

Public Law 97-295
97th Congress

An Act

To amend titles 10, 14, 37, and 38, United States Code, to codify recent law and to improve the Code.

Oct. 12, 1982
[H.R. 4623]

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

United States
Code, titles 10,
14, 37, and 38,
amendments.

AMENDMENTS TO TITLE 10

SECTION 1. Title 10, United States Code, is amended as follows:

(1) Section 133 is amended by adding at the end thereof the following:

10 USC 133.

“(e) After consulting with the Secretary of State, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives before February 1 of each year a written report on—

Report to
Congress.

“(1) the foreign policy and military force structure for the next fiscal year;

“(2) the relationship of that policy and structure to each other; and

“(3) the justification for the policy and structure.”

(2)(A) Chapter 4 is amended by inserting the following after section 133:

“§ 133a. Secretary of Defense: annual report on North Atlantic Treaty Organization readiness

10 USC 133a.

“(a) The Secretary of Defense shall assess and make findings each year with respect to the readiness status of the military forces of the North Atlantic Treaty Organization. The Secretary shall submit a report of the assessment and findings to the Committees on Armed Services and on Appropriations of the Senate and House of Representatives on the same date that the President submits the Budget to Congress.

“(b) The report under subsection (a) shall include the assessment and findings of the Secretary with respect to—

“(1) deficiencies in the readiness of the North Atlantic Treaty Organization (including an analysis of deficiencies in each member of the Organization) related to—

“(A) war reserve stocks;

“(B) command, control, and communications systems (including the susceptibility of those systems to degradation by potential overt activities of the Warsaw Pact);

“(C) electronic warfare capabilities;

“(D) chemical warfare capabilities;

“(E) air defense capabilities (including ground and air systems and the integration of ground systems with air systems);

“(F) armor and anti-armor capabilities;

“(G) firepower capabilities;

“(H) forward deployed units and the proximity of those units to assigned general defensive positions;

“(I) the availability of ammunition;

“(J) the availability, responsiveness, and overall effectiveness of reserve forces;

“(K) airlift capabilities to meet reinforcement and resupply requirements;

“(L) the ability to protect, cross-service, and stage air assets from allied airfields;

“(M) the maritime force capabilities (including sealift, minelaying, and minesweeping capabilities);

“(N) logistical support arrangements (including the availability of ports, airfields, transportation, and host nation support);

“(O) training (including the availability of the facilities and equipment needed to conduct realistic operational exercises); and

“(P) the compatibility of operational doctrine and procedures among military forces of the member nations;

“(2) planned corrections in the identified readiness deficiencies of the United States with respect to the Organization and that part of the Budget submitted to Congress by the President on the date the report is submitted that is allocated for the corrections; and

“(3) commitments made by other members of the Organization to correct their own readiness deficiencies (including deficiencies in the items listed in paragraph (1)) and an identification of particular improvements to be made in readiness by weapon system, program, or activity.

10 USC 133b.

“§ 133b. Sale or transfer of defense articles: reports to Congress

“When there is a letter of offer to sell or a proposal to transfer defense articles that are valued at \$50,000,000 or more from the inventories of a regular component of the armed forces or from current production, the Secretary of Defense shall submit a report to Congress stating—

“(1) the impact of the sale or transfer on the current readiness of the armed forces;

“(2) the adequacy of reimbursements to cover, at the time of replenishment of United States inventories, the replacement costs of those items sold or transferred; and

“(3) for each article to be sold—

“(A) the initial issue quantity requirement for the armed forces for that article;

“(B) the percentage of that requirement already delivered to the armed forces or contracted for at the time of the report;

“(C) the timetable for meeting that requirement absent the proposed sale; and

“(D) the timetable for meeting that requirement if the sale is approved.”.

(B) The analysis of chapter 4 is amended by inserting the following items immediately below item 133:

“133a. Secretary of Defense: annual report on North Atlantic Treaty Organization readiness.

“133b. Sale or transfer of defense articles: reports to Congress.”.

(3) Section 138(c) is amended by adding at the end thereof the following: 10 USC 138.

“(5) The Secretary of Defense shall use the least costly form of personnel consistent with military requirements and other needs of the Department. In developing the annual personnel authorization requests to Congress and in carrying out personnel policies, the Secretary shall—

“(A) consider particularly the advantages of converting from one form of personnel (military, civilian, or private contract) to another for the performance of a specified job; and

“(B) include in each manpower requirements report submitted under paragraph (3) a complete justification for converting from one form of personnel to another.”.

(4) Section 138 is amended by adding at the end thereof the following: Ante, p. 739.

“(i) Funds may be appropriated for the armed forces for use as an emergency fund for research, development, test, and evaluation, or related procurement or production, only if the appropriation of the funds is authorized by law after June 30, 1966.”.

(5) Section 268 is amended— 10 USC 268.

(A) in subsection (b), by striking out “Reserve components defined in section 261 of this title” and substituting “reserve components”, and by striking out “United States Code,”; and

(B) in subsection (c)(2), by striking out “Reserve” and substituting “reserve”.

(6) Section 511(b) is amended by striking out “(50 U.S.C. App. 451-473)” and substituting “(50 U.S.C. App. 451 et seq.)”. 10 USC 511.

(7) The catchline for section 532 is amended by inserting “a” after “original appointment as”. 10 USC 532.

(8) Section 624(d)(4) is amended by striking out “the subsection” and substituting “this subsection”. 10 USC 624.

(9) Section 673b(h) is amended by inserting “(50 U.S.C. 1541 et seq.)” after “the War Powers Resolution”. 10 USC 673.

(10) Section 716(a) is amended by striking out the comma after “policies”. 10 USC 716.

(11) Section 741(c) is amended by striking out “the the” and substituting “the”. 10 USC 741.

(12) Section 867 is amended— 10 USC 867.

(A) in subsection (d), by striking out “board of review” and substituting “Court of Military Review”; and

(B) in subsection (g), by striking out “Secretary of the Treasury” and substituting “Secretary of Transportation”.

(13) Section 931 is amended by striking out “United States Code,”. 10 USC 931.

(14)(A) Chapter 49 is amended by adding at the end thereof the following:

“§ 978. Denial of entrance into the armed forces of persons dependent on drugs or alcohol Regulations. 10 USC 978.

“(a) The Secretary of Defense shall prescribe regulations, implement procedures using each practical and available method, and provide necessary facilities to identify each person examined at an armed forces examining and entrance station who is dependent on drugs or alcohol.

“(b) Each person identified under subsection (a) as dependent on drugs or alcohol shall be—

“(1) denied entrance into the armed forces; and

“(2) referred to a civilian treatment facility.”.

(B) The analysis of chapter 49 is amended by adding at the end thereof the following item:

“978. Denial of entrance into the armed forces of persons dependent on drugs or alcohol.”.

(15)(A) Chapter 55 is amended by adding at the end thereof the following:

Regulations.
10 USC 1090.

“§1090. Identifying and treating drug and alcohol dependence

“(a) The Secretary of Defense shall prescribe regulations, implement procedures using each practical and available method, and provide necessary facilities to identify, treat, and rehabilitate members of the armed forces who are dependent on drugs or alcohol.”.

(B) The analysis of chapter 55 is amended by adding at the end thereof the following item:

“1090. Identifying and treating drug and alcohol dependence.”.

10 USC 1164.

(16) The catchline for section 1164 is amended by striking out “officers;” and substituting “officers:”.

10 USC 1405.

(17) Section 1405 is amended—

(A) by striking out “3991 (formula B)” and substituting “3991 (formula A), 3992 (formula B)”;

(B) by striking out “or” the first time it appears; and

(C) by striking out “8991 (formula B)” and substituting “8991 (formula A), or 8992 (formula B)”.

10 USC 1448.

(18) The catchline for section 1448 is amended by striking out “plan” and substituting “Plan”.

Repeals.

10 USC 1581,
1582.

(19)(A) Sections 1581 and 1582 are repealed.

(B) The analysis of chapter 81 is amended by striking out items 1581 and 1582.

10 USC 1583,
1584, 1586.

(20)(A) Sections 1583, 1584, and 1586(d) and (e)(1) are amended by striking out “compensation” and substituting “pay”.

(B) The catchline for section 1583 is amended by striking out “compensation” and substituting “pay”.

(C) Item 1583 in the analysis of chapter 81 is amended to read as follows:

“1583. Employment of certain persons without pay.”.

10 USC 2203.

(21) Section 2203 is amended by adding at the end thereof the following new sentence: “The budget for the Department of Defense submitted to Congress for each fiscal year shall include data projecting the effect of the appropriations requested for materiel readiness requirements.”.

10 USC 2208.

(22) Section 2208(h) is amended by adding the following sentence after the 2d sentence: “However, supplies available in inventories financed by working capital funds established under this section may be sold to contractors for use in performing contracts with the Department of Defense.”.

Ante, p. 169.

(23) Section 2239 is amended by striking out “section 3648 of the Revised Statutes (31 U.S.C. 529)” and substituting “section 3324(a) and (b) of title 31”.

10 USC 2304.

(24) Section 2304 is amended—

(A) in the first sentence of subsection (a), by inserting after “formal advertising” the following: “, and shall be awarded on a competitive bid basis to the lowest responsible bidder,”;

(B) in subsection (f)(1), by striking out "Healy" and substituting "Healey"; and

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

"(i)(1) The Secretary shall require each prime contractor receiving contract awards of at least \$500,000 from the Department of Defense to file a report with the Secretary at the end of the year identifying—

"(A) the amount of Department work (in dollars) that the contractor had performed by a subcontractor during the year; and

"(B) the State in which each subcontractor performed the work subcontracted to it.

"(2) The Secretary shall submit to Congress each year a report identifying, on a State-by-State basis, the total amount of Department money paid to subcontractors by the prime contractor described in paragraph (1) during the year for which the report is submitted."

Report to Congress.

(25) Section 2315 is amended by striking out "(40 U.S.C. 795)" and substituting "(40 U.S.C. 759)".

10 USC 2315.

(26)(A) Chapter 137 is amended by adding at the end thereof the following:

"§ 2316. Disclosure of identity of contractor

10 USC 2316.

"The Secretary of Defense may disclose the identity or location of a person awarded a contract by the Department of Defense to any individual, including a Member of Congress, only after the Secretary makes a public announcement identifying the contractor. When the identity of a contractor is to be made public, the Secretary shall announce publicly that the contract has been awarded and the identity of the contractor."

(B) The analysis of chapter 137 is amended by inserting the following item immediately below item 2314:

"2316. Disclosure of identity of contractor."

(27) Section 2388(c) is amended by striking out "section 3648 of the Revised Statutes (31 U.S.C. 529)" and substituting "section 3324 (a) and (b) of title 31".

Ante, p. 175.

(28)(A) Section 2394 (as enacted by section 2(b)(4) of Public Law 97-258) is redesignated as section 2395 and is amended to read as follows:

Ante, p. 1052.

"§ 2395. Availability of appropriations for procurement of technical military equipment and supplies

10 USC 2395.

"Funds appropriated to the Department of Defense for the procurement of technical military equipment and supplies remain available until spent."

(B) Section 2395 (as enacted by section 2(b)(4) of Public Law 97-258) is redesignated as section 2396 and is amended by striking out "another" in subsection (b)(2)(C) and substituting "any other".

Ante, p. 1053.

(29)(A) Chapter 141 is amended by adding at the end thereof the following:

"§ 2397. Employees or former employees of defense contractors: reports

10 USC 2397.

"(a) In this section:

Definitions.

“(1) ‘Contract’ means a contract awarded by negotiation (including the net amount of modifications to, and the exercise of options under, the contract) that involves at least \$10,000.

“(2) ‘Defense contractor’ means a person that provides services, supplies, or both (including construction) to the Department of Defense under a contract directly with the Department.

“(3) ‘Served’, when used with ‘otherwise’, includes the representation of a defense contractor—

“(A) at a hearing, trial, appeal, or other action in which the United States was a party and that involved services, supplies, or both (including construction) that were provided to, or to be provided to, the Department by the contractor; and

“(B) in a transaction with the Department that involved services, supplies, or both (including construction) that were provided to, or to be provided to, the Department by the contractor.

“(b)(1) This subsection applies to—

“(A) a former or retired officer of the Army, Navy, Air Force, or Marine Corps who (i) has at least 10 years of active service, and (ii) held for any period during that service a grade above captain or, if the Navy, above lieutenant; and

“(B) a former civilian official or employee (including a consultant or part-time employee) of the Department of Defense whose pay rate (at any time during the 3-year period before the end of the last service of the person with the Department) was at least equal to the minimum rate at the time for GS-13.

“(2) A person to whom this subsection applies who (A) was employed by, or served as a consultant or otherwise to, a defense contractor at any time during a fiscal year at an annual pay rate of at least \$15,000 and the contractor was awarded contracts by the Department during that fiscal year that total at least \$10,000,000, and (B) within the 3-year period before the beginning of that fiscal year served on active duty or performed civilian service for the Department, shall file a report with the Secretary of Defense (before February 16 of the next succeeding fiscal year) in the way prescribed by the Secretary.

“(3) The report shall contain the following information:

“(A) The name and address of the person reporting.

“(B) The name and address of the defense contractor that employed the person or for whom the person served as a consultant or otherwise.

“(C) The title of the position of the person when serving the defense contractor.

“(D) A brief description of the duties and work performed by the person for the defense contractor.

“(E) The military grade of the person while on active duty or the gross pay rate while performing civilian service for the Department.

“(F) A brief description of the duties and the work performed by the person while on active duty or performing civilian service for the Department during the 3-year period before that duty or service ended.

“(G) The date the active duty or civilian service by the person for the Department ended and the date the service with the defense contractor began and, if applicable, ended.

“(H) Other pertinent information the Secretary requires.

"(c)(1) A person who (A) holds civilian office or employment (including employment as a consultant or part-time employee) in the Department at any time during a fiscal year at a pay rate at least equal to the minimum rate for GS-13, and (B) within the 3-year period before the effective date of employment with the Department was employed by, or served as a consultant or otherwise to, a defense contractor at any time during a fiscal year at an annual pay rate of at least \$15,000 and the contractor was awarded contracts by the Department during that fiscal year that total at least \$10,000,000, shall file a report with the Secretary in the way and at the time prescribed by the Secretary.

"(2) The report shall contain the following information:

"(A) The name and address of the person reporting.

"(B) The title of the position of the person with the Department.

"(C) A brief description of the duties with the Department.

"(D) The name and address of the defense contractor that employed the person or for whom the person served as a consultant or otherwise.

"(E) The title of the position of the person when serving the defense contractor.

"(F) A brief description of the duties and the work performed by the person for the defense contractor.

"(G) The date the service of the person with the defense contractor ended and the date the service with the Department began.

"(H) Other pertinent information the Secretary requires.

"(d) The Secretary shall maintain a file containing the information filed under this section. The file may be inspected by members of the public at any time during regular work hours.

Files, inspection.

"(e) Before April 1 of each year, the Secretary shall report to Congress the names of persons who have filed reports for the preceding fiscal year under this section. The names shall be listed, by groups, under the names of the appropriate defense contractors. The Secretary may include for each name appropriate additional information.

Report to Congress.

"(f) A person not complying with the filing requirements of this section shall be fined not more than \$1,000, or imprisoned not more than 6 months, or both.

Penalty.

"§ 2398. Procurement of gasohol as motor vehicle fuel

10 USC 2398.

"To the maximum extent feasible and consistent with overall defense needs and vehicle management practices prescribed by the Secretary of Defense, the Secretary shall make contracts, by competitive bid and subject to appropriations, to purchase domestically produced alcohol or alcohol-gasoline blends containing at least 10 percent domestically produced alcohol for use in motor vehicles owned or operated by the Department of Defense.

"§ 2399. Limitation on availability of appropriations to reimburse a contractor for the cost of commercial insurance

10 USC 2399.

"None of the funds appropriated to the Department of Defense is available for obligation to reimburse a contractor for the cost of commercial insurance that protects against the costs of the contractor for correction of the contractor's own defects in materials or workmanship.

10 USC 2400.

"§ 2400. Limitation on procurement of buses

"Funds appropriated for use by the armed forces are available to acquire a multipassenger motor vehicle (bus) only if the vehicle is manufactured in the United States. However, the Secretary of Defense may prescribe regulations authorizing the acquisition of a multipassenger motor vehicle (bus) not manufactured in the United States, but only to ensure that compliance with this section will not result in an uneconomical procurement action or adversely affect the national interest."

(B) The analysis of chapter 141 is amended by striking out items 2394 and 2395 (as enacted by section 2(b)(4) of Public Law 97-258) and substituting the following:

"2395. Availability of appropriations for procurement of technical military equipment and supplies.

"2396. Advances for payments for compliance with foreign laws, rent in foreign countries, tuition, and pay and supplies of armed forces of friendly foreign countries.

"2397. Employees or former employees of defense contractors: reports.

"2398. Procurement of gasohol as motor vehicle fuel.

"2399. Limitation on availability of appropriations to reimburse a contractor for the cost of commercial insurance.

"2400. Limitation on procurement of buses."

(30)(A) Chapter 145 is amended by adding at the end thereof the following:

10 USC 2457.

"§ 2457. Standardization of equipment with North Atlantic Treaty Organization members

"(a) It is the policy of the United States to standardize equipment, including weapons systems, ammunition, and fuel, procured for the use of the armed forces of the United States stationed in Europe under the North Atlantic Treaty or at least to make that equipment interoperable with equipment of other members of the North Atlantic Treaty Organization. To carry out this policy, the Secretary of Defense shall—

"(1) assess the costs and possible loss of nonnuclear combat effectiveness of the military forces of the members of the Organization caused by the failure of the members to standardize equipment;

"(2) maintain a list of actions to be taken, including an evaluation of the priority and effect of the action, to standardize equipment that may improve the overall nonnuclear defense capability of the Organization or save resources for the Organization; and

"(3) initiate and carry out, to the maximum extent feasible, procurement procedures to acquire standardized or interoperable equipment, considering the cost, function, quality, and availability of the equipment.

"(b) Progress in realizing the objectives of standardization and interoperability would be enhanced by expanded inter-Allied procurement of arms and equipment within the North Atlantic Treaty Organization. Expanded inter-Allied procurement would be made easier by greater reliance on licensing and coproduction cooperative agreements among the signatories of the North Atlantic Treaty. If constructed to preserve the efficiencies associated with economies of scale, the agreements could minimize potential economic hardship to parties to the agreements and increase the survivability, in time of war, of the North Atlantic Alliance's armaments production base

by dispersing manufacturing facilities. In conjunction with other members of the Organization and to the maximum extent feasible, the Secretary shall—

“(1) identify areas in which those cooperative agreements may be made with members of the Alliance; and

“(2) negotiate those agreements.

“(c)(1) It is the sense of Congress that weapons systems being developed wholly or primarily for employment in the North Atlantic Treaty Organization theater should conform to a common Organization requirement in order to proceed toward joint doctrine and planning and to facilitate maximum feasible standardization and interoperability of equipment, and that a common Organization requirement should be understood to include a common definition of the military threat to the members of the Organization.

“(2) It is further the sense of Congress that standardization of weapons and equipment within the Organization on the basis of a ‘two-way street’ concept of cooperation in defense procurement between Europe and North America can only work in a realistic sense if the European nations operate on a united and collective basis. Therefore, the governments of Europe are encouraged to accelerate their present efforts to achieve European armaments collaboration among all European members of the Organization.

“(d) Before February 1 of each year, the Secretary shall submit a report to Congress that includes—

Report to
Congress.

“(1) each specific assessment and evaluation made and the results of each assessment and evaluation, and the results achieved with the members of the North Atlantic Treaty Organization, under subsections (a)(1) and (2) and (b);

“(2) procurement action initiated on each new major system not complying with the policy of subsection (a);

“(3) procurement action initiated on each new major system that is not standardized or interoperable with equipment of other members of the Organization, including a description of the system chosen and the reason for choosing that system;

“(4) the identity of—

“(A) each program of research and development for the armed forces of the United States stationed in Europe that supports, conforms, or both, to common Organization requirements of developing weapon systems for use by the Organization, including a common definition of the military threat to the Organization; and

“(B) the common requirements of the Organization to which those programs conform or which they support;

“(5) action of the Alliance toward common Organization requirements if none exist;

“(6) efforts to establish a regular procedure and mechanism in the Organization to determine common military requirements;

“(7) a description of each existing and planned program of the Department of Defense that supports the development or procurement of a weapon system or other military equipment originally developed or procured by members of the Organization other than the United States and for which funds have been authorized to be appropriated for the fiscal year in which the report is submitted, including a summary listing of the amount of funds—

“(A) appropriated for those programs for the fiscal year in which the report is submitted; and

“(B) requested, or proposed to be requested, for those programs for each of the 2 fiscal years following the fiscal year for which the report is submitted; and

“(8) a description of each weapon system or other military equipment originally developed or procured in the United States and that is being developed or procured by members of the Organization other than the United States during the fiscal year for which the report is submitted.

“(e) If the Secretary decides that procurement of equipment manufactured outside the United States is necessary to carry out the policy of subsection (a), the Secretary may determine under section 2 of title III of the Act of March 3, 1933 (41 U.S.C. 10a), that acquiring that equipment manufactured in the United States is inconsistent with the public interest.

“(f) The Secretary shall submit the results of each assessment and evaluation made under subsection (a) (1) and (2) to the appropriate North Atlantic Treaty Organization body to become an integral part of the overall Organization review of force goals and development of force plans.”

(B) The analysis of chapter 145 is amended by inserting the following item immediately below item 2456:

“2457. Standardization of equipment with North Atlantic Treaty Organization members.”.

Repeal.
Ante, p. 1054.

(31)(A) Section 2661a is repealed.

(B) The analysis of chapter 159 is amended by striking out item 2661a.

10 USC 2664.

(32) Section 2664(a) is amended—

(A) by striking out “military department” in the matter before paragraph (1) and all that follows through “or any” and substituting “military department, the Secretary of Transportation, or any”; and

(B) by striking out “transferred to the” in paragraph (3) and all that follows and substituting “transferred to the Secretary of Transportation under section 3 of the Maritime Act of 1981 (46 U.S.C. 1602).”.

95 Stat. 151.
10 USC 2665.

(33) Section 2665 is amended—

(A) by striking out “executive department” and all that follows through “may sell” in subsections (a) and (b) and substituting “executive department, may sell”; and

(B) by striking out “Air Force” and all that follows in subsection (b) and substituting “Air Force, or Department of Transportation.”.

10 USC 2667.

(34) Section 2667(b)(4) is amended by striking out “section 321” and all that follows through “(40 U.S.C. 303b)” and substituting “section 321 of the Act of June 30, 1932 (40 U.S.C. 303b)”.

Ante, p. 164.

(35) Section 2852(a) is amended by striking out “section 3648 of the Revised Statutes (31 U.S.C. 529)” and substituting “section 3324 (a) and (b) of title 31”.

Ante, p. 167.

(36) Section 2859 is amended by striking out “section 201 of the Budget and Accounting Act, 1921 (31 U.S.C. 11)” and substituting “section 1105 of title 31”.

10 USC 3068.

(37) Section 3068(5) is amended by striking out “(a)”, “(b)”, “(c)”, “(d)”, and “(e)” and substituting “(A)”, “(B)”, “(C)”, “(D)”, and “(E)”, respectively.

10 USC 3036.

(38) Section 3036(d) is amended to read as follows:

“(d) Each officer named in subsection (a) shall perform duties prescribed by the Secretary of the Army and by law. Under the supervision of the Secretary, the Chief of Engineers may accept orders to provide services to another department, agency, or instrumentality of the United States and may provide any part of those services by contract.”.

(39) Section 3075(b)(2) is amended by inserting a comma after “professors”.

10 USC 3075.

(40) Section 3992 is amended to read as follows:

10 USC 3992.

“§ 3992. Recomputation of retired pay to reflect advancement on retired list

“An enlisted member of the Army who is advanced on the retired list under section 3964 of this title is entitled to recompute his retired pay under formula A of the following table, and a warrant officer of the Army so advanced is entitled to recompute his retired pay under formula B of that table.

	Column 1	Column 2	Column 3	Column 4
Formula	For a person who first became a member of a uniformed service (as defined in section 1407(a)(2) of this title) after September 7, 1980, take the monthly retired pay base as computed under section 1407(c). For all others, take	Multiply by	Add	Subtract
A	Monthly basic pay or base and longevity pay, as the case may be, ¹ of grade to which member is advanced on retired list.	2½% of years of service credited to him under section 3925 of this title. ²		Excess over 75% of pay upon which computation is based.
B	Monthly basic pay or base and longevity pay, as the case may be, ¹ of grade to which member is advanced on retired list.	2½% of years of service credited to him under section 1405 of this title. ²		Excess over 75% of pay upon which computation is based.

¹ Compute at rate applicable on date of retirement.

² Before applying percentage factor, credit a part of a year that is six months or more as a whole year, and disregard a part of a year that is less than six months.”.

(41)(A) Chapter 403 is amended by adding at the end thereof the following:

“§ 4356. Use of certain gifts

10 USC 4356.

“Under regulations prescribed by the Secretary of the Army, the Superintendent of the Academy may (without regard to section 2601 of this title) accept, hold, administer, invest, and spend any gift, devise, or bequest of personal property of a value of \$20,000 or less made to the United States on the condition that such gift, devise, or bequest be used for the benefit of the Academy or any entity thereof. The Secretary may pay or authorize the payment of all reasonable and necessary expenses in connection with the conveyance or transfer of a gift, devise, or bequest under this section.”.

(B) The analysis of chapter 403 is amended by adding at the end thereof the following item:

"4356. Use of certain gifts."

10 USC 4656.

(42) Section 4656 is amended by striking out " , and at least one of which is designated by the Civil Aeronautics Authority for the training of Negro air pilots".

Repeal.

10 USC 4772.

(43)(A) Section 4772 is repealed.

(B) The analysis of chapter 449 is amended by striking out item 4772.

10 USC 6954.

(44) Section 6954(f) is amended by striking out "Effective beginning with the nominations for appointment to the Academy in the calendar year 1964, the" and substituting "The".

10 USC 7087.

(45) Section 7087(a) is amended by striking out "Civil Service Commission" and substituting "Director of the Office of Personnel Management".

10 USC 7218.

(46) Section 7218(b) is repealed.

10 USC 7299.

(47) Section 7299 is amended by striking out "Healy" and substituting "Healey".

(48)(A) Chapter 633 is amended by inserting the following after section 7299:

10 USC 7299a.

"§ 7299a. Construction of combatant and escort vessels and assignment of vessel projects

"(a) The distribution of assignments and contracts for the construction of combatant vessels and escort vessels is subject to the Act of March 27, 1934 (ch. 95, 48 Stat. 503), requiring that the first and each succeeding alternate vessel be constructed in a Navy yard. However, the President may direct that a vessel be constructed in a Navy or private yard if the requirement of this subsection is inconsistent with the public interest.

"(b) The assignment of naval vessel conversion, alteration, and repair projects shall be based on economic and military considerations and may not be restricted by a requirement that certain parts of naval shipwork be assigned to a particular type of shipyard or geographical area or by a similar requirement."

(B) The analysis of chapter 633 is amended by inserting the following item immediately below item 7299:

"7299a. Construction of combatant and escort vessels and assignment of vessel projects."

(49)(A) Chapter 633 is amended by adding at the end thereof the following:

10 USC 7310.

"§ 7310. Policy in constructing combatant vessels

"(a) The policy of the United States is to modernize the combatant forces of the Navy through the construction of advanced, versatile, survivable, and cost-effective combatant vessels in sufficient numbers and having sufficient combat effectiveness to defend the United States against attack and to carry out other missions that may be assigned to the Navy by law. To carry out this policy, the Navy should develop plans and programs for the construction and deployment of weapons systems, including naval aviation platforms, that are more survivable, less costly, and more effective than those in the Navy on October 20, 1978.

"(b) The President shall include in each request made to Congress for authorization of a vessel for the combatant forces (including an aircraft carrier)—

Request to
Congress.

“(1) the conclusions of the President related to the survivability, cost-effectiveness, and combat effectiveness of the vessel requested;

“(2) a recommendation whether the vessel should be nuclear or conventionally powered; and

“(3) the reasons for the conclusions and recommendations.”.

(B) The analysis of chapter 633 is amended by adding at the end thereof the following item:

“7310. Policy in constructing combatant vessels.”.

(50)(A) Sections 7391-7394 are repealed.

(B) The analysis of chapter 639 is amended by striking out items 7391-7394.

(C) Subtitle A is amended by inserting at the end of chapter 165 the following:

Repeals.
10 USC
7391-7394.

“CHAPTER 167—DEFENSE MAPPING AGENCY

“Sec.

“2791. Establishment and duties.

“2792. Maps, charts, and books.

“2793. Pilot charts.

“2794. Prices of maps, charts, and navigational publications.

“§ 2791. Establishment and duties

10 USC 2791.

“The Defense Mapping Agency is an agency of the Department of Defense. The Defense Mapping Agency shall improve means of navigating vessels of the Navy and the merchant marine by providing, under the authority of the Secretary of Defense, accurate and inexpensive nautical charts, sailing directions, books on navigation, and manuals of instructions for the use of all vessels of the United States and of navigators generally.

“§ 2792. Maps, charts, and books

10 USC 2792.

“The Secretary of Defense may—

“(1) have the Defense Mapping Agency prepare maps, charts, and nautical books required in navigation and have those materials published and furnished to navigators; and

“(2) buy the plates and copyrights of existing maps, charts, books on navigation, and sailing directions and instructions.

“§ 2793. Pilot charts

10 USC 2793.

“(a) There shall be conspicuously printed on pilot charts prepared in the Defense Mapping Agency the following: ‘Prepared from data furnished by the Defense Mapping Agency of the Department of Defense and by the Department of Commerce, and published at the Defense Mapping Agency under the authority of the Secretary of Defense’.

“(b) The Secretary of Commerce shall furnish to the Defense Mapping Agency, as quickly as possible, all meteorological information received by the Secretary that is necessary for, and of the character used in, preparing pilot charts.

“§ 2794. Prices of maps, charts, and navigational publications

10 USC 2794.

“All maps, charts, and other publications offered for sale by the Defense Mapping Agency shall be sold at prices and under regulations that may be prescribed by the Secretary of Defense.”.

(D) The analysis of subtitle A is amended by inserting the following item immediately below item 165:

"167. Defense Mapping Agency 2791".

(E) The analysis of part IV of subtitle A is amended by inserting the following item immediately below item 165:

"167. Defense Mapping Agency 2791".

(F) The chapter heading for chapter 639 is amended by striking out "NAVAL OCEANOGRAPHIC OFFICE AND".

(G) Item 639 in the analysis of subtitle C is amended to read as follows:

"639. United States Naval Observatory 7395".

(H) Item 639 in the analysis of part IV of subtitle C is amended to read as follows:

"639. United States Naval Observatory 7395".

(51)(A) Item 659 in the analysis of subtitle C is amended by striking out "responsibility" and substituting "Responsibility".

(B) The analysis of part IV of subtitle C is amended by adding at the end thereof the following item:

"661. Accountability and Responsibility 7861".

(C) The catchline for section 7861 is amended by striking out "public" and substituting "naval".

(D) Item 7861 in the analysis of chapter 661 is amended by striking out "public" and substituting "naval".

(52) Section 8992 is amended to read as follows:

"§8992. Recomputation of retired pay to reflect advancement on retired list

"An enlisted member of the Air Force who is advanced on the retired list under section 8964 of this title is entitled to recompute his retired pay under formula A of the following table, and a warrant officer of the Air Force so advanced is entitled to recompute his retired pay under formula B of that table.

	Column 1	Column 2	Column 3	Column 4
Formula	For a person who first became a member of a uniformed service (as defined in section 1407(a)(2) of this title) after September 7, 1980, take the monthly retired pay base as computed under section 1407(e). For all others, take	Multiply by	Add	Subtract
A	Monthly basic pay or base and longevity pay, as the case may be, ¹ of grade to which member is advanced on retired list.	2½% of years of service credited to him under section 8925 of this title. ²		Excess over 75% of pay upon which computation is based.
B	Monthly basic pay or base and longevity pay, as the case may be, ¹ of grade to which member is advanced on retired list.	2½% of years of service credited to him under section 1405 of this title. ²		Excess over 75% of pay upon which computation is based.

¹ Compute at rate applicable on date of retirement.

² Before applying percentage factor, credit a part of a year that is six months or more as a whole year, and disregard a part of a year that is less than six months."

Ante, p. 1057.

10 USC 8992.

(53) Section 9656 is amended by striking out “, and at least one of which is designated by the Civil Aeronautics Authority for the training of Negro air pilots”. 10 USC 9656.

AMENDMENTS TO TITLE 14

SEC. 2. Title 14, United States Code, is amended as follows:

(1) Section 46(a) is amended by striking out “commandant” and substituting “Commandant”. 14 USC 46.

(2) The last sentence of section 47(a) is amended by striking out “an” and substituting “a”. 14 USC 47.

(3) Section 82 is amended by striking out “(ch. 20 of title 49)” and “sections 7392 and 7394 of title 10” and substituting “(49 U.S.C. 1301 et seq.)” and “chapter 167 of title 10”, respectively. 14 USC 82.

(4) Sections 92(d), 93(h), and 641(a) are amended by striking out “, as amended,” and substituting “(40 U.S.C. 471 et seq.)”. 14 USC 92, 93, 641.

(5) Section 147 is amended by striking out “Admininistration” and substituting “Administration”. 14 USC 147.

(6)(A) Chapter 7 is amended by inserting the following after section 147:

“§ 147a. Department of Health and Human Services

14 USC 147a.

“(a) The Commandant may assist the Secretary of Health and Human Services in providing medical emergency helicopter transportation services to civilians. The Commandant may prescribe conditions, including reimbursement, under which resources may be provided under this section. The following specific limitations apply to assistance provided under this section:

“(1) Assistance may be provided only in areas where Coast Guard units able to provide the assistance are regularly assigned. Coast Guard units may not be transferred from one area to another to provide the assistance.

“(2) Assistance may be provided only to the extent it does not interfere with the performance of the Coast Guard mission.

“(3) Providing assistance may not cause an increase in amounts required for the operation of the Coast Guard.

“(b) An individual (or the estate of that individual) who is authorized by the Coast Guard to provide a service under a program established under subsection (a) and who is acting within the scope of that individual’s duties is not liable for injury to, or loss of, property or personal injury or death that may be caused incident to providing the service.”

(B) The analysis of chapter 7 is amended by inserting the following item immediately below item 147:

“147a. Department of Health and Human Services.”

(7)(A) Item 186 in the analysis of chapter 9 is amended to read as follows:

“186. Civilian teaching staff.”

(B) Item 195 in the analysis of chapter 9 is amended to read as follows:

“195. Admission of foreign nationals for instruction; restrictions; conditions.”

- 14 USC 182. (8) Section 182(b) is amended by striking out "United States Code."
- 14 USC 283, 362. (9) Sections 283(b) and 362 are amended by striking out "of this chapter" and substituting "of this title".
- 14 USC 322, 323, 327. (10) Sections 322(d), 323(c), and 327 are amended by inserting "of this title" immediately after each reference to "section 321" and "section 322 or 323".
- 14 USC 371, 432, 433, 475. (11) Sections 371(b), 432(g), 433(g), and 475(b) are amended by striking out "per centum" and substituting "percent".
- 14 USC 423. (12) Section 423(b) is amended by striking out "on or after the date of enactment of the Department of Defense Authorization Act, 1981" and substituting "after September 7, 1980".
- 14 USC 432. (13) Section 432(f) is amended by striking out "the civil service classification laws and titles II and III of the Federal Employees Pay Act of 1945 as amended" and substituting "chapter 51, subchapter III of chapter 53, and sections 5542-5546 of title 5".
- 14 USC 433, 434. (14) Sections 433(f) and 434 are amended by striking out "sections 691, 693, 698, 707, 709-715, 716-719, 720-725, 727-729, 730, 731, and 733 of title 5" and substituting "subchapter III of chapter 83 of title 5".
- Repeal. (15)(A) Section 473 is repealed.
- 14 USC 473. (B) The analysis of chapter 13 is amended by striking out item 473.
- 14 USC 512. (16) Section 512 is amended by striking out ", United States Code," and ", United States Code".
- (17) The analysis of chapter 17 is amended by striking out item 645.
- 14 USC 634. (18) Section 634(b) is amended—
 (A) in the first sentence, by striking out "United States Commissioners or"; and
 (B) by striking out the 2d sentence.
- Repeal. (19)(A) Section 659 is repealed.
- 14 USC 659. (B) The analysis of chapter 17 is amended by striking out item 659.
- (20)(A) Chapter 17 is amended by adding at the end thereof the following:
- 14 USC 661. **"§ 661. Authorization of personnel end strengths**
 "(a) For each fiscal year, Congress shall authorize the strength for active duty personnel of the Coast Guard as of the end of that fiscal year. Amounts may be appropriated for a fiscal year to or for the use of active duty personnel of the Coast Guard only if the end strength for active duty personnel for that fiscal year has been authorized by law.
 "(b)(1) Congress shall authorize the average military training student loads for the Coast Guard for each fiscal year. That authorization is required for student loads for the following individual training categories:
 "(A) Recruit and specialized training.
 "(B) Flight training.
 "(C) Professional training in military and civilian institutions.
 "(D) Officer acquisition training.

“(2) Amounts may be appropriated for a fiscal year for use in training military personnel of the Coast Guard in the categories referred to in paragraph (1) only if the average student loads for the Coast Guard for that fiscal year have been authorized by law.

“§ 662. Requirement for prior authorization of appropriations

14 USC 662.

“Amounts may be appropriated to or for the use of the Coast Guard for the following matters only if the amounts have been authorized by law after December 31, 1976:

“(1) For the operation and maintenance of the Coast Guard.

“(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore or offshore establishments, vessels, or aircraft, including equipment related to the aids, establishments, vessels, or aircraft.

“(3) For altering obstructive bridges.

“(4) For research, development, test, or evaluation related to a matter referred to in clauses (1)–(3).

“§ 663. Submission of plans to Congress

14 USC 663.

“The President shall submit to Congress with each budget request for the Coast Guard the current copy of the Coast Guard’s Capital Investment Plan, Cutter Plan, Aviation Plan, and Shore Facilities Plan.”

(B) The analysis of chapter 17 is amended by adding at the end thereof the following items:

“661. Authorization of personnel end strengths.

“662. Requirement for prior authorization of appropriations.

“663. Submission of plans to Congress.”

(21) Section 707(e) is amended—

14 USC 707.

(A) in clause (1), by striking out “per centum” wherever it appears and substituting “percent”; and

(B) in clause (1)(A), by inserting “(42 U.S.C. 401 et seq.)” after “Social Security Act”.

(22) Item 733 in the analysis of chapter 21 is amended to read as follows:

“733. Recommendation for promotion of an officer previously removed from an active status.”

AMENDMENTS TO TITLE 37

SEC. 3. Title 37, United States Code, is amended as follows:

(1) Section 305a(d) is amended by striking out “clause (B)” in the 2d sentence and substituting “clause (2)”. 37 USC 305a.

(2) Section 308b(a)(1) is amended by striking out “services” and substituting “service”. 37 USC 308b.

(3) Section 312a(c) is amended—

37 USC 312a.

(A) by striking out “308(c)” and substituting “308(a)”; and

(B) by striking out the last sentence.

(4) Section 406 is amended by adding at the end thereof the following:

Ante, p. 1061.

“(k) Appropriations available to the Department of Defense to carry out subsection (b) of this section are available to pay a monetary allowance to a member when the member participates in a program in which baggage and household effects of the member

Transportation allowance.

are transported by a privately owned or rental vehicle under regulations of the Secretary of the military department concerned. The allowance is not limited to reimbursement for actual expenses and may be paid in advance of the transportation of the baggage and household effects. However, the amount of the allowance shall provide a savings to the United States when the total cost of the transportation is compared with the cost that would be incurred under subsection (b) of this section."

37 USC 707.

(5) Section 707 is amended—

(A) by inserting "(a)" before "The Secretary"; and

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

"(b) The United States is not liable for loss or damage suffered by a person as a result of an error made by an officer or employee of the United States in carrying out the allotment program under subsection (a) of this section."

(6)(A) Chapter 17 is amended by adding at the end thereof the following:

37 USC 908.

"§ 908. Employment of reserves and retired members by foreign governments

"(a) Subject to subsection (b) of this section, Congress consents to the following persons accepting civil employment (and compensation for that employment) for which the consent of Congress is required by the last paragraph of section 9 of article I of the Constitution, related to acceptance of emoluments, offices, or titles from a foreign government:

"(1) Retired members of the uniformed services.

"(2) Members of a reserve component of the armed forces.

"(3) Members of the Commissioned Reserve Corps of the Public Health Service.

"(b) A person described in subsection (a) of this section may accept employment or compensation described in that subsection only if the Secretary concerned and the Secretary of State approve the employment."

(B) The analysis of chapter 17 is amended by adding at the end thereof the following:

"908. Employment of reserves and retired members by foreign governments."

AMENDMENTS TO TITLE 38

SEC. 4. Title 38, United States Code, is amended as follows:

(1) The analysis of title 38 is amended—

(A) by amending item 31 to read as follows:

"31. Training and Rehabilitation for Veterans with Service-Connected Disabilities..... 1500";

(B) by amending item 34 to read as follows:

"34. Veterans' Educational Assistance..... 1651";

and

(C) by inserting the following item immediately below item 81:

"82. Assistance in Establishing New State Medical Schools; Grants to Affiliated Medical Schools; Assistance to Health Manpower Training Institutions..... 5070".

38 USC 101.

(2) Section 101(4) is amended by striking out "within two years after the veteran's death or the date of enactment of this

sentence" and substituting "before August 26, 1961, or within two years after the veteran's death".

(3) Section 106 is amended—

38 USC 106.

(A) in subsection (a)(2), by striking out "the Federal Employees' Compensation Act" and substituting "subchapter I of chapter 81 of title 5"; and

(B) in subsection (e), by striking out "the Act of June 27, 1944 (58 Stat. 387-391), as a person described in section 2(1) of such Act" and substituting "title 5 as a preference eligible described in section 2108(3)(C) of title 5".

(4) Section 107(a)(2) is amended by striking out "the Missing Persons Act" and substituting "chapter 10 of title 37".

38 USC 107.

(5) Section 111(e)(4) is amended by striking out ", and not later than sixty days after the effective date of this subsection, and thereafter" and substituting "and".

38 USC 111.

(6) Section 230(b) is amended by striking out "Phillipines" and substituting "Philippines".

38 USC 230.

(7) Section 243(a)(3)(E) is amended by striking out ", as amended" and substituting "(20 U.S.C. 1070e-1)".

38 USC 243.

(8) Section 246 is amended—

38 USC 246.

(A) by striking out "per centum" wherever it appears and substituting "percent";

(B) by striking out "Commissioner of Education, Department of Health, Education, and Welfare" and "Commissioner of Education" wherever they appear and substituting "Secretary of Education";

(C) in subsection (b)(1)(B), by inserting "(20 U.S.C. 1070e)" after "the Higher Education Act of 1965";

(D) in subsection (c)(1)(A), by inserting "(20 U.S.C. 1070e(c)(1))" after "the Higher Education Act of 1965"; and

(E) in subsection (f)—

(i) by inserting "(20 U.S.C. 1001 et seq.)" after "the Higher Education Act of 1965"; and

(ii) by striking out "the Commissioner shall" and substituting "the Secretary shall".

(9) The analysis of chapter 11 is amended by inserting the following item immediately below item 360:

"361. Payment of disability compensation in disability severance cases."

(10) Section 415 is amended—

38 USC 415.

(A) in subsection (f)(1)(D), by striking out "subchapter II of chapter 7 of title 42" and substituting "title II of the Social Security Act (42 U.S.C. 401 et seq.)"; and

(B) in subsection (f)(1)(G), by striking out "per centum" and substituting "percent".

(11) Sections 416 and 417 are amended by striking out "the Federal Employees' Compensation Act" wherever it appears and substituting "subchapter I of chapter 81 of title 5".

38 USC 416, 417.

(12) Section 422(a) is amended by striking out "section 402 of title 42" and substituting "section 202 of the Social Security Act (42 U.S.C. 402)".

38 USC 422.

(13) Section 503(a)(10)(A) is amended by inserting "(26 U.S.C. 6012(a))" after "the Internal Revenue Code of 1954".

38 USC 503.

(14) Item 560 in the analysis of chapter 15 is amended to read as follows:

"560. Medal of Honor Roll; persons eligible."

(15) Item 624 in the analysis of chapter 17 is amended to read as follows:

"624. Hospital care, medical services, and nursing home care abroad."

38 USC 602.

(16) Section 602 is amended by striking out "or February 1, 1957, in the case of a veteran of the Korean conflict, or before the expiration of two years following termination of the Vietnam era" and substituting "before February 1, 1957, in the case of a veteran of the Korean conflict, or before May 8, 1977,".

38 USC 612.

(17) Section 612 is amended—

(A) in subsection (a), by inserting "of this section" after "subsection (b)";

(B) in subsection (a), insert ")" before the period at the end of the 2d sentence;

(C) in subsection (f)(2), by striking out "per centum" and substituting "percent";

(D) in subsection (h), by inserting "of this title" after "chapter 11"; and

(E) in subsection (i), by striking out "Not later than ninety days after the effective date of this subsection, the" and substituting "The".

38 USC 617.

(18) Section 617 is amended by striking out "subsections 314(l)-(p) (or the comparable rates provided pursuant to section 334) of this title" and substituting "section 314(l)-(p) of this title (or the comparable rates provided pursuant to section 334 of this title)".

38 USC 620.

(19) Section 620 is amended—

(A) in subsection (a), by striking out "per centum" wherever it appears and substituting "percent"; and

(B) in subsection (c)—

(i) by inserting "(41 U.S.C. 351(b)(1))" after "the Service Contract Act of 1965"; and

(ii) by striking out ", as amended," and substituting "(29 U.S.C. 206(b))".

38 USC 624.

(20) The catchline for section 624 is amended by striking out "Hospital care and medical services abroad" and substituting "Hospital care, medical services, and nursing home care abroad".

38 USC 704.

(21) Section 704(e) is amended—

(A) in the first sentence, by striking out "On and after the effective date of this subsection" and substituting "After June 30, 1972,"; and

(B) in the 3d sentence, by striking out "subsections" and substituting "subsection".

38 USC 707.

(22) Section 707(c) is amended by striking out "within six calendar months after the effective date of this subsection" and substituting "before February 1, 1973".

38 USC 712.

(23) Section 712(d) is amended by striking out "the date of enactment of this subsection" and substituting "June 8, 1960".

38 USC 718.

(24) Section 718 (a) and (b) is amended by striking out "on or after the date of enactment of this sentence" and substituting "after July 26, 1962" and "after July 26, 1962," respectively.

38 USC 725.

(25) Section 725 is amended—

(A) by striking out "per centum" wherever it appears and substituting "percent"; and

(B) in subsection (a), by striking out “within one year after the effective date of this section” and substituting “before May 2, 1966”.

(26) Sections 743 and 744 are amended by striking out “per centum” wherever it appears and substituting “percent”. 38 USC 743, 744.

(27) Section 748 is amended by striking out “permium” and substituting “premium”. 38 USC 748.

(28) Section 760(b) is amended by striking out “per centum” and substituting “percent”. 38 USC 760.

(29) Section 766(a) is amended by striking out “per centum” and substituting “percent”. 38 USC 766.

(30) Section 768(a)(5) is amended by striking out “this amendment” and substituting “the amendment made by section 5(a) of the Veterans’ Insurance Act of 1974 (Public Law 93-289, 88 Stat. 166)”. 38 USC 768.

(31) Section 770(g) is amended by inserting “(26 U.S.C. 6331 et seq.)” after “the Internal Revenue Code of 1954”. 38 USC 770.

(32) Section 784 is amended— 38 USC 784.

(A) in subsection (b), by striking out “said claim: *Provided*, That in any case in which” and substituting “the claim. However, if”; and

(B) in subsection (c), by striking out “district: *Provided*, That” and “herein” and substituting “district. However,” and “in this section”, respectively.

(33) Section 802(a) is amended by striking out “per centum” wherever it appears and substituting “percent”. 38 USC 802.

(34) Section 1003(c) is amended by striking out “Act” and substituting “chapter”. 38 USC 1003.

(35) The analysis of part III is amended—

(A) by amending item 31 to read as follows:

“31. Training and Rehabilitation for Veterans with Service-Connected Disabilities..... 1500”;

(B) by amending item 34 to read as follows:

“34. Veterans’ Educational Assistance..... 1651”.

(36) Item 1625 in the analysis of chapter 32 is amended to read as follows:

“1625. Discharge or release under conditions which would bar the use of benefits.”.

(37) The text of section 1642 is amended to read as follows:

“The Administrator and the Secretary shall submit a joint report each year to the Committees on Veterans’ Affairs of the Senate and House of Representatives detailing the operations of the program provided for in this chapter during the preceding year. The report shall be submitted by January 15 of each year.”.

38 USC 1642.
Report to
Congress.

(38) Section 1652(b) is amended by striking out “402(a) of the Economic Opportunity Act of 1964 (42 U.S.C. 2902(a))” and substituting “section 7(i)(1) of the Small Business Act (15 U.S.C. 636(i)(1))”.

38 USC 1652.

(39) Section 1662 is amended—

38 USC 1662.

(A) in subsection (a)(2)(B), by striking out “the date of enactment of this paragraph” and substituting “November 23, 1977,”; and

(B) in subsection (c)—

(i) by striking out “the date for which an educational assistance allowance is first payable under this chapter” and substituting “June 1, 1966”; and

(ii) by striking out “the date of enactment of this sentence” wherever it appears and substituting “August 31, 1967,” and “August 31, 1967”, respectively.

38 USC 1673.

(40) Section 1673(d) is amended by striking out “per centum” wherever it appears and substituting “percent”.

38 USC 1682A.

(41) Section 1682A(b)(8) is amended by striking out “within five years after the date of enactment of this section” and substituting “before November 24, 1982”.

38 USC 1685.

(42) Section 1685(a) is amended by inserting “(29 U.S.C. 206(a))” after “the Fair Labor Standards Act of 1938” the first time it appears.

38 USC 1691.

(43) Section 1691 is amended—

(A) in subsection (a), by inserting “of this title” after “section 1671”; and

(B) in subsection (b)(2), by inserting “of this title” after “section 1682(a)”.

38 USC 1712.

(44) Section 1712 is amended—

(A) in subsection (a), by inserting “of this title” after “section 1701(a)(1)(A)” and by inserting “:” after “last occurs”;

(B) in subsection (b), by striking out “of this chapter” and substituting “of this title”; and

(C) in subsection (e), by striking out “the date of enactment of this subsection” and substituting “December 24, 1970”.

38 USC 1720.

(45) Section 1720 is amended—

(A) in subsection (a), by inserting “of this title” after “section 1701(a)(1)(A)”;

(B) in subsection (b), by striking out “of this chapter” and substituting “of this title”.

38 USC 1763.

(46) Section 1763 is amended by striking out “of this chapter” and substituting “of this title”.

38 USC 1765.

(47) Section 1765(a) is amended by inserting “of this title” after “section 1766”.

(48) Item 1780 in the analysis of chapter 36 is amended to read as follows:

“1780. Payment of educational assistance or subsistence allowances.”.

38 USC 1770.

(49) Section 1770(b) is amended by striking out “the date of enactment of this chapter” and “section 1778” and substituting “March 3, 1966” and “section 1779”, respectively.

38 USC 1772.

(50) Section 1772 is amended—

(A) by inserting “of this title” after “34 and 35” wherever it appears; and

(B) in subsection (c)(1), by striking out “section 50a of title 29” and substituting “section 2 of the Act of August 16, 1937 (popularly known as the ‘National Apprenticeship Act’) (29 U.S.C. 50a)”.

38 USC 1773,
1774.

(51) Sections 1773 and 1774(a) are amended by inserting “of this title” after “34 and 35” wherever it appears.

38 USC 1780.

(52) Section 1780 is amended—

(A) in subsection (a), by striking out “1504” and substituting “1508”;

- (B) in subsection (a)(5), by striking out "the 6 months" and substituting "than 6 months"; and
- (C) in subsection (a)(A)-(C), by inserting "of this subsection" after "clause (2)" wherever it appears.
- (53) Section 1781 is amended by striking out "the Government Employees' Training Act" and substituting "chapter 41 of title 5". 38 USC 1781.
- (54) Section 1783(a) is amended by inserting "of this title" after "34 or 35". 38 USC 1783.
- (55) Section 1784(c) is amended by striking out "per centum" and substituting "percent". 38 USC 1784.
- (56) Section 1786(c) is amended by striking out "per centum" wherever it appears and substituting "percent". 38 USC 1786.
- (57) Section 1787(a) is amended— 38 USC 1787.
- (A) by striking out "section 50a of title 29" and substituting "section 2 of the Act of August 16, 1937 (popularly known as the 'National Apprenticeship Act') (29 U.S.C. 50a)"; and
- (B) by inserting "of this title" after "34 and 35".
- (58) Section 1788(a)(6) is amended by inserting "of this subsection" after "or (4)". 38 USC 1788.
- (59) Section 1790 is amended— 38 USC 1790.
- (A) in subsection (a), by striking out "after the effective date of section 1780 of this title" and "or 35, of" and substituting "after October 24, 1972" and "or 35 of", respectively; and
- (B) in subsection (b), by striking out "35," and substituting "35 of this title,".
- (60) Section 1798(b)(2)(B)(iii) is amended by striking out ", as amended" and substituting "(20 U.S.C. 1070 et seq.)". 38 USC 1798.
- (61) Sections 1799(e), 1802(f), and 1803(a)(1) are amended by striking out "per centum" wherever it appears and substituting "percent". 38 USC 1799, 1802, 1803.
- (62) Section 1801(b)(3) is amended by striking out "spouse shall be deemed" and "spouse is no longer listed" and substituting "member shall be deemed" and "member is no longer listed", respectively. 38 USC 1801.
- (63) Section 1803 is amended— 38 USC 1803.
- (A) in subsection (a)(2), by striking out "prior to the date of enactment of the Veterans' Housing Act of 1970" and substituting "before October 23, 1970,";
- (B) in subsection (c)(1), by inserting "(12 U.S.C. 1709(b))" after "the National Housing Act"; and
- (C) in subsection (d)(3), by striking out "the effective date of this amendment" and substituting "June 6, 1969".
- (64) Section 1804(e) is amended— 38 USC 1804.
- (A) by inserting "(12 U.S.C. 1749aa et seq.)" after "the National Housing Act"; and
- (B) by striking out "the date of the enactment of the Housing and Urban Development Act of 1965" and substituting "August 10, 1965".
- (65) Section 1811 is amended— 38 USC 1811.
- (A) in subsection (c)(2), by striking out "sections 1000-1029 of title 7 or under sections 1471-1483 of title 42" and substituting "title III of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) or title V of the Housing Act of 1949 (42 U.S.C. 1471 et seq.)";

(B) in subsection (d)(2)(B), by striking out “the date of the enactment of the Veterans’ Housing Benefits Act of 1978” and substituting “October 18, 1978,”; and

(C) in subsection (j), by striking out “per centum” wherever it appears and substituting “percent”.

38 USC 1818,
1819.

(66) Sections 1818(b) and 1819(l) are amended by striking out “the date of enactment of the Veterans’ Housing Act of 1970” and substituting “October 23, 1970,” and “October 23, 1970”, respectively.

38 USC 1820.

(67) Section 1820(f) is amended by inserting “(42 U.S.C. 5121 et seq.)” after “the Disaster Relief Act of 1974”.

38 USC 1823.

(68) Section 1823(b) is amended by striking out “the date of enactment of this sentence” and substituting “February 29, 1964”.

38 USC 1904.

(69) Section 1904(b) is amended—

(A) by striking out “Health, Education, and Welfare and the Commissioner of the Rehabilitation Services Administration, Department of Health, Education, and Welfare” and substituting “Health and Human Services and the Secretary of Education”; and

(B) by striking out “section 3(b) of the Rehabilitation Act of 1973 (Public Law 93-112; 87 Stat. 357) (relating to the development and support, and the stimulation of the development and utilization, including production and distribution of new and existing devices, of innovative methods of applying advanced medical technology, scientific achievement, and psychological and social knowledge to solve rehabilitation problems), and section 204(b)(2) of such Act” and substituting “section 204(b)(2) of the Rehabilitation Act of 1973 (29 U.S.C. 762(b)(2))”.

38 USC 2003.

(70) Section 2003 is amended by striking out “chapter 51 of” and substituting “chapter 51 and”.

38 USC 2022.

(71) Section 2022(a) is amended by striking out “section 2024” and substituting “2024 of this title”.

38 USC 2023.

(72) Section 2023 is amended—

(A) by striking out “United States Civil Service Commission” and “Commission” (except when referring to the Postal Rate Commission) wherever they appear and substituting “Director of the Office of Personnel Management” and “Director”, respectively;

(B) in subsection (a), by striking out “whenever it finds” and substituting “when the Director finds”;

(C) in subsection (a)(2), by striking out the period and substituting a semicolon; and

(D) in subsections (b) and (c), by inserting “of this title” after “section 2021(a)”.

38 USC 3020.

(73) Section 3020(a) is amended by striking out “Post Office Department” and substituting “United States Postal Service”.

38 USC 3101.

(74) Section 3101(c) is amended by inserting “of this section” after “subsection (a)” and by striking out “(relating to seizure of property for collection of taxes)” and substituting “(26 U.S.C. 6331 et seq.)”.

38 USC 3103.

(75) Section 3103(e)(2)(B) is amended by striking out “within one year after the date of enactment of this paragraph”, “on or prior to the date of enactment of this paragraph”, and “such enactment date” and substituting “before October 9, 1978,” “before October 9, 1977,” and “October 8, 1977”, respectively.

(76) Section 3112 is amended—

38 USC 3112.

(A) in subsections (a) and (b)(1), by inserting “(42 U.S.C. 401 et seq.)” after “title II of the Social Security Act” the first time it appears in each subsection;

(B) by inserting “(42 U.S.C. 415(i))” after “section 215(i) of such Act” wherever it appears;

(C) in subsection (b)(1), by striking out “subsection (h), of section 415 of such title” and substituting “subsection (g), of section 415 of this title”; and

(D) in subsection (c)(1), by inserting “(42 U.S.C. 415(i)(2)(D))” after “section 215(i)(2)(D) of the Social Security Act”.

(77) Section 3202(d) is amended by striking out “the date of enactment of this sentence” and substituting “August 7, 1959,”.

38 USC 3202.

(78) Section 3504(a) is amended by striking out “be guilty” and substituting “to be guilty”.

38 USC 3504.

(79)(A) Section 3505(a) is amended by striking out “the date of enactment of this section” and substituting “September 1, 1959,”.

38 USC 3505.

(B) Section 3505(b) is amended to read as follows:

“(b) The offenses referred to in subsection (a) of this section are those offenses for which punishment is prescribed in—

“(1) sections 894, 904, and 906 of title 10 (articles 94, 104, and 106 of the Uniform Code of Military Justice);

“(2) sections 792, 793, 794, 798, 2381, 2382, 2383, 2384, 2385, 2387, 2388, 2389, 2390, and chapter 105 of title 18;

“(3) sections 222, 223, 224, 225, and 226 of the Atomic Energy Act of 1954 (42 U.S.C. 2272, 2273, 2274, 2275, and 2276); and

“(4) section 4 of the Internal Security Act of 1950 (50 U.S.C. 783).”.

18 USC 2151 et seq.

(80)(A) Section 4101(c)(2) is amended—

38 USC 4101.

(i) by striking out “Health, Education, and Welfare and the Commissioner of the Rehabilitation Services Administration, Department of Health, Education, and Welfare” and substituting “Health and Human Services and the Secretary of Education”; and

(ii) by striking out “section 3(b) of the Rehabilitation Act of 1973 (Public Law 93-112; 87 Stat. 357) (relating to the development and support, and the stimulation of the development and utilization, including production and distribution of new and existing devices, of innovative methods of applying advanced medical technology, scientific achievement, and psychological and social knowledge to solve rehabilitation problems), section 202(b)(2) of such Act (relating to the establishment and support of Rehabilitation Engineering Research Centers), and section 405 of such Act (relating to the secretarial responsibilities for planning, analysis, promoting utilization of scientific advances, and information clearinghouse activities)” and substituting “section 204(b)(2) of the Rehabilitation Act of 1973 (29 U.S.C. 762(b)(2)) (relating to the establishment and support of Rehabilitation Engineering Research Centers)”.

(B) Section 4101(d) is repealed.

(81) Section 4105(c) is amended by striking out “the effective date of this subsection” and substituting “January 1, 1978,”.

38 USC 4105.

(82) Section 4107(e) is amended by striking out “per centum” wherever it appears and substituting “percent”.

38 USC 4107.

38 USC 4108.

(83) Section 4108(a)(6) is amended by striking out "the effective date of this subsection" wherever it appears and substituting "September 1, 1973".

38 USC 4109.

(84) Section 4109(a) is amended by inserting "subchapter III of" before "chapter".

38 USC 4114.

(85) Section 4114 is amended—

(A) in subsection (b)(3)(C), by inserting "(26 U.S.C. 3101 et seq.)" after "the Internal Revenue Code of 1954"; and

(B) in subsection (f), by striking out "the effective date of this subsection" and substituting "January 1, 1978".

38 USC 4118.

(86)(A) The last sentence of section 4118(a)(3) is amended to read as follows: "Not later than one year after making any such recruitment and retention determination and each year thereafter, the Chief Medical Director shall make a redetermination in accordance with such regulations.".

(B) Section 4118(e)(4) is amended—

(i) in clause (A), by striking out "on or before the effective date of this section", "the date of the enactment of the Veterans' Administration Physician and Dentist Pay Comparability Act of 1975", and "the effective date of this section" and substituting "before October 13, 1975", "October 22, 1975", and "October 12, 1975", respectively;

(ii) in clause (B), by striking out "the effective date of this section" and "the date of the enactment of the Veterans' Administration Physician and Dentist Pay Comparability Act of 1975" and substituting "October 12, 1975," and "October 22, 1975", respectively; and

(iii) in clause (C), by striking out "the date of the enactment of the Veterans' Administration Physician and Dentist Pay Comparability Act of 1975" and substituting "October 22, 1975".

38 USC 4134.

(87) Section 4134(a) is amended—

(A) by striking out "Health, Education, and Welfare" and substituting "Health and Human Services"; and

(B) by striking out "the Director of the Office of Drug Abuse Policy (or any other successor authority)" and substituting "the President (or the delegate of the President)".

38 USC 4202.

(88) Section 4202 is amended—

(A) in clause (5), by striking out "without regard to" and all that follows through the semicolon and substituting "without regard to the provisions of title 5 governing appointments in the competitive service and chapter 51 and subchapter III of chapter 53 of title 5. Those employees are subject to the provisions of title 5 relating to a preference eligible described in section 2108(3) of title 5, subchapter I of chapter 81 of title 5, and subchapter III of chapter 83 of title 5"; and

(B) in clause (11), by striking out "sections 521 and 543 of title 5" and substituting "section 1 of the Act of January 31, 1925 (7 U.S.C. 2217), and section 1 (1st proviso under heading 'OFFICE OF THE SECRETARY') of the Act of May 11, 1922 (7 U.S.C. 2240)".

38 USC 4207.

(89) Section 4207 is amended by striking out "the Accounting and Auditing Act of 1950" and substituting "section 3523 of title 31".

38 USC 4208.

(90) Section 4208 is amended by striking out "herein provided" and substituting "provided in this chapter".

5 USC 5101 *et seq.*, 5331.

5 USC 8101, 8331.

(91)(A) Section 5022(a) is amended by striking out “section 321” and all that follows through “(40 U.S.C. 303b)” and substituting “section 321 of the Act of June 30, 1932 (40 U.S.C. 303b)”.

38 USC 5022.

(B) Section 5022(c) is amended by inserting “(41 U.S.C. 254)” after “section 304 of that Act”.

(92) Sections 5035(a)(1), (4), (b)(2), (d)(1), and 5036 are amended by striking out “per centum” wherever it appears and substituting “percent”.

38 USC 5035, 5036.

(93) Section 5056 is amended by inserting “(42 U.S.C. 300t et seq.)” after “part F of title XVI of the Public Health Service Act”.

38 USC 5056.

(94)(A) Section 5070(a) is amended—

38 USC 5070.

(i) by striking out “Health, Education, and Welfare” and substituting “Health and Human Services”; and

(ii) by striking out “section 309 and” and inserting “(42 U.S.C. 292 et seq.)” after “the Public Health Service Act”.

(B) Section 5070(e) is amended—

(i) in the first sentence, by striking out “including equipment therein” and substituting “(including equipment therein)”; and

(ii) in the last sentence, by striking out “section 321” and all that follows through “(40 U.S.C. 303b)” and substituting “section 321 of the Act of June 30, 1932 (40 U.S.C. 303b)”.

(95)(A) The following sections are amended by striking out “Health, Education, and Welfare” wherever it appears and substituting “Health and Human Services”: 101(25)(E), 422 (a) and (b), 612(j), 616, 774, 2014(c), 3001(a), 3005, 5053(d)(1), and 5056.

38 USC 101, 422, 612, 616, 774, 2014, 3001, 3005, 5053, 5056.

(B) Section 5073(b)(1)(D) is amended by striking out “Commissioner of Education of the Department of Health, Education, and Welfare” and substituting “Secretary of Education”.

38 USC 5073.

LEGISLATIVE PURPOSE AND CONSTRUCTION

SEC. 5. (a) Sections 1-4 of this Act restate, without substantive change, laws enacted before December 2, 1981, that were replaced by those sections. Those sections may not be construed as making a substantive change in the laws replaced. Laws enacted after December 1, 1981, that are inconsistent with this Act supersede this Act to the extent of the inconsistency.

10 USC 101 note.

(b) A reference to a law replaced by sections 1-4 of this Act, including a reference in a regulation, order, or other law, is deemed to refer to the corresponding provision enacted by this Act.

(c) An order, rule, or regulation in effect under a law replaced by sections 1-4 of this Act continues in effect under the corresponding provision enacted by this Act until repealed, amended, or superseded.

(d) An action taken or an offense committed under a law replaced by sections 1-4 of this Act is deemed to have been taken or committed under the corresponding provision enacted by this Act.

(e) An inference of a legislative construction is not to be drawn by reason of the location in the United States Code of a provision enacted by this Act or by reason of the caption or catchline of the provision.

(f) If a provision enacted by this Act is held invalid, all valid provisions that are severable from the invalid provision remain in effect. If a provision of this Act is held invalid in any of its

applications, the provision remains valid for all valid applications that are severable from any of the invalid applications.

REPEALS

10 USC 101 note.

SEC. 6. (a) The repeal of a law by this Act may not be construed as a legislative inference that the provision was or was not in effect before its repeal.

(b) The laws specified in the following schedule are repealed, except for rights and duties that matured, penalties that were incurred, and proceedings that were begun before the date of enactment of this Act:

Schedule of Laws Repealed

Statutes at Large

	Date	Chapter or Public Law	Section	Statutes at Large	
				Volume	Page
10 USC 135 note, 7291 note.	1965 June 11	89-37.....	302, 303, 305.....	79	128
	Oct. 27	89-298.....	219.....	79	1089
10 USC 3036 note.	1966 Nov. 2	89-718.....	8(a).....	80	1117
10 USC 2304 note. 10 USC 5148 note.	1967 Mar. 16	90-5.....	304.....	81	6
	Dec. 8	90-179.....	11.....	81	549
10 USC 2303 note.	1968 Sept. 20	90-500.....	404.....	82	851
50 USC 1436.	1969 Nov. 19	91-121.....	410.....	83	210
10 USC 2304 note.	1970 Oct. 7	91-441.....	507.....	84	913
10 USC 1071 note.	1971 Sept. 28	92-129.....	501.....	85	361
37 USC 707 note. 10 USC 138 note, 2451 note.	1974 May 24	93-289.....	11(b).....	88	173
	Aug. 5	93-365.....	302(c), 502.....	88	402, 404
10 USC 133 note, 2451 note.	1975 Oct. 7	94-106.....	812-814.....	89	540
37 USC 406 note.	1976 Feb. 9	94-212.....	747.....	90	176
50 USC 1436.	Apr. 21	94-273.....	4(4), 5(6), 14.....	90	377, 378
10 USC 2451 note.	July 14	94-361.....	802, 803.....	90	930
14 USC note prec. 211, 656 note.	Sept. 10	94-406.....	5, 6.....	90	1236
14 USC 141 note.	1977 July 1	95-61.....	8.....	91	260
10 USC 133 note, 2203 note.	July 30	95-79.....	812 (last sentence), 814.....	91	336, 337

Schedule of Laws Repealed—Continued

Statutes at Large

Date	Chapter or Public Law	Section	Statutes at Large		
			Volume	Page	
Aug. 17	95-105.....	509(a)-(c).....	91	859	37 USC 801 note.
Sept. 21	95-111.....	836.....	91	906	10 USC 2304 note.
1978					
Oct. 20	95-485.....	810(a), (b).....	92	1623	10 USC 7291 note.
1979					
Nov. 9	96-107.....	808, 815.....	93	814, 817	10 USC 131 note,
Dec. 21	96-154.....	767.....	93	1163	2388 note.
					10 USC 2208 note.
1980					
Oct. 3	96-376.....	12.....	94	1511	14 USC 656 note.
1981					
June 5	97-12.....	100 (last par. under heading "General Provisions").	95	29	10 USC 2304 note.
Dec. 29	97-114.....	770.....	95	1590	10 USC 2304 note.
1982					
Sept. 8	97-252.....	1104, 1121, 1133(a).....	96	739, 754, 761	10 USC 133 note, 2451 note, 4334 note.

Approved October 12, 1982.

LEGISLATIVE HISTORY—H.R. 4623:HOUSE REPORT No. 97-388 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 128 (1982):

July 19, considered and passed House.

Sept. 24, considered and passed Senate, amended.

Sept. 28, House agreed to Senate amendments.