or after October 1, 1997.”.

4 (b) EFFECTIVE DATE.—The amendment made by  
 5 subsection (a) shall take effect for agreements executed  
 6 on or after October 1, 1997.

7 **SEC. 613. AMENDMENTS TO SELECTED RESERVE REENLIST-**  
 8 **MENT BONUS.**

9 Section 308b of title 37, United States Code, is  
 10 amended—

11 (1) by striking out paragraph (a)(1) and insert-  
 12 ing in lieu thereof the following new paragraph:

13 “(1) has completed less than 14 years of total  
 14 military service; and”.

15 (2) by amending subsection (b) to read as fol-  
 16 lows:

17 “(b) The bonus to be paid under subsection (a) shall  
 18 be—

19 “(1) an initial amount not to exceed \$2,500, in  
 20 the case of a member who enlists for a period of  
 21 three years, or

22 “(2) an initial amount not to exceed \$5,000, in  
 23 the case of a member who enlists for a period of six  
 24 years; and

1           “(3) subsequent payments according to a pay-  
2           ment schedule determined by the Secretary con-  
3           cerned; however, initial payments may not exceed  
4           one-half the total bonus amount.”; and

5           (3) by striking subsection (c) and inserting in  
6           lieu thereof the following new subsection (c):

7           “(c) A member may not be paid more than one six-  
8           year bonus or two three-year bonuses under this section.  
9           If the option for two three-year bonuses is chosen, the first  
10          three year bonus amount shall not exceed \$2,000, paid  
11          as determined by the Secretary concerned, except that the  
12          initial payment may not exceed one-half of the total bonus  
13          amount. In order to qualify for the follow on three-year  
14          bonus, the member must reenlist immediately after the  
15          first three-year term and must meet, as determined by the  
16          Secretary concerned, all eligibility criteria at the time of  
17          that reenlistment. Failure to meet all eligibility criteria  
18          will result in forfeiture of continued eligibility for this  
19          bonus. The follow on three-year bonus, if elected and pro-  
20          vided the member meets all eligibility requirements, shall  
21          be paid, in an amount not to exceed \$2,500, as if the mem-  
22          ber had selected the three-year option alone.”.



1 **SEC. 614. AMENDMENTS TO SELECTED RESERVE PRIOR**  
2 **SERVICE ENLISTMENT BONUS.**

3 Section 308i of title 37, United States Code, is  
4 amended—

5 (1) by striking subparagraphs (a)(2)(A) and in-  
6 serting in lieu thereof the following new subpara-  
7 graph (A):

8 “(A) has completed his military service ob-  
9 ligation but has less than 14 years of total mili-  
10 tary service;”; and

11 (2) by amending subsections (b) and (c) to read  
12 as follows:

13 “(b) The bonus to be paid under subsection (a) shall  
14 be—

15 “(1) an initial payment not to exceed \$2,500, in  
16 the case of a member who enlists for a period of  
17 three years; or

18 “(2) an initial payment not to exceed \$5,000, in  
19 the case of a member who enlists for a period of six  
20 years; and

21 “(3) subsequent payments according to a sched-  
22 ule determined by the Secretary concerned; however,  
23 initial payments may not exceed one-half the total  
24 bonus amount.

25 “(c) A member may not be paid more than one six-  
26 year bonus or two three-year bonuses under this section.

1 Furthermore, a member may not be paid a bonus under  
2 this section unless the speciality associated with the posi-  
3 tion the member is projected to occupy is a specialty in  
4 which the member successfully served while on active duty  
5 and in which the member attained a level of qualification  
6 commensurate with his grade and years of service. If the  
7 option for two three-year bonuses is chosen, the first three  
8 year bonus amount shall not exceed \$2,000, paid as deter-  
9 mined by the Secretary concerned, except that the initial  
10 payment may not exceed one-half of the total bonus  
11 amount. In order to qualify for the follow on three-year  
12 bonus, the member must reenlist immediately after the  
13 first three-year term and must meet, as determined by the  
14 Secretary concerned, all eligibility criteria at the time of  
15 that reenlistment. Failure to meet all eligibility criteria  
16 will result in forfeiture of continued eligibility for this  
17 bonus. The follow on three-year bonus, if elected and pro-  
18 vided the member meets all eligibility requirements, shall  
19 be paid, in an amount not to exceed \$2,500, as if the mem-  
20 ber had selected the three-year option alone.”.

## **Subtitle C—Allowances**

### **SEC. 621. TRAVEL AND TRANSPORTATION ALLOWANCES FOR DEPENDENTS PRIOR TO APPROVAL OF A MEMBER'S COURT-MARTIAL SENTENCE.**

Section 406(h) of title 37, United States Code, is amended in paragraph (2)(C)(iii) by striking “if the sentence is approved” and inserting in lieu thereof “prior to the sentence being approved”.

### **SEC. 622. VARIABLE HOUSING ALLOWANCE AT LOCATION OF RESIDENCE AFTER A CLOSE PROXIMITY MOVE.**

Section 403a(a) of title 37, United States Code, is amended by adding at the end the following new paragraph (5):

“(5) In the case of a member without dependents who is assigned to duty inside the United States, the location or the circumstances of which make it necessary that he be reassigned under the conditions of low cost or no cost permanent change of station or permanent change of assignment, the member may be paid a variable housing allowance as if he were not reassigned if the Secretary concerned determined (under regulations prescribed under subsection (e) of this section) that it would be inequitable to base the member's entitlement to, and

1 amount of, variable housing allowance on the area to  
 2 which the member is assigned.”.

### 3 **Subtitle D—Other Matters**

#### 4 **SEC. 631. AUTHORIZATION FOR REIMBURSEMENT OF TAX** 5 **LIABILITIES INCURRED BY PARTICIPANTS IN** 6 **THE F. EDWARD HÉBERT ARMED FORCES** 7 **HEALTH PROFESSIONS SCHOLARSHIP PRO-** 8 **GRAM.**

9 The Secretary of Defense is authorized to use  
 10 amounts appropriated for fiscal year 1997 and subsequent  
 11 fiscal years for payments to participants in the F. Edward  
 12 Hébert Armed Forces Health Professions Scholarship  
 13 Program as reimbursement for payments by such partici-  
 14 pants for Federal, State, or local income tax liabilities  
 15 based on the value of tuition and related educational ex-  
 16 penses provided under such Program prior to October 1,  
 17 1997. Individuals will be compensated in a manner con-  
 18 sistent with the models set out in the Relocation Income  
 19 Tax Allowance as authorized by section 5724b of title 5,  
 20 United States Code. Participants who fail to fulfill their  
 21 active duty obligation under circumstances that resulted  
 22 in recoupment actions are not authorized to receive reim-  
 23 bursement under this section.

1 **SEC. 632. AUTHORIZATION FOR INCREASED STIPEND PAY-**  
2 **MENTS MADE UNDER THE F. EDWARD**  
3 **HÉBERT ARMED FORCES HEALTH PROFES-**  
4 **SIONS SCHOLARSHIP PROGRAM.**

5 (a) SUPPLEMENTAL STIPEND.—Section 2121 of title  
6 10, United States Code, is amended by adding at the end  
7 the following new subsection:

8 “(e)(1) If authorized by the Secretary of Defense  
9 pursuant to paragraph (2), during any month in which  
10 a participant in the program receives a stipend under sub-  
11 section (d), the participant may also be paid a supple-  
12 mental stipend of \$400 per month. This amount shall be  
13 increased in the same manner as the stipend amount  
14 under subsection (d).

15 “(2) The supplemental stipend referred to in para-  
16 graph (1) may not be paid if the Secretary of Defense  
17 determines, after consultation with the Secretary of the  
18 Treasury, that payments made by the Secretary under sec-  
19 tion 2127(a) of this title on behalf of a participant in the  
20 program are excluded from taxable income under section  
21 108 of the Internal Revenue Code of 1986 (26 U.S.C.).”.

22 (b) EFFECTIVE DATE.—The amendment made by  
23 subsection (a) shall become effective October 1, 1997.

1           **TITLE VII—HEALTH CARE**  
 2                           **PROVISIONS**

3   **SEC. 701. REPEAL OF THE STATUTORY RESTRICTION ON**  
 4                           **USE OF FUNDS FOR ABORTIONS.**

5           (a) IN GENERAL.—Section 1093 of title 10, United  
 6 States Code, is repealed.

7           (b) CLERICAL AMENDMENT.—The table of sections  
 8 at the beginning of Chapter 55, United States Code, is  
 9 amended by striking out the item referring to section  
 10 1093.

11          (c) EFFECTIVE DATE.—The amendment made by  
 12 this section shall be effective October 1, 1997.

13   **SEC. 702. EXPANDING THE LIMITS IMPOSED ON PROVIDING**  
 14                           **PROSTHETIC DEVICES TO MILITARY HEALTH**  
 15                           **CARE BENEFICIARIES.**

16          Section 1077 of title 10, United States Code, is  
 17 amended—

18           (1) in subsection (a), by adding at the end the  
 19 following new paragraph:

20           “(14) Prosthetic devices, as determined by the  
 21 Secretary of Defense to be necessary because of sig-  
 22 nificant conditions resulting from trauma, congenital  
 23 anomalies or disease.”; and

24           (2) in subsection (b), by amending paragraph  
 25 (2) to read as follows:

1           “(2) hearing aids, orthopedic footwear, and  
 2           spectacles except that outside of the United States  
 3           and at stations inside the United States where ade-  
 4           quate civilian facilities are unavailable, such items  
 5           may be sold to dependents at cost to the United  
 6           States.”.

7   **TITLE VIII—REPEAL OF ACQUI-**  
 8   **TION REPORTS AND ACQUI-**  
 9   **TION POLICY**

10   **Subtitle A—Repeal of Certain**  
 11   **Acquisition Reports**

12   **SEC. 801. REPEAL OF ACQUISITION REPORTS REQUIRED BY**  
 13   **DEFENSE AUTHORIZATION ACTS.**

14           (a) ANNUAL REPORT ON FIVE-YEAR SHIP CON-  
 15   STRUCTION PROGRAM.—Section 808 of the Department of  
 16   Defense Appropriation Authorization Act, 1976 (Public  
 17   Law 94–106; 89 Stat. 539; 10 U.S.C. 7291 note) is re-  
 18   pealed.

19           (b) REPORTS RELATING TO POTENTIAL EFFECT OF  
 20   OFFSHORE DRILLING ON NAVAL OPERATIONS.—Section  
 21   1260 of the Department of Defense Authorization Act,  
 22   1984 (Public Law 98–94; 97 Stat. 703) is repealed.

23           (c) REPORT ON ADVANCED CRUISE MISSILE (SM-  
 24   2(N)).—Section 1426 of the Department of Defense Au-

1 thorization Act, 1986 (Public Law 99–145; 99 Stat. 753)

2 is amended—

3 (1) by striking subsection (b); and

4 (2) by redesignating subsection (c) as sub-  
5 section (b).

6 (d) REPORT ON REMOVAL OF BASIC POINT DEFENSE  
7 MISSILE SYSTEM FROM NAVAL AMPHIBIOUS VESSELS.—  
8 Section 1437 of the Department of Defense Authorization  
9 Act, 1986 (Public Law 99–145; 99 Stat. 757) is repealed.

10 (e) REPORT ON PROCUREMENT COMPETITION  
11 GOALS.—Section 913 of the Department of Defense Au-  
12 thorization Act, 1986 (Public Law 99–145; 99 Stat. 687)  
13 is repealed.

14 (f) REPORT CONCERNING THE STRETCHOUT OF  
15 MAJOR DEFENSE ACQUISITION PROGRAMS.—Section 117  
16 of the National Defense Authorization Act, Fiscal Year  
17 1989 (Public Law 100–456; 102 Stat. 1933) is repealed.

18 (g) ANNUAL REPORT ASSESSING THE SECURITY OF  
19 UNITED STATES BASES IN THE PHILIPPINES.—Section  
20 1309 of the National Defense Authorization Act, Fiscal  
21 Year 1989 (Public Law 100–456; 102 Stat. 2063) is re-  
22 pealed.

23 (h) COMMISSION REPORT ON ALTERNATIVE UTILIZA-  
24 TION OF MILITARY FACILITIES.—Section 2819 of the Na-  
25 tional Defense Authorization Act, Fiscal Year 1989 (Pub-



1 lie Law 100–456; 102 Stat. 2119; 10 U.S.C. 2391 note)  
 2 is repealed.

3 (i) REPORTS CONCERNING THE B–2 PROGRAM.—  
 4 The National Defense Authorization Act for Fiscal Years  
 5 1990 and 1991 (Public Law 101–189; 103 Stat. 1373))  
 6 is amended as follows:

7 (1) Section 112 is repealed.

8 (2) Section 115 is repealed.

9 (j) REPORT ON PROCUREMENT FROM COUNTRIES  
 10 THAT DENY ADEQUATE AND EFFECTIVE PROTECTION OF  
 11 INTELLECTUAL PROPERTY RIGHTS.—Section 852 of the  
 12 National Defense Authorization Act for Fiscal Years 1990  
 13 and 1991 (Public Law 101–189; 103 Stat. 1517) is  
 14 amended by striking subsection (b).

15 (k) REPORT ON ENVIRONMENTAL COMPLIANCE AT  
 16 OVERSEAS INSTALLATIONS.—Section 342(b) of the Na-  
 17 tional Defense Authorization Act for Fiscal Year 1991  
 18 (Public Law 101–510; 104 Stat. 1537; 10 U.S.C. 2701  
 19 note) is amended by striking paragraph (4).

20 **SEC. 802. REPEAL OF EXTRANEIOUS ACQUISITION REPORT-**  
 21 **ING REQUIREMENTS.**

22 (a) REPEAL OF ANNUAL REPORT.—Section 20 of the  
 23 Office of Federal Procurement Policy Act (41 U.S.C. 418)  
 24 is amended—

1 (1) by striking “and” at the end of paragraph  
 2 (b)(3)(B);  
 3 (2) by striking (b)(4); and  
 4 (3) by redesignating paragraphs (b) (5), (6),  
 5 and (7) as paragraphs (b) (4), (5), and (6), respec-  
 6 tively.

7 (b) REPEAL OF REGULATORY REVIEW UPON RE-  
 8 QUEST OF INDIVIDUAL.—Section 25 of the Office of Fed-  
 9 eral Procurement Policy Act (41 U.S.C. 421) is amend-  
 10 ed—

11 (1) by striking paragraphs (c) (4), (5), and (6);  
 12 and  
 13 (2) by striking subsection (g).

14 (c) DELETION OF REPORTING REQUIREMENT FOR  
 15 NONMAJOR ACQUISITION PROGRAMS.—Section 2220(b) of  
 16 title 10, United States Code, is amended by striking “and  
 17 nonmajor”.

18 (d) REPEAL OF REQUIREMENT FOR CONTRACTOR  
 19 GUARANTEES ON MAJOR WEAPON SYSTEMS.—Section  
 20 2403 of title 10, United States Code, is repealed.

## 21 **Subtitle B—Acquisition Policy**

### 22 **SEC. 811. USE OF SINGLE PAYMENT DATE FOR MIXED IN-** 23 **VOICES.**

24 Section 3903(a) of title 31, United States Code, is  
 25 amended—

1 (1) by striking “; and” at the end of paragraph  
2 (8);

3 (2) by striking the period at the end of para-  
4 graph (9) inserting in lieu thereof “; and”; and

5 (3) by inserting at the end the following new  
6 paragraph (10):

7 “(10) notwithstanding paragraphs (2), (3) and  
8 (4) of this subsection, in the case of an acquisition  
9 for commercial items for which more than one statu-  
10 tory payment date applies to an invoice, permit a  
11 contract to specify a single payment due date, con-  
12 sistent with prevailing industry contracting practices  
13 and not to exceed 30 days after the date of receipt  
14 of a proper mixed invoice.”.

15 **SEC. 812. RETENTION OF EXPIRED FUNDS DURING THE**  
16 **PENDENCY OF CONTRACT LITIGATION.**

17 (a) IN GENERAL.—Chapter 141 of title 10, United  
18 States Code, is amended by adding at the end the follow-  
19 ing new section:

20 **“§ 2410m. Retention of expired funds during the**  
21 **pendency of contract litigation**

22 “(a) RETENTION OF FUNDS.—Notwithstanding sec-  
23 tions 1552(a) and 3302(b) of title 31, United States Code,  
24 any amount, including interest, collected from a contractor  
25 as a result of a claim made by an executive agency under

1 the Contract Disputes Act of 1978 (41 U.S.C. 601–613),  
2 shall remain available to pay any settlement reached be-  
3 tween the parties or judgment rendered in a contractor’s  
4 favor on an appeal of the same Government claim to the  
5 Federal courts or the Armed Services Board of Contract  
6 Appeals.

7 “(b) PERIOD OF AVAILABILITY.—The funds shall re-  
8 main available for obligation and expenditure for a period  
9 not to exceed 180 calendar days following the settlement  
10 of the parties or conclusion of the litigation, including all  
11 avenues of appeal or expiration of all appeal periods.  
12 Thereafter, if the funds have not been obligated and ex-  
13 pended, the account shall be closed and the funds shall  
14 be deposited in the Treasury as miscellaneous receipts.

15 “(c) REPORTING REQUIREMENT.—Any disburse-  
16 ments of funds retained under this section shall be re-  
17 ported to Congress annually.”.

18 (b) CLERICAL AMENDMENT.—The table of sections  
19 at the beginning of chapter 141 of title 10, United States  
20 Code, is amended by adding at the end the following new  
21 item:

“2410m. Retention of expired funds during the pendency of contract litigation.”.

1 **SEC. 813. EXPANDING THE AUTHORITY TO CROSS FISCAL**  
 2 **YEARS TO ALL SEVERABLE SERVICE CON-**  
 3 **TRACTS NOT EXCEEDING A YEAR.**

4 (a) EXPANDED AUTHORITY.—Section 2410a of title  
 5 10, United States Code, is amended to read as follows:

6 **“§ 2410a. Severable service contracts for periods**  
 7 **crossing fiscal years**

8 “(a) AUTHORITY.—The Secretary of Defense or the  
 9 Secretary of a military department may enter into a con-  
 10 tract for procurement of severable services for a period  
 11 that begins in one fiscal year and ends in the next fiscal  
 12 year if (without regard to any option to extend the period  
 13 of the contract) the contract period does not exceed one  
 14 year.

15 “(b) OBLIGATION OF FUNDS.—Funds made available  
 16 for a fiscal year may be obligated for the total amount  
 17 of a contract entered into under the authority of sub-  
 18 section (a).”.

19 (b) CLERICAL AMENDMENT.—The item relating to  
 20 such section in the table of sections at the beginning of  
 21 chapter 141 of such title is amended to read as follows:

“2410a. Severable service contracts for periods crossing fiscal years.”.

22 **SEC. 814. SMALL ARMS WEAPONS PROCUREMENT OBJEC-**  
 23 **TIVES FOR THE ARMY.**

24 Section 115(b)(1) of the National Defense Authoriza-  
 25 tion Act for Fiscal Year 1995 (Public Law 103–337; 108

1 Stat. 2681), as amended by section 115(b) of the National  
 2 Defense Authorization Act for Fiscal Year 1996 (Public  
 3 Law 104–106; 110 Stat. 206), is further amended by  
 4 striking the table and inserting in lieu thereof the follow-  
 5 ing new table:

<b>“Weapon</b>	<b>Quantity</b>
MK19–3 grenade machine gun .....	20,751
M16A2 rifle .....	846,028
M249 squad automatic weapon .....	75,443
M4 carbine .....	119,942.”.

6 **SEC. 815. AVAILABILITY OF SIMPLIFIED PROCEDURES TO**  
 7 **COMMERCIAL ITEM PROCUREMENTS.**

8 (a) TITLE 10 AMENDMENT.—Section 2304(g) of title  
 9 10, United States Code, is amended in subparagraph  
 10 (1)(B) by striking “only”.

11 (b) FEDERAL PROPERTY ACT AMENDMENT.—Sec-  
 12 tion 303(g) of the Federal Property and Administrative  
 13 Services Act of 1949 (41 U.S.C. 253(g)) is amended in  
 14 subparagraph (1)(B) by striking “only”.

15 **SEC. 816. UNIT COST REPORTS.**

16 (a) ELIMINATION OF TIME REQUIREMENT FOR RE-  
 17 PORT.—Section 2433(c) of title 10, United States Code,  
 18 is amended—

19 (1) by striking “during the current fiscal year  
 20 (other than the last quarterly unit cost report under  
 21 subsection (b) for the preceding fiscal year)” at the  
 22 end of the paragraph;

1           (2) by inserting “or” at the end of paragraph  
2           (1);

3           (3) by striking “or” at the end of paragraph  
4           (2); and

5           (4) by striking paragraph (3).

6           (b) **ELIMINATION OF QUALIFYING REQUIREMENT.**—  
7   Section 2433(d) of such title 10 is amended by striking  
8   in paragraph (3) “(for the first time since the beginning  
9   of the current fiscal year)”.

10 **SEC. 817. REPEAL OF ADDITIONAL DOCUMENTATION RE-**  
11 **QUIREMENT FOR COMPETITION EXCEPTION**  
12 **FOR INTERNATIONAL AGREEMENTS.**

13       Section 2304(f) of title 10, United States Code, is  
14   amended in subparagraph (2)(E) by inserting a period  
15   after the phrase “other than competitive procedures” and  
16   striking the remainder of that sentence.

17 **SEC. 818. ELIMINATION OF DRUG-FREE WORKPLACE CER-**  
18 **TIFICATION REQUIREMENT FOR GRANTS.**

19       Section 5153 of the Drug-Free Workplace Act of  
20   1988 (Public Law 100–690; 102 Stat. 4306; 41 U.S.C.  
21   702) is amended—

22           (1) in subsection (a)(1), by striking “has cer-  
23       tified to the granting agency that it will” and insert-  
24       ing in lieu thereof “agrees to”;

1           (2) in subsection (a)(2), by striking “certifies to  
2       the agency” and inserting in lieu thereof “agrees”;  
3       and

4           (3) in subsection (b)(1)—

5                 (A) by striking subparagraph (A);

6                 (B) by redesignating subparagraphs (B)  
7       and (C) as subparagraphs (A) and (B), respec-  
8       tively; and

9                 (C) in subparagraph (A), as so redesign-  
10       nated, by striking “such certification by failing  
11       to carry out”.

12 **SEC. 819. VESTITURE OF TITLE.**

13       Section 2307 of title 10, United States Code, is  
14       amended—

15                 (1) by redesignating subsection (h) as sub-  
16       section (i); and

17                 (2) by inserting after subsection (g) the follow-  
18       ing new subsection (h):

19       “(h) VESTITURE OF TITLE.—If a contract provides  
20       for title to property to vest in the United States, such title  
21       shall vest in accordance with the terms of the contract.  
22       Such title shall vest in the United States regardless of any  
23       prior or subsequently asserted security interest in the  
24       property.”.



1 **SEC. 820. UNDEFINITIZED CONTRACT ACTIONS.**

2 Section 2326 of title 10, United States Code, is  
3 amended—

4 (1) in subsection (b)—

5 (A) by striking paragraph (4); and

6 (B) by redesignating paragraph (5) as  
7 paragraph (4); and

8 (2) in subsection (g)(1), by adding at the end  
9 the following new subparagraphs:

10 “(E) Contingency operations as defined in  
11 section 101(a)(13) of this title.

12 “(F) Peacekeeping or peace enforcement  
13 operations as directed by the President.

14 “(G) Disaster relief operations when di-  
15 rected by the President to perform disaster re-  
16 lief pursuant to the Disaster Relief Act of 1974  
17 (42 U.S.C. 5121 et seq.), or

18 “(H) Humanitarian assistance.”.

19 **SEC. 821. AUTHORITY OF DIRECTORS OF DEPARTMENT OF**  
20 **DEFENSE AGENCIES TO LEASE NON-EXCESS**  
21 **PROPERTY.**

22 Section 2667 of title 10, United States Code, is  
23 amended—

24 (1) by redesignating subsection (g) as sub-  
25 section (j); and

1           (2) by inserting after subsection (f) the follow-  
2           ing new subsections (g), (h), and (i):

3           “(g) Whenever the Director of a Defense Agency con-  
4           siders it advantageous to the United States, he may lease  
5           to such lessee and upon such terms as he considers will  
6           promote the national defense or to be in the public inter-  
7           est, personal property that is—

8                 “(1) under the control of the Defense Agency;

9                 “(2) not for the time needed for public use; and

10                “(3) not excess property, as defined by section  
11           3 of the Federal Property and Administrative Serv-  
12           ices Act of 1949 (40 U.S.C. 472).

13           “(h) A lease under subsection (g)—

14                 “(1) may not be for more than five years unless  
15           the Director of the Defense Agency concerned deter-  
16           mines that a lease for a longer period will promote  
17           the national defense or be in the public interest;

18                 “(2) may give the lessee the first right to buy  
19           the property if the lease is revoked to allow the  
20           United States to sell the property under any other  
21           provision of law;

22                 “(3) shall permit the Director to revoke the  
23           lease at any time, unless he determines that the  
24           omission of such a provision will promote the na-  
25           tional defense or be in the public interest; and

1           “(4) may provide, notwithstanding any other  
 2           provision of law, for the improvement, maintenance,  
 3           protection, repair, restoration, or replacement by the  
 4           lessee, of the property leased as the payment of part  
 5           or all of the consideration for the lease.

6           “(i) Money rentals received pursuant to leases en-  
 7           tered into by the Director of a Defense Agency under sub-  
 8           section (h) shall be deposited in a special account in the  
 9           Treasury established for such Defense Agency. Such sums  
 10          deposited in a Defense Agency’s special account shall be  
 11          available, as provided in appropriations acts, solely for the  
 12          maintenance, repair, restoration, or replacement of the  
 13          leased property.”.

## 14   **TITLE IX—DEPARTMENT OF DE-** 15       **FENSE ORGANIZATION AND** 16       **MANAGEMENT**

### 17   **SEC. 901. AMENDMENT TO FREQUENCY OF PROVIDING** 18               **POLICY GUIDANCE FOR CONTINGENCY** 19               **PLANS.**

20          Section 113(g) of title 10, United States Code, is  
 21          amended in paragraph (2) by striking “annually” and in-  
 22          serting in lieu thereof “every two years or as needed”.

1 **SEC. 902. REVISION OF MEMBERSHIP TERMS FOR STRATE-**  
 2 **GIC ENVIRONMENTAL RESEARCH AND DE-**  
 3 **VELOPMENT PROGRAM SCIENTIFIC ADVI-**  
 4 **SORY BOARD.**

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

9 **SEC. 903. CLOSURE OF THE UNIFORM SERVICES UNIVER-**  
 10 **SITY OF THE HEALTH SCIENCES.**

11 (a) REPEAL OF AUTHORITY.—Chapter 104 of title  
 12 10, United States Code is hereby repealed.

13 (b) PHASE-OUT PROCESS.—(1) Notwithstanding any  
 14 other provision of law, the Secretary of Defense shall  
 15 phase out the Uniformed Services University of the Health  
 16 Sciences, beginning in fiscal year 1998, and ending with  
 17 the closure of such University not later than September  
 18 30, 2001. No provision of section 2687 of title 10, United  
 19 States Code, or of any other law establishing preconditions  
 20 to the closure of any activity of the Department of Defense  
 21 shall operate to establish any precondition to the phase-  
 22 out and closure of the Uniformed Services University of  
 23 Health Sciences as required by this Act.

24 (2) Under the phase-out process required by para-  
 25 graph (1), the Secretary of Defense may exercise all of  
 26 the authorities pertaining to the operations of the Uni-

1 formed Services University of the Health Sciences that  
2 were granted to the Secretary of Defense, the Board of  
3 Regents, or the Dean of the Uniformed Services Univer-  
4 sity of the Health Sciences by Chapter 104 of title 10,  
5 United States Code, prior to enactment of the repeal of  
6 that chapter by subsection (a). Such authorities may be  
7 exercised by the Secretary of Defense so as to achieve an  
8 orderly phase-out of operations of the Uniformed Services  
9 University of the Health Sciences.

10 (3) No new class of students may be admitted to  
11 begin studies in the Uniformed Services University of the  
12 Health Sciences after September 30, 1997. No students  
13 may be awarded degrees by such University after Septem-  
14 ber 30, 2001, except that the Secretary may grant excep-  
15 tions on a case-by-case basis for any students who by that  
16 date have completed substantially all degree requirements.

17 (c) AUTHORITIES AFFECTED.—(1) Commissioned  
18 service obligations incurred by students of the Uniformed  
19 Services University of the Health Sciences shall be unaf-  
20 fected by enactment of the repeal of chapter 104 of title  
21 10, United States Code, by subsection (a).

22 (2) Nothing in this Act shall be construed as limiting  
23 the exercise by the Secretary of Defense of other authori-  
24 ties under law pertaining to health sciences education,  
25 training, and professional development, graduate medical

1 education, medical and scientific research, and similar ac-  
2 tivities. To the extent the Secretary of Defense assigned  
3 any such activities to another component or entity of the  
4 Department of Defense, such activities shall not be af-  
5 fected by the phase-out and closure of the Uniformed  
6 Services University of the Health Sciences pursuant to  
7 this Act.

8 (d) CONFORMING AMENDMENTS.—(1) Section 178 of  
9 title 10, United States Code, pertaining to the Henry M.  
10 Jackson Foundation for the Advancement of Military  
11 Medicine, is amended—

12 (A) in subsection (b), by striking “Uniformed  
13 Services University of the Health Sciences” and in-  
14 serting in lieu thereof “Department of Defense”;

15 (B) in subsection (c)(1)(B), by striking “the  
16 Dean of the Uniformed Services University of the  
17 Health Sciences” and inserting in lieu thereof “a  
18 person designated by the Secretary of Defense”; and

19 (C) in subsection (g)(1), by striking “Uni-  
20 formed Services University of the Health Sciences”  
21 and inserting in lieu thereof “Secretary of Defense”.

22 (2) Section 466 of the Public Health Service Act (42  
23 U.S.C. Section 286a), pertaining to the Board of Regents  
24 of the National Library of Medicine, is amended in sub-

1 section (a)(1)(B) by striking “the Dean of the Uniformed  
2 Services University of the Health Sciences”.

3 (e) CLERICAL AMENDMENT.—The table of chapters  
4 at the beginning of subtitle A and at the beginning of part  
5 III of such subtitle of title 10, United States Code, is  
6 amended by striking the items pertaining to chapter 104.

7 **SEC. 904. REPEAL OF REQUIREMENT TO OPERATE NAVAL**  
8 **ACADEMY DAIRY FARM, GAMBRILLS, MARY-**  
9 **LAND.**

10 Section 810 of the Military Construction Authoriza-  
11 tion Act, 1968 (Public Law 90–110; 81 Stat. 309) is here-  
12 by repealed.

13 **SEC. 905. INCLUSION OF INFORMATION RESOURCES MAN-**  
14 **AGEMENT COLLEGE IN THE NATIONAL DE-**  
15 **FENSE UNIVERSITY.**

16 (a) TECHNICAL AMENDMENT AND ADDITION OF IN-  
17 FORMATION RESOURCES MANAGEMENT COLLEGE TO THE  
18 DEFINITION OF THE NATIONAL DEFENSE UNIVERSITY.—  
19 Section 1595(d)(2) of title 10, United States Code, is  
20 amended by striking “the Institute for National Strategic  
21 Study” and inserting in lieu thereof “the Institute for Na-  
22 tional Strategic Studies, the Information Resources Man-  
23 agement College”.

24 (b) CONFORMING AMENDMENT.—Section 2162(d)(2)  
25 of title 10, United States Code, is amended by inserting

1 “the Institute for National Strategic Studies, the Informa-  
 2 tion Resources Management College,” after “the Armed  
 3 Forces Staff College,”.

## 4 **TITLE X—GENERAL PROVISIONS**

### 5 **Subtitle A—Financial Matters**

#### 6 **SEC. 1001. TWO-YEAR EXTENSION OF COUNTER-** 7 **PROLIFERATION AUTHORITIES.**

8 Section 1505 of the Weapons of Mass Destruction  
 9 Act of 1992 (Public Law 102–484; 106 Stat. 2570; 22  
 10 U.S.C. 5859a) is amended—

11 (1) in subsection (d)(3), by striking “or” after  
 12 “fiscal year 1996,” and by inserting “, \$15,000,000  
 13 for fiscal year 1998, or \$15,000,000 for fiscal year  
 14 1999” before the period at the end; and

15 (2) in subsection (f), by striking “1997” and  
 16 inserting in lieu thereof “1999”.

### 17 **Subtitle B—Other Matters**

#### 18 **SEC. 1010. NEGOTIATING SALES OF VESSELS STRICKEN** 19 **FROM THE NAVAL REGISTER.**

20 Section 7305(c) of title 10, United States Code, is  
 21 amended to read as follows:

22 “(c) PROCEDURES FOR SALE.—A vessel stricken  
 23 from the Naval Register and not subject to disposal under  
 24 any other law may be sold under this section. In such a  
 25 case, a vessel may be sold, regardless of the appraised



1 value of the vessel, to the highest acceptable bidder after  
 2 the vessel is publicly advertised for sale for a period of  
 3 not less than 30 days or to the acceptable offeror submit-  
 4 ting the most advantageous proposal, price and other fac-  
 5 tors considered, by means of competitive negotiations. All  
 6 bids or offers may be rejected if it is in the Government's  
 7 best interest to do so. The determination of the method  
 8 of sale shall depend upon the particular circumstances  
 9 surrounding the proposed sale.'".

10 **SEC. 1011. AUTHORITY TO CHARTER VESSEL FOR LONGER**  
 11 **THAN FIVE YEARS IN SUPPORT OF SURVEIL-**  
 12 **LANCE TOWED ARRAY SENSOR (SURTASS)**  
 13 **PROGRAM.**

14 Pursuant to section 2401(b)(1)(A) of title 10, United  
 15 States Code, the Secretary of the Navy is authorized to  
 16 charter a vessel in support of the SURTASS Program  
 17 through Fiscal Year 2003.

18 **SEC. 1012. EIGHTEEN MONTH SHIPBUILDING CLAIMS.**

19 (a) REPEAL.—(1) Section 2405 of title 10, United  
 20 States Code, is repealed.

21 (2) The table of sections at the beginning of chapter  
 22 141 of such title 10 is amended by striking the item that  
 23 refers to section 2405.

24 (b) EFFECTIVE DATE.—Repeal is effective for all  
 25 shipbuilding contracts and any claim, request for equitable

1 adjustment or demand for payment submitted thereunder  
 2 on, before, or after the date of enactment of this Act, ex-  
 3 cept that the repeal by this Act shall not apply to any  
 4 claim, request for equitable adjustment or demand for  
 5 payment (1) the appeal of which has been denied or dis-  
 6 missed by a court or board of contract appeals and where  
 7 such court or board decision has become final and  
 8 unappealable, (2) which has been denied by a final deci-  
 9 sion of a contracting officer and the time limit for appeal-  
 10 ing the decision under the Contract Disputes Act of 1978,  
 11 as amended, to a court or board has expired, or (3) which  
 12 has been released by a contractor.

## 13 **Subtitle C—Other Matters**

### 14 **SEC. 1020. ARREST AUTHORITY FOR SPECIAL AGENTS OF** 15 **THE DEFENSE CRIMINAL INVESTIGATIVE** 16 **SERVICE.**

17 (a) ARREST AUTHORITY.—Chapter 81 of title 10,  
 18 United States Code, is amended by inserting after section  
 19 1585 the following new section 1585b:

#### 20 **“§ 1585b. Arrest authority for special agents of the** 21 **Defense Criminal Investigative Service**

22 “(a) Upon designation by the Secretary of Defense,  
 23 a Special Agent of the Defense Criminal Investigative  
 24 Service, may—

25 “(1) carry firearms;

1           “(2) execute and serve any warrant or other  
2           processes issued under the authority of the United  
3           States; and

4           “(3) make arrests without warrant for—

5                   “(A) any offense against the United States  
6           committed in such officer’s presence; or

7                   “(B) any felony cognizable under the laws  
8           of the United States if such agent has probable  
9           cause to believe that the person to be arrested  
10          has committed or is committing such felony.

11          “(b) The powers granted under subsection (a) of this  
12          section shall be exercised in accordance with guidelines ap-  
13          proved by the Attorney General.”.

14          (b) CONFORMING AMENDMENT.—The table of sec-  
15          tions for such chapter 81 is amended by inserting after  
16          the item relating to section 1585 the following new item:

          “1585b. Arrest authority for special agents of the Defense Criminal Investiga-  
          tive Service.”.

17   **SEC. 1021. ACCESS TO PRE-ACCESSION OFFENDER**  
18                   **RECORDS.**

19          Section 520a of title 10, United States Code, is  
20          amended—

21               (1) in subsection (a), by striking “requested”  
22          and inserting in lieu thereof “required”;

23               (2) by redesignating subsection (d) as sub-  
24          section (e); and

1           (3) by inserting after subsection (c) the follow-  
 2           ing new subsection (d):

3           “(d) Costs to the Secretary concerned for providing  
 4 criminal history information under this section shall be no  
 5 greater than the costs for providing such information to  
 6 law enforcement agencies of the State or the unit of gen-  
 7 eral local government of the State.”.

8   **SEC. 1022. EXTENSION OF AUTHORITY TO PROVIDE ADDI-**  
 9                           **TIONAL SUPPORT FOR COUNTER-DRUG AC-**  
 10                          **TIVITIES OF MEXICO.**

11           Section 1031(a) of the National Defense Authoriza-  
 12 tion Act for Fiscal Year 1997 (Public Law 104–201; 110  
 13 Stat. 2637), is amended by striking “1997” and inserting  
 14 in lieu thereof “1998”.

15   **SEC. 1023. ASIA-PACIFIC CENTER FOR SECURITY STUDIES.**

16           (a) **AUTHORITY TO ACCEPT FOREIGN GIFTS AND**  
 17 **DONATIONS.**—(1) The Secretary of Defense may, on be-  
 18 half of the Asia-Pacific Center for Security Studies (in  
 19 this section referred to as Asia-Pacific Center), accept for-  
 20 eign gifts or donations in order to defray the costs of, or  
 21 enhance the operation of, the Asia-Pacific Center.

22           (2) Funds received by the Secretary under paragraph  
 23 (1) shall be credited to appropriations available to the De-  
 24 partment of Defense for the Asia-Pacific Center. Funds  
 25 so credited shall be available for the Center for the same

1 purposes and for the same period of availability of the ap-  
2 propriations.

3 (3) The Secretary of Defense shall notify Congress  
4 if total contributions of money under paragraph (1) ex-  
5 ceeds \$2,000,000 in any fiscal year. Any such notice shall  
6 list each of the contributors of such amounts and the  
7 amount of each contribution in such fiscal year.

8 (4) For purposes of this subsection, a foreign gift or  
9 donation is a gift or donation of funds, materials (includ-  
10 ing research materials), property, and services (including  
11 lecture services and faculty services) from a foreign gov-  
12 ernment, foundation or other charitable organization in a  
13 foreign country, or an individual in a foreign country.

14 (5) The Secretary shall establish written guidelines  
15 setting forth the criteria to be used in determining wheth-  
16 er the acceptance of contributions of money or services  
17 pursuant to paragraph (1) would reflect unfavorably upon  
18 the ability of the Department of Defense or any employee  
19 to carry out its responsibilities or official duties in a fair  
20 and objective manner, or would compromise the integrity  
21 or the appearance of the integrity of its programs or any  
22 official involved in those programs.

23 (b) ASIA-PACIFIC CENTER PARTICIPATION BY FOR-  
24 EIGN NATIONS.—(1) Notwithstanding any other provision  
25 of law, the Secretary of Defense may authorize representa-

1 tives of a foreign government to participate in a program  
 2 of the Asia-Pacific Center, if the Secretary determines, in  
 3 consultation with the Secretary of State, that such partici-  
 4 pation is in the national interest of the United States.

5 (2) Not later than January 31 of each year, the Sec-  
 6 retary of Defense shall submit to Congress a report setting  
 7 forth the foreign governments permitted to participate in  
 8 programs of the Center during the preceding year under  
 9 the authority provided in paragraph (1).

10 **SEC. 1024. PROTECTION OF CERTAIN IMAGERY AND**  
 11 **GEOSPATIAL INFORMATION AND DATA.**

12 Section 455(b) of title 10, United States Code, is  
 13 amended—

14 (1) in paragraph (1)(B), by inserting “or capa-  
 15 bilities” after “methods”;

16 (2) in paragraph (2), by inserting “to include  
 17 imagery, imagery intelligence or geospatial informa-  
 18 tion as defined in section 467” after “related prod-  
 19 uct”.

20 **SEC. 1025. NATIONAL GUARD CIVILIAN YOUTH OPPORTUNI-**  
 21 **TIES PILOT PROGRAM.**

22 (a) EXTENSION OF AUTHORITY.—The authority to  
 23 carry out a pilot program under section 1091(a) of the  
 24 National Defense Authorization Act for Fiscal Year 1993

1 (Public Law 102–484; 106 Stat. 2519; 32 U.S.C. 501  
2 note) is continued through September 30, 1999.

3 (b) LIMITATION ON NUMBER OF PROGRAMS.—Dur-  
4 ing the period beginning on the date of the enactment of  
5 this Act and ending on the first day of October, 1998,  
6 under subsection (a), the number of programs carried out  
7 under subsection (d) of that section as part of the pilot  
8 program may not exceed the number of such programs  
9 as of September 30, 1995.

10 (c) CONFORMING AMENDMENT.—Section 573 of the  
11 National Defense Authorization Act for Fiscal Year 1996  
12 (Public Law 104–106; 110 Stat. 355; 32 U.S.C. 501 note)  
13 is hereby repealed.

14 **SEC. 1026. REPEAL OF ANNUAL DEPARTMENT OF DEFENSE**  
15 **CONVENTIONAL STANDOFF WEAPONS MAS-**  
16 **TER PLAN AND REPORT ON STANDOFF MUNI-**  
17 **TIONS.**

18 Section 1641 of the National Defense Authorization  
19 Act for Fiscal Years 1990 and 1991 (Public Law 101–  
20 189; 103 Stat. 1613; 10 U.S.C. 2431 note) is repealed.

21 **SEC. 1027. REVISIONS TO THE BALLISTIC MISSILE DEFENSE**  
22 **ACT OF 1995.**

23 Section 234(a) of the Ballistic Missile Defense Act  
24 of 1995 (Subtitle C of title II of the National Defense

1 Authorization Act of 1996 (Public Law 104–106; 110  
2 Stat. 229)) is amended—

3 (1) in the matter preceding the colon by strik-  
4 ing “, to be carried out so as to achieve the specified  
5 capabilities”;

6 (2) in paragraph (1) by striking “, with first  
7 unit equipped during fiscal year 1998”;

8 (3) in paragraph (2), by striking “, with a user  
9 operational evaluation system (UOES) capability  
10 during fiscal year 1997 and an initial operational ca-  
11 pability (IOC) during fiscal year 1999”;

12 (4) in paragraph (3), by striking “, with a user  
13 operational evaluation system (UOES) capability not  
14 later than fiscal year 1998 and a first unit equipped  
15 (FUE) not later than fiscal year 2000”; and

16 (5) in paragraph (4), by striking “, with a user  
17 operational evaluation system (UORS) capability  
18 during fiscal year 1999 and an initial operational ca-  
19 pability (IOC) during fiscal year 2001”.

20 **SEC. 1028. REPEAL OF REPORTING REQUIREMENTS, SPE-**  
21 **CIAL OPERATIONS FORCES: TRAINING WITH**  
22 **FRIENDLY FOREIGN FORCES.**

23 Section 2011 of title 10, United States Code, is  
24 amended by striking subsection (e).



1     **Subtitle D—Military Construction**  
2                     **Provisions**

3     **SEC. 1031. AUTHORITY FOR THE SECRETARY OF THE ARMY**  
4                     **TO CONSTRUCT A HELIPORT AT FORT IRWIN,**  
5                     **CALIFORNIA.**

6         Using amounts appropriated pursuant to the author-  
7     ization of appropriations in the Military Construction Au-  
8     thorization Act for Fiscal Year 1995 (Public Law 103–  
9     337; 108 Stat. 3027) for military construction at Fort  
10    Irwin and appropriated pursuant to the authorization of  
11    appropriations in the Military Construction Authorization  
12    Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat.  
13    523) for military construction at Fort Irwin, the Secretary  
14    of the Army may carry out the construction of a heliport  
15    at Fort Irwin, California.

16    **SEC. 1032. REPEAL OF REPORTS REQUIRED BY MILITARY**  
17                     **CONSTRUCTION AUTHORIZATION ACTS.**

18         (a) REQUIREMENT, WAIVER AND REPORT RELATING  
19     TO THE PROCUREMENT OF OVERSEAS FAMILY HOUSING  
20     FROM A UNITED STATES CONTRACTOR.—Section 803 of  
21     the Military Construction Authorization Act, 1984 (Public  
22     Law 98–115; 97 Stat. 784; 10 U.S.C. 2821 note) is re-  
23     pealed.

24         (b) REPORT ON FUNDING FOR NAVAL STRATEGIC  
25     HOMEPORING.—Section 205 of the Military Construction

1 Authorization Act, 1986 (Public Law 99–167; 99 Stat.  
2 971) is repealed.

3 (c) REPORT ON PROPOSED CONTRACT FOR SALE OF  
4 GREGG CIRCLE AREA, FORT JACKSON, SOUTH CARO-  
5 LINA.—Section 840 of the Military Construction Author-  
6 ization Act, 1986 (Public Law 99–167; 99 Stat. 997) is  
7 amended—

8 (1) by striking subsection (d); and

9 (2) by redesignating subsections (e), (f), (g),  
10 and (h) as subsections (d), (e), (f), and (g), respec-  
11 tively.

12 **SEC. 1033. FINANCIAL INCENTIVES FOR ENERGY SAVINGS.**

13 Section 2865 of title 10, United States Code, is  
14 amended as follows:

15 (1) In subsection (b)(1) by striking from the  
16 first sentence “and financial incentives described in  
17 subsection (d)(2)”.

18 (2) In subsection (d)(2) by adding at the end  
19 thereof the following new sentence: “Financial incen-  
20 tives received from gas or electric utilities under this  
21 subparagraph, and under 2866(b)(2), shall be cred-  
22 ited to an appropriation designated by the Secretary  
23 of Defense or designee. The impact of this initiative  
24 will be reflected in the Secretary’s annual energy re-  
25 port.”.

1 **SEC. 1034. WATER CONSERVATION FINANCIAL INCENTIVES.**

2 Section 2866(b) of title 10, United States Code, is  
3 amended as follows:

4 (1) by inserting “AND FINANCIAL INCENTIVES”  
5 immediately after “USE OF WATER COST SAVINGS”;

6 (2) by inserting “(1)” immediately before  
7 “Water cost savings”; and

8 (3) by inserting the following new subparagraph  
9 at the end thereof:

10 “(2) Water financial incentives realized under  
11 this section shall be used as provided in section  
12 2865(d)(2).”.

13 **SEC. 1035. PRIVATIZATION OF GOVERNMENT OWNED UTIL-**  
14 **ITY SYSTEMS.**

15 (a) IN GENERAL.—Chapter 159 of title 10, United  
16 States Code, is amended by inserting the following new  
17 section at the end thereof:

18 **“§ 2694. Privatization of Government-owned utility**  
19 **systems**

20 “(a) AUTHORITY.—The Secretary of a military de-  
21 partment may convey all right, title, and interest of the  
22 United States, or any lesser estate as appropriate to serve  
23 the interests of the United States, in any utility system  
24 or part of a utility system, located on or adjacent to a  
25 military installation under the control of that department,  
26 to a municipal, private, regional, district, or cooperative

1 utility company or other entity. Such utility systems may  
2 include, but are not limited to, electrical generation and  
3 supply, water supply, water treatment, wastewater collec-  
4 tion, wastewater treatment, steam/hot/chilled water gen-  
5 eration and supply, and natural gas supply.

6 “(b) CONSIDERATION.—Any consideration received  
7 for a conveyance under subsection (a) may be accepted  
8 in the form of a lump sum payment or a reduction in util-  
9 ity rate charges for a period of time sufficient to amortize  
10 the monetary value of the utility system, including any  
11 real property interests, conveyed. Any lump sum payment  
12 received shall be credited to an appropriation designed as  
13 appropriate by the Secretary of Defense or a designee of  
14 the Secretary. Amounts so credited shall be available for  
15 the same time period as the appropriation credited and  
16 shall be used only for the purposes authorized for that  
17 appropriation.

18 “(c) NOTICE AND WAIT REQUIREMENTS.—A convey-  
19 ance may not be made under subsection (a) until—

20 “(1) the Secretary submits to the appropriate  
21 committees of Congress, in writing, an economic  
22 analysis (based upon accepted life-cycle costing pro-  
23 cedures) which demonstrates that the full cost to the  
24 taxpayer of the proposed conveyance is cost-effective

1       when compared with alternative means of furnishing  
2       the same utility systems; and

3               “(2) a period of 21 days has elapsed after the  
4       date on which the economic analysis is received by  
5       the committees.

6       “(d) ADDITIONAL TERMS AND CONDITIONS.—The  
7       Secretary concerned may require such additional terms  
8       and conditions in a conveyance entered into under sub-  
9       section (a) as the Secretary considers appropriate to pro-  
10      tect the interests of the United States.

11      “(e) RELIEF FROM FORMAL COST COMPARISON.—  
12      Chapter 146 of title 10, United States Code, and section  
13      257(e) of the Budget Enforcement Act, shall not apply  
14      to any conveyance under subsection (a) that results in the  
15      transfer of ownership of related utility assets.”.

16      (b) CLERICAL AMENDMENT.—The table of sections  
17      at the beginning of such chapter is amended by inserting  
18      the following new item:

“2694. Privatization of Government owned utility systems.”.

19       **TITLE XI—DEPARTMENT OF**  
20       **DEFENSE CIVILIAN PERSONNEL**  
21       **SEC. 1101. EXTENSION OF VOLUNTARY SEPARATION INCEN-**  
22       **TIVE PAY AUTHORIZATION.**

23      (a) EXTENSION.—Section 5597(e) of title 5, United  
24      States Code, is amended by striking “September 30,

1 1999” and inserting in lieu thereof “September 30,  
2 2001”.

3 (b) REMITTANCE OF FUNDS.—Section 5597 of title  
4 5, United States Code, is amended by adding at the end  
5 the following new subsection:

6 “(h)(1) In addition to any other payments which it  
7 is required to make under subchapter III of chapter 83  
8 or chapter 84, the Department of Defense shall remit to  
9 the Office of Personnel Management for deposit in the  
10 Treasury of the United States to the credit of the Civil  
11 Service Retirement and Disability Fund an amount equal  
12 to 15 percent of the final basic pay of each employee of  
13 the Department who is covered under subchapter III of  
14 chapter 83 or chapter 84 to whom a voluntary separation  
15 incentive has been paid under this section based on sepa-  
16 ration on or after October 1, 1997. The remittance re-  
17 quired by this subsection shall be in lieu of any remittance  
18 required under section 4(a) of the Federal Workforce Re-  
19 structuring Act of 1994 (5 U.S.C. 8331 note).

20 “(2) For the purpose of this subsection, the term  
21 ‘final basic pay’, with respect to an employee, means the  
22 total amount of basic pay which would be payable for a  
23 year of service by such employee, computed using the em-  
24 ployee’s final rate of basic pay, and, if last serving on

1 other than a full-time basis, with appropriate adjustment  
 2 therefor.”.

3 (c) CONFORMING AMENDMENT.—Section 4436(d)(2)  
 4 of the Defense Conversion, Reinvestment, and Transition  
 5 Act of 1992 (5 U.S.C. 8348 note) is amended by striking  
 6 “January 1, 2000” and inserting in lieu thereof “January  
 7 1, 2002”.

8 **SEC. 1102. ELIMINATION OF TIME LIMITATION FOR PLACE-**  
 9 **MENT CONSIDERATION OF INVOLUNTARILY**  
 10 **SEPARATED RESERVE TECHNICIANS.**

11 Section 3329(b) of title 5, United States Code, is  
 12 amended by striking “a position described in subsection  
 13 (c) not later than 6 months after the date of the applica-  
 14 tion”.

15 **SEC. 1103. PAY PRACTICES WHEN OVERSEAS TEACHERS**  
 16 **TRANSFER TO GENERAL SCHEDULE POSI-**  
 17 **TIONS.**

18 Section 5334(d) of title 5, United States Code, is  
 19 amended by inserting “such amounts as may be author-  
 20 ized, if any, under regulations issued by the Secretary of  
 21 Defense, up to” after “is deemed increased by”.

1 **SEC. 1104. CITIZENSHIP REQUIREMENTS FOR STAFF OF**  
2 **THE GEORGE C. MARSHALL CENTER FOR SE-**  
3 **CURITY STUDIES.**

4 Section 506 of the Intelligence Authorization Act,  
5 Fiscal Year 1990 (Public Law 101–193; 103 Stat. 1709)  
6 is amended—

7 (1) in the section heading, by striking “UNITED  
8 STATES ARMY RUSSIAN INSTITUTE” and inserting in  
9 lieu thereof “GEORGE C. MARSHALL EUROPEAN CEN-  
10 TER FOR SECURITY STUDIES”;

11 (2) in subsection (a), by striking “United  
12 States Army Russian Institute” and inserting in lieu  
13 thereof “George C. Marshall European Center for  
14 Security Studies”; and

15 (3) in subsection (c), by adding at the end the  
16 following sentence: “No prior admission for perma-  
17 nent residence shall be required.”.

18 **SEC. 1105. PRESERVATION OF CIVIL SERVICE RIGHTS FOR**  
19 **EMPLOYEES OF THE FORMER DEFENSE MAP-**  
20 **PING AGENCY.**

21 Section 1612(b) of title 10, United States Code, is  
22 amended—

23 (1) in paragraph (1)—

24 (A) by striking “in paragraph (2)” and in-  
25 serting in lieu thereof “in paragraph (3)”; and



1 (B) by striking “to paragraph (3)” and in-  
2 serting in lieu thereof “to paragraph (4)”;

3 (2) by redesignating paragraphs (2) and (3) as  
4 paragraphs (3) and (4), respectively;

5 (3) by inserting the following new paragraph  
6 (2):

7 “(2) For each former Defense Mapping Agency  
8 employee who was in a position established under  
9 title 5, United States Code, and who on October 1,  
10 1996, became an employee of the National Imagery  
11 and Mapping Agency under 1601(a)(1) of this title,  
12 and for whom the provisions of law referred to in  
13 paragraph (3) applied before October 1, 1996, such  
14 provisions of law shall, subject to paragraph (4),  
15 continue to apply for as long as the employee contin-  
16 ues to serve as a Department of Defense employee  
17 in the National Imagery and Mapping Agency with-  
18 out a break in service.”;

19 (4) in paragraph (3), as so redesignated, by  
20 striking “by paragraph (1)” and inserting in lieu  
21 thereof “by paragraphs (1) and (2) ”; and

22 (5) in paragraph (4), as so redesignated, by  
23 striking “by paragraph (1)” and inserting in lieu  
24 thereof “by paragraphs (1) and (2)”.

1 **SEC. 1106. AUTHORIZATION FOR THE MARINE CORPS UNI-**  
 2 **VERSITY TO EMPLOY CIVILIAN PROFESSORS.**

3 (a) IN GENERAL.—Section 7478 of title 10, United  
 4 States Code, is amended—

5 (1) by amending the section heading to read as  
 6 follows:

7 **“§ 7478. Naval War College and Marine Corps Univer-**  
 8 **sity: civilian faculty members”;**

9 (2) in subsection (a), by striking “or at the Ma-  
 10 rine Corps Command and Staff College” and insert-  
 11 ing in lieu thereof “or at a school of the Marine  
 12 Corps University”; and

13 (3) in subsection (c), by striking “or at the Ma-  
 14 rine Corps Command and Staff College” and insert-  
 15 ing in lieu thereof “or at a school of the Marine  
 16 Corps University”.

17 (b) CLERICAL AMENDMENT.—The table of sections  
 18 for chapter 643 of such title 10 is amended by amending  
 19 the item relating to section 7478 to read as follows:

“7478. Naval War College and Marine Corps University: civilian faculty mem-  
 bers.”.

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