

Public Law 101-189
101st Congress

An Act

Nov. 29, 1989
[H.R. 2461]

National
Defense
Authorization
Act for Fiscal
Years 1990
and 1991.
Arms and
munitions.
Uniformed
services.
Contracts.

To authorize appropriations for fiscal years 1990 and 1991 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal years for the Armed Forces, and for other purposes.

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

SECTION 1. SHORT TITLE

This Act may be cited as the "National Defense Authorization Act for Fiscal Years 1990 and 1991".

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

(a) **ORGANIZATION OF ACT INTO DIVISIONS.**—This Act is organized into three divisions as follows:

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

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

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- Sec. 2103. Improvements to military family housing units.
- Sec. 2104. Authorization of appropriations, Army.
- Sec. 2105. Extension of certain prior year authorizations.

PART B—FISCAL YEAR 1991

- Sec. 2121. Authorized Army construction and land acquisition projects.
- Sec. 2122. Authorization of appropriations, Army.

TITLE XXII—NAVY

PART A—FISCAL YEAR 1990

- Sec. 2201. Authorized Navy construction and land acquisition projects.
- Sec. 2202. Family housing.
- Sec. 2203. Improvements to military family housing units.
- Sec. 2204. Authorization of appropriations, Navy.

- Sec. 2205. Extension of certain prior year authorizations.
- Sec. 2206. Study and solicitation of bids for office space.
- Sec. 2207. Community support center, Marine Corps Air Station, Tustin, California.

PART B—FISCAL YEAR 1991

- Sec. 2221. Authorized Navy construction and land acquisition projects.
- Sec. 2222. Family housing.
- Sec. 2223. Authorization of appropriations, Navy.

TITLE XXIII—AIR FORCE

PART A—FISCAL YEAR 1990

- Sec. 2301. Authorized Air Force construction and land acquisition projects.
- Sec. 2302. Family housing.
- Sec. 2303. Improvement to military family housing units.
- Sec. 2304. Authorization of appropriations, Air Force.
- Sec. 2305. Extension of certain prior year authorizations.
- Sec. 2306. Luke Air Force Base, Arizona.
- Sec. 2307. Arnold Engineering Development Center, Tennessee.
- Sec. 2308. Reference to limitation on obligation of funds for MX Rail Garrison program.

PART B—FISCAL YEAR 1991

- Sec. 2321. Authorized Air Force construction and land acquisition projects.
- Sec. 2322. Family housing.
- Sec. 2323. Authorization of appropriations, Air Force.

TITLE XXIV—DEFENSE AGENCIES

PART A—FISCAL YEAR 1990

- Sec. 2401. Authorized defense agencies construction and land acquisition projects.
- Sec. 2402. Family housing.
- Sec. 2403. Improvements to military family housing units.
- Sec. 2404. Conforming storage facilities.
- Sec. 2405. Authorization of appropriations, defense agencies.
- Sec. 2406. Extension of certain previous authorizations.
- Sec. 2407. Medical facility, Fort Sill, Oklahoma.

PART B—FISCAL YEAR 1991

- Sec. 2421. Authorized defense agencies construction and land acquisition projects.
- Sec. 2422. Authorization of appropriations, defense agencies.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION
INFRASTRUCTURE

- Sec. 2501. Authorized NATO construction and land acquisition projects.
- Sec. 2502. Authorization of appropriations, NATO.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

PART A—FISCAL YEAR 1990

- Sec. 2601. Authorized Guard and Reserve construction and land acquisition projects.

PART B—FISCAL YEAR 1991

- Sec. 2621. Authorized Guard and Reserve construction and land acquisition projects.

TITLE XXVII—EXPIRATION OF AUTHORIZATIONS

- Sec. 2701. Expiration of authorizations and amounts required to be specified by law.

TITLE XXVIII—GENERAL PROVISIONS

PART A—MILITARY CONSTRUCTION PROGRAM CHANGES

- Sec. 2801. Family housing rental guarantee program.
- Sec. 2802. Leasing of military family housing.
- Sec. 2803. Long term facilities contracts.
- Sec. 2804. Improvements to family housing units for the handicapped.
- Sec. 2805. Domestic build-to-lease program.
- Sec. 2806. Turn-key selection procedures.

- Sec. 2807. Prohibition of funding for certain military construction contracts on Guam.
- Sec. 2808. Authorized cost variations.
- Sec. 2809. Lease-purchase of facilities.

PART B—LAND TRANSACTIONS

- Sec. 2811. Land conveyance at Marine Corps Air Station, El Toro, California, and construction of family housing at Marine Corps Air Station, Tustin, California.
- Sec. 2812. Land conveyance, Fort Gillem, Georgia.
- Sec. 2813. Land conveyance, Hickam Air Force Base, Hawaii.
- Sec. 2814. Land conveyances, Kapalama Military Reservation, Hawaii.
- Sec. 2815. Land conveyance, Public Works Center, Great Lakes, Illinois.
- Sec. 2816. Land conveyance, Fort Knox, Kentucky.
- Sec. 2817. Release of reversionary interest to State of Minnesota.
- Sec. 2818. Land conveyance, Naval Reserve Center, Kearney, New Jersey.
- Sec. 2819. Transfer of jurisdiction over certain lands at Sandia, New Mexico.
- Sec. 2820. Land conveyance, Pittsburgh, Pennsylvania.
- Sec. 2821. Land conveyance, Fort Belvoir, Virginia.
- Sec. 2822. Modification of reversionary interest, Port of Benton, Washington.

PART C—PROVISIONS RELATING TO BASE CLOSURES AND REALIGNMENTS

- Sec. 2831. Homeowners assistance program.
- Sec. 2832. Use of closed bases for prisons and drug treatment facilities.
- Sec. 2833. Notice to local and State educational agencies of enrollment changes due to base closures and realignments.
- Sec. 2834. Report.

PART D—MISCELLANEOUS PROVISIONS

- Sec. 2841. White Sands missile range, New Mexico.
- Sec. 2842. Community planning assistance.
- Sec. 2843. Development of land and lease of facility at Henderson Hall, Arlington, Virginia.
- Sec. 2844. Report regarding Fort Meade Recreation Area.
- Sec. 2845. Cooperative agreements for land management on Department of Defense installations.
- Sec. 2846. Reimbursement for costs associated with homeporting at Lake Charles, Louisiana.
- Sec. 2847. Feasibility study of land transfer for use as a correctional facility.
- Sec. 2848. Construction of military family housing at Marine Corps Air Station, Tustin, California.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

PART A—NATIONAL SECURITY PROGRAMS AUTHORIZATIONS

- Sec. 3101. Operating expenses.
- Sec. 3102. Plant and capital equipment.
- Sec. 3103. Funding limitations.

PART B—RECURRING GENERAL PROVISIONS

- Sec. 3121. Reprogramming.
- Sec. 3122. Limits on general plant projects.
- Sec. 3123. Limits on construction projects.
- Sec. 3124. Fund transfer authority.
- Sec. 3125. Authority for construction design.
- Sec. 3126. Authority for emergency construction design.
- Sec. 3127. Funds available for all national security programs of the Department of Energy.
- Sec. 3128. Availability of funds.

PART C—TECHNOLOGY TRANSFER

- Sec. 3131. Short title.
- Sec. 3132. Findings and purposes.
- Sec. 3133. Authority to enter into cooperative research and development agreements.

PART D—ENVIRONMENT, SAFETY, AND MANAGEMENT

- Sec. 3141. Defense waste cleanup technology program.
- Sec. 3142. Executive management training in the Department of Energy.
- Sec. 3143. Major Department of Energy national security programs.
- Sec. 3144. Five-year budget plan requirement.

PART E—MISCELLANEOUS PROVISIONS

- Sec. 3151. Prohibition and report on bonuses to contractors operating defense nuclear facilities.
- Sec. 3152. Preference for Rocky Flats workers.
- Sec. 3153. Authorization and funding for Rocky Flats agreement.
- Sec. 3154. Moratorium on incineration of radioactive waste at Los Alamos National Laboratory.
- Sec. 3155. Production of the 155-millimeter artillery-fired, atomic projectile.
- Sec. 3156. Reports in connection with permanent closures of Department of Energy defense nuclear facilities.
- Sec. 3157. Defense program missions.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD AUTHORIZATION

- Sec. 3201. Authorization.

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE**PART A—CHANGES IN STOCKPILE AMOUNTS**

- Sec. 3301. Changes in stockpile requirements.
- Sec. 3302. Authorized disposals.
- Sec. 3303. Authorization of acquisitions.

PART B—PROGRAMMATIC CHANGES

- Sec. 3311. Strategic and critical materials development, research, and conservation.
- Sec. 3312. Development of domestic sources.
- Sec. 3313. National defense stockpile manager.
- Sec. 3314. Authority to dispose of materials in the stockpile for international consumption.
- Sec. 3315. Information included in reports to Congress.

TITLE XXXIV—CIVIL DEFENSE

- Sec. 3401. Authorization of appropriations.

TITLE XXXV—PANAMA CANAL COMMISSION

- Sec. 3501. Short title.
- Sec. 3502. Authorization of expenditures.
- Sec. 3503. Notification requirements.
- Sec. 3504. General provisions.

SEC. 3. EXPIRATION OF AUTHORIZATIONS FOR FISCAL YEARS AFTER 1990

Authorizations of appropriations, and of personnel strength levels, in this Act for any fiscal year after fiscal year 1990 are effective only with respect to appropriations made during the first session of the One Hundred First Congress.

SEC. 4. CONGRESSIONAL DEFENSE COMMITTEES DEFINED

For purposes of this Act, the term "congressional defense committees" means the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives.

SEC. 5. ANNUAL OUTLAY REPORT

(a) **ANNUAL REPORT ON OUTLAYS AND BUDGET AUTHORITY REQUIRED.**—(1) Not later than December 15, 1989, and not later than December 15 of each year thereafter, the Director of the Office of Management and Budget and the Director of the Congressional Budget Office shall submit to the Speaker of the House of Representatives and the Committees on Armed Services, Appropria-

tions, and the Budget of the Senate a joint report containing an agreed resolution of all differences between—

(A) the technical assumptions to be used by the Office of Management and Budget in preparing estimates with respect to all accounts in major functional category 050 (National Defense) for the budget to be submitted to Congress pursuant to section 1105 of title 31, United States Code, in the year following the year in which the report is submitted; and

(B) the technical assumptions to be used by the Congressional Budget Office in preparing estimates with respect to such accounts for such budget.

(2) In the event that the Director of the Office of Management and Budget and the Director of the Congressional Budget Office are unable to agree upon any technical assumption, the report shall reflect the average of the relevant outlay rates or assumptions used by the Office of Management and Budget and the Congressional Budget Office.

(3) The report with respect to a budget shall identify the following:

(A) The agreed first-year and outyear outlay rates for each account for the Department of Defense for each fiscal year covered by the proposed budget.

(B) The agreed amount of outlays estimated to occur from unexpended appropriations made for fiscal years prior to the fiscal year that begins after submission of the report.

(b) **SENSE OF CONGRESS REGARDING BUDGET RESOLUTIONS AND BUDGET SCOREKEEPING.**—It is the sense of Congress that, in order to prevent a recurrence of a mismatch between budget authority and outlays for budget function 050 (National Defense), the technical assumptions contained in the report under subsection (i)(1) with respect to any budget should be used in the preparation of that budget, the preparation of the budget resolution, and in all scorekeeping in connection with budget function 050 (National Defense).

(c) **SENSE OF CONGRESS REGARDING REQUIRED REDUCTIONS AND OTHER CHANGES IN NATIONAL DEFENSE OUTLAYS IN RELATION TO BUDGET AUTHORITY.**—It is the sense of Congress that the outlay level specified for national defense for any fiscal year in the budget resolution for that fiscal year should not require a reduction (or other change) in outlays for national defense for that fiscal year below (or in relation to) the estimated outlays specified for national defense in the budget for such fiscal year (submitted to Congress pursuant to section 1105 of title 31, United States Code) by more than the amount by which such estimated outlays would be reduced (or otherwise changed) if the amount of budget authority provided for in each title of the President's request for budget authority for national defense (as contained in such budget) were reduced (or otherwise changed) by the uniform percentage necessary for the requested budget authority for national defense to be equal to the budget authority specified for national defense in that budget resolution unless the budget resolution is accompanied by a report that describes the difference between the budget authority and outlays for National Defense (function 050) in the President's budget and the budget resolution.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

PART A—FUNDING AUTHORIZATIONS

SEC. 101. ARMY

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

- (1) \$3,120,500,000 for fiscal year 1990, of which \$1,021,908,000 shall be available for modification of aircraft.
- (2) \$2,617,038,000 for fiscal year 1991.

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

- (1) \$2,756,827,000 for fiscal year 1990, of which \$107,337,000 shall be available for modification of missiles.
- (2) \$2,571,260,000 for fiscal year 1991.

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

- (1) \$2,717,500,000 for fiscal year 1990.
- (2) \$2,602,026,000 for fiscal year 1991.

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

- (1) \$1,887,047,000 for fiscal year 1990.
- (2) \$1,365,609,000 for fiscal year 1991.

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

- (1) \$3,068,771,000 for fiscal year 1990, of which—
 - (A) \$446,282,000 is for tactical and support vehicles;
 - (B) \$1,469,183,000 is for communications and electronics equipment; and
 - (C) \$1,153,306,000 is for other support equipment.
- (2) \$3,146,340,000 for fiscal year 1991.

(f) **INSTALLATION OF MODERNIZATION EQUIPMENT.**—Of the amounts authorized to be appropriated in this section for fiscal year 1990, funds shall be available for procurement and installation of modernization equipment (in addition to the amounts for modifications specified in subsections (a)(1) and (b)(1)) as follows:

- (1) Of funds appropriated for aircraft procurement for the Army, \$89,900,000.
- (2) Of funds appropriated for missile procurement for the Army, \$38,300,000.
- (3) Of funds appropriated for weapons and tracked combat vehicles, \$143,400,000.
- (4) Of funds appropriated for other procurement for the Army, \$97,700,000.

SEC. 102. NAVY AND MARINE CORPS

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

- (A) \$9,500,222,000 for fiscal year 1990.
- (B) \$4,353,057,000 for fiscal year 1991.

(2) Of the amounts authorized to be appropriated pursuant to paragraph (1) for fiscal year 1990, funds shall be available for certain programs as follows:

(A) For the F-14D aircraft program, \$1,529,664,000 of which—
 (i) \$1,175,336,000 shall be available for procurement of 18 new production F-14D aircraft and related new production close-out;

(ii) \$272,000,000 shall be available for procurement of six remanufactured F-14D aircraft; and

(iii) \$82,664,000 shall be available for advance procurement for remanufactured F-14D aircraft.

(B) For the CH/MH-53E aircraft program, \$254,000,000 for 10 CH-53E aircraft and four MH-53E aircraft, subject to the limitation that any CH-53E aircraft procured with such funds shall be available only for the heavy-lift mission of the Marine Corps.

(C) For modification of aircraft, \$600,757,000 shall be available for procurement of aircraft modifications.

(b) WEAPONS.—(1) Funds are hereby authorized to be appropriated for procurement of weapons (including missiles and torpedoes) for the Navy as follows:

(A) \$3,884,035,000 for fiscal year 1990.

(B) \$1,987,294,000 for fiscal year 1991.

(2) Amounts authorized to be appropriated pursuant to paragraph (2) for fiscal year 1990 shall be available as follows:

(A) For ballistic missile programs, \$1,518,165,000.

(B) For other missile programs, \$2,798,552,000.

(C) For torpedo programs, \$810,954,000 as follows:

For the MK-48 torpedo program, \$438,900,000.

For the Sea Lance program, \$1,799,000.

For the MK-50 torpedo program, \$269,130,000.

For the ASW target program, \$12,983,000.

For the ASROC program, \$9,282,000.

For the modification of torpedoes and related equipment, \$15,653,000.

For the torpedo support equipment program, \$39,002,000.

For the antisubmarine warfare range support program, \$24,205,000.

(D) For other weapons, \$184,361,000, of which—

(i) \$74,990,000 is for the MK-15 close-in weapon system; and

(ii) \$63,771,000 is for the close-in weapon system modification program.

(E) For spares and repair parts, \$94,441,000.

The sum of amounts authorized to be appropriated for fiscal year 1990 for torpedo programs, other weapons, and spares and spare parts is reduced by \$7,800,000.

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

(A) \$10,958,400,000 for fiscal year 1990.

(B) \$9,532,656,000 for fiscal year 1991.

(2) Amounts authorized to be appropriated pursuant to paragraph (1) shall be available as follows:

For the Trident submarine program, \$1,137,800,000 for fiscal year 1990.

For the SSN-688 nuclear attack submarine program, \$763,300,000 for fiscal year 1990.

For the SSN-21 nuclear attack submarine program, \$816,800,000 for fiscal year 1990 and \$3,329,000,000 for fiscal year 1991.

For the aircraft carrier service life extension program (SLEP), \$651,200,000 for fiscal year 1990 and \$76,600,000 for fiscal year 1991.

For the Enterprise refueling/modernization program, \$1,422,100,000 for fiscal year 1990.

For the DDG-51 guided missile destroyer program, \$3,533,700,000 for fiscal year 1990 and \$3,604,700,000 for fiscal year 1991.

For the LHD-1 amphibious assault ship program, \$35,000,000 for fiscal year 1990 and \$959,900,000 for fiscal year 1991.

For the LSD-41 cargo variant program, \$229,300,000 for fiscal year 1990 and \$232,700,000 for fiscal year 1991.

For the MCM mine countermeasures program, \$341,500,000 for fiscal year 1990.

For the MHC coastal minehunter program, \$282,000,000 for fiscal year 1990 and \$255,900,000 for fiscal year 1991.

For the AO (Jumbo) conversion program, \$35,700,000 for fiscal year 1990.

For the TAGOS ocean surveillance ship program, \$155,800,000 for fiscal year 1990.

For the AOE fast combat support ship program, \$356,400,000 for fiscal year 1990 and \$357,700,000 for fiscal year 1991.

For the oceanographic research ship program, \$278,100,000 for fiscal year 1990 and \$41,900,000 for fiscal year 1991.

For the moored training ship program, \$220,000,000 for fiscal year 1990.

For service craft and landing craft, \$56,400,000 for fiscal year 1990 and \$88,600,000 for fiscal year 1991.

For the landing craft, air cushion (LCAC) program, \$273,300,000 for fiscal year 1990 and \$284,000,000 for fiscal year 1991.

For the Fast Sealift ship program, \$20,000,000 for fiscal year 1990 and \$240,000,000 for fiscal year 1991.

For outfitting and post delivery, \$340,000,000 for fiscal year 1990.

For ship production engineering, \$61,656,000 for fiscal year 1991.

For ship special support equipment, \$10,000,000 for fiscal year 1990.

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

(A) \$8,207,125,000 for fiscal year 1990.

(B) \$5,144,805,000 for fiscal year 1991.

(2) Of the amounts authorized to be appropriated pursuant to paragraph (1) for fiscal year 1990, funds shall be available for certain programs as follows:

(A) For the ship support equipment program, \$711,413,000.

(B) For the communications and electronics equipment program, \$1,535,019,000.

(D) For aviation support equipment, \$591,398,000.

(E) For the ordnance support equipment program, \$1,079,346,000.

- (F) For civil engineering support equipment, \$113,592,000.
- (G) For supply support equipment, \$156,081,000.
- (H) For personnel and command support equipment, \$409,471,000.
- (I) For spares and repair parts, \$529,905,000.

The sum of amounts authorized to be appropriated for ship support equipment, communications and electronics equipment, ordnance support equipment, and spares and repair parts is reduced by \$15,300,000.

(e) **MARINE CORPS.**—Funds are hereby authorized to be appropriated for procurement for the Marine Corps as follows:

- (1) \$1,215,600,000 for fiscal year 1990.
- (2) \$748,380,000 for fiscal year 1991.

(f) **INSTALLATION OF MODERNIZATION EQUIPMENT.**—Of the amounts authorized to be appropriated in this section for fiscal year 1990, funds shall be available for procurement and installation of modernization equipment (in addition to the amounts for modification specified in subsections (a)(2)(C) and (d)(2)(A)) as follows:

- (1) Of funds appropriated for aircraft procurement for the Navy, \$783,400,000.
- (2) Of funds appropriated for weapons procurement for the Navy, \$33,800,000.
- (3) Of funds appropriated for other procurement for the Navy, \$3,096,200,000.
- (4) Of funds appropriated for procurement for the Marine Corps, \$15,400,000.

SEC. 103. AIR FORCE

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

- (1) \$16,329,857,000 for fiscal year 1990, of which \$2,107,969,000 shall be available for modification of aircraft.
- (2) \$11,120,820,000 for fiscal year 1991.

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

- (1) \$7,110,900,000 for fiscal year 1990, of which \$115,647,000 shall be available for modification of missiles.
- (2) \$5,327,084,000 for fiscal year 1991.

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

- (1) \$8,538,454,000 for fiscal year 1990, of which—
 - (A) \$410,921,000 is for munitions and associated support equipment;
 - (B) \$224,268,000 is for vehicular equipment;
 - (C) \$2,322,727,000 is for electronics and telecommunications equipment; and
 - (D) \$5,580,538,000 is for other base maintenance and support equipment.
- (2) \$8,187,568,000 for fiscal year 1991.

(d) **INSTALLATION OF MODERNIZATION EQUIPMENT.**—Of the amounts authorized to be appropriated in this section for fiscal year 1990, funds shall be available for procurement and installation of modernization equipment (in addition to the amounts for modifications specified in subsections (a)(1) and (b)(1)) as follows:

- (1) Of funds appropriated for aircraft procurement for the Air Force, \$685,900,000.

(2) Of funds appropriated for missile procurement for the Air Force, \$38,400,000.

SEC. 104. DEFENSE AGENCIES

Funds are hereby authorized to be appropriated for procurement for the Defense Agencies as follows:

- (1) \$1,332,251,000 for fiscal year 1990.
- (2) \$1,113,169,000 for fiscal year 1991.

SEC. 105. RESERVE COMPONENTS

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds are hereby authorized to be appropriated for fiscal year 1990 for procurement of aircraft, vehicles, communications equipment, and other equipment for the reserve components of the Armed Forces as follows:

- (1) For the Army National Guard, \$209,000,000.
- (2) For the Air National Guard, \$350,500,000.
- (3) For the Army Reserve, \$75,000,000.
- (4) For the Navy Reserve, \$74,300,000.
- (5) For the Air Force Reserve, \$219,500,000.
- (6) For the Marine Corps Reserve, \$60,000,000.

(b) **INSTALLATION OF MODERNIZATION EQUIPMENT.**—Of the amounts authorized to be appropriated in subsection (a) for fiscal year 1990, funds shall be available for procurement and installation of modernization equipment as follows:

- (1) Of funds appropriated for the Navy Reserve, \$28,300,000.
- (2) Of funds appropriated for the Air Force Reserve, \$10,000,000.
- (3) Of funds appropriated for the Air National Guard, \$59,500,000.

SEC. 106. CHEMICAL DEMILITARIZATION PROGRAM

Funds are hereby authorized to be appropriated for the destruction of lethal chemical weapons in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 747) as follows:

- (1) \$263,700,000 for fiscal year 1990.
- (2) \$317,700,000 for fiscal year 1991.

SEC. 107. MULTIYEAR AUTHORIZATIONS

(a) **AUTHORIZED MULTIYEAR PROCUREMENTS.**—The Secretary of the military department concerned may use funds appropriated for fiscal year 1990 to enter into multiyear procurement contracts in accordance with section 2306(h) of title 10, United States Code, for the following programs:

- (1) **ARMY.**—For the Department of the Army:
 - (A) The M-1 Abrams tank program.
 - (B) The Bradley Fighting Vehicle program.
 - (C) The MH-47 helicopter program.
 - (D) The Family of Heavy Tactical Vehicles program.
- (2) **NAVY.**—For the Department of the Navy:
 - (A) The DDG-51 destroyer program.
 - (B) The SH-60 B/F helicopter program.
 - (C) The Mark 45 gun mount and Mark 6 ammunition hoist program.
- (3) **AIR FORCE.**—For the Department of the Air Force:
 - (A) The KC-135 tanker aircraft program.
 - (B) The Combined Effects Munitions (CEM) program.

(C) The MH-60G helicopter program.

(D) The Maverick AGM65D missile program.

(b) DENIAL OF CERTAIN MULTIYEAR PROCUREMENTS.—The Secretary of the military department concerned may not use funds appropriated for fiscal year 1990 to enter into a multiyear procurement contract for any of the following programs:

- (1) The E-2C aircraft program.
- (2) The FA-18 aircraft program.

SEC. 108. CHANGES IN PRIOR MILESTONE AUTHORIZATIONS

(a) PROCUREMENT PROGRAMS.—(1) Subsection (a)(2) of section 106 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180; 101 Stat. 1034) is amended—

(A) by striking out “\$976,200,000” in subparagraph (A) and inserting in lieu thereof “\$984,719,000”; and

(B) by striking out “\$360,000,000” in subparagraph (B) and inserting in lieu thereof “\$68,596,000”.

(2) Subsection (b)(2) of such section is amended—

(A) by striking out “\$158,200,000” in subparagraph (A) and inserting in lieu thereof “\$94,873,000”; and

(B) by striking out “\$209,000,000” in subparagraph (B) and inserting in lieu thereof “\$199,858,000”.

(3) Subsection (c)(2) of such section is amended—

(A) by striking out “\$2,215,000,000” in subparagraph (A) and inserting in lieu thereof “\$1,514,638,000”; and

(B) by striking out “\$2,090,500,000” in subparagraph (B) and inserting in lieu thereof “\$1,535,225,000”.

(4) Subsection (d)(2) of such section is amended—

(A) by striking out “\$437,700,000” in subparagraph (A) and inserting in lieu thereof “\$153,114,000”; and

(B) by striking out “\$596,300,000” in subparagraph (B) and inserting in lieu thereof “\$431,565,000”.

(b) RDT&E PROGRAMS.—(1) Subsection (a)(2) of section 216 of such Act (101 Stat. 1051) is amended by striking out “\$49,000,000” and inserting in lieu thereof “\$44,661,000”.

(2) Subsection (b)(2) of such section is amended—

(A) by striking out “\$338,300,000” in subparagraph (A) and inserting in lieu thereof “\$216,054,000”; and

(B) by striking out “\$164,700,000” in subparagraph (B) and inserting in lieu thereof “\$70,670,000”.

(3) Subsection (c)(2) of such section is amended—

(A) by striking out “\$23,700,000” in subparagraph (A) and inserting in lieu thereof “\$22,475,000”; and

(B) by striking out “\$24,000,000” in subparagraph (B) and inserting in lieu thereof “\$14,603,000”.

PART B—B-2 AIRCRAFT PROGRAM

SEC. 111. B-2 BOMBER PROGRAM FUNDING AND LIMITATIONS FOR FISCAL YEAR 1990

(a) AMOUNT AUTHORIZED.—Of the amounts appropriated pursuant to section 103(a) for procurement of aircraft for the Air Force for fiscal year 1990—

(1) not more than \$1,663,974,000 may be obligated for procurement of B-2 aircraft;

(2) not more than \$424,800,000 may be obligated for advance procurement of B-2 aircraft; and

(3) not more than \$331,600,000 may be obligated for procurement of initial spares for B-2 aircraft.

(b) **BLOCK 1 FLIGHT TESTING.**—Funds appropriated for fiscal year 1990 for procurement of aircraft for the Air Force may not be obligated for the procurement of new production B-2 aircraft until—

(1) the planned Block 1 program of flight testing of the B-2 aircraft (consisting of approximately 75 flight test hours and 15 flights) is completed;

(2) the Director of Operational Test and Evaluation of the Department of Defense—

(A) reviews the Block 1 flight test data;

(B) evaluates the performance of the B-2 aircraft during such flight testing with respect to issues considered to be "Critical Operational Issues"; and

(C) submits to the Secretary of Defense a report containing (i) the results of such review and such evaluation (including the Director's findings and conclusions concerning such test data), and (ii) an assessment known as an "Early Operational Assessment"; and

(3) the Secretary of Defense certifies to the congressional defense committees that no major aerodynamic problem or flightworthiness problem has been identified during the Block 1 flight testing of the B-2 aircraft.

(c) **BLOCK 2 FLIGHT TESTING.**—(1) Funds appropriated for fiscal year 1990 for procurement of aircraft for the Air Force may not be obligated for the procurement of B-2 aircraft until Block 2 flight testing (including testing of low-observables and flying qualities and performance testing in accordance with the Test and Evaluation Master Plan approved for the B-2 program) begins.

(2) Of the amounts made available for fiscal year 1990 for the procurement of B-2 aircraft, not more than 15 percent may be expended until—

(A) the panel of the Defense Science Board known as the Low-Observables Panel conducts an independent review of the test data resulting from early Block 2 flight testing and submits to the Secretary of Defense a report on the results of that review, together with the Panel's findings and conclusions, and a period of seven days elapses after the Secretary receives such report; and

(B) the Secretary of Defense, after receiving such report, certifies to the congressional defense committees that—

(i) the results of early Block 2 flight testing of that aircraft (including testing of low-observables and flying qualities and performance) are satisfactory; and

(ii) no significant technical or operational problems have been identified during early Block 2 flight testing.

(3) Not later than seven days after the date on which the Secretary receives the report under paragraph (2)(A), the Director of Operational Test and Evaluation shall submit to the Secretary the Director's evaluation of the results of the Block 2 flight testing to that date.

(d) **APPLICATION OF LIMITATIONS AND REQUIREMENTS.**—The limitations in subsections (b) and (c) apply only to the two new production B-2 aircraft for which funds are provided for fiscal year 1990.

Reports.

Reports.

SEC. 112. LIMITATION ON ANNUAL PRODUCTION OF B-2 BOMBER FOR FISCAL YEARS AFTER FISCAL YEAR 1990

(a) **REQUIRED ANNUAL CERTIFICATION.**—Funds appropriated to the Department of Defense for a fiscal year after fiscal year 1990 may not be obligated or expended for procurement for new production aircraft under the B-2 bomber program unless and until the Secretary of Defense submits to the congressional defense committees the certification referred to in subsection (b) with respect to that fiscal year.

(b) **CERTIFICATION.**—A certification referred to in subsection (a) for any fiscal year is a certification submitted by the Secretary of Defense to the congressional defense committees after the beginning of the fiscal year which is in writing and in unclassified form and in which the Secretary certifies each of the following:

Public
information.

(1) That the performance milestones for the B-2 aircraft for the previous fiscal year for both developmental test and evaluation and operational test and evaluation (as contained in the latest full performance matrix for the B-2 aircraft program established under section 232(a) of Public Law 100-456 and section 121 of Public Law 100-180) have been met.

(2) That the B-2 aircraft has a high probability of being able to perform its intended missions.

(3) That any proposed modification to the performance matrix referred to in paragraph (1) will be provided in writing in advance to the congressional defense committees.

(4) That the cost reduction initiatives established for the B-2 program can be achieved (such certification to be submitted together with details of the savings to be realized).

(5) That the quality assurance practices and fiscal management controls of the prime contractor and major subcontractors associated with the B-2 program meet or exceed accepted United States Government standards.

SEC. 113. ONGOING EVALUATION BY COMPTROLLER GENERAL OF B-2 TEST AND EVALUATION RESULTS

(a) **EVALUATION.**—The Comptroller General of the United States shall review all test reports and evaluation documents of the Department of Defense concerning the B-2 aircraft program.

(b) **REPORTS.**—The Comptroller General shall submit to Congress periodic reports setting forth the Comptroller General's findings resulting from the review under subsection (a). In addition to whatever other reports the Comptroller General submits under the preceding sentence, the Comptroller General shall submit a report under that sentence—

(1) not later than 30 days after the date on which the Secretary of Defense submits a certification under section 111(b)(3) with respect to Block 1 flight testing or a certification under section 111(c)(2)(B) with respect to Block 2 flight testing; and

(2) in any fiscal year, not later than 30 days after the date on which the Secretary of Defense submits a certification under section 112(a) with respect to that fiscal year.

(c) **MATTERS TO BE INCLUDED IN REPORT.**—Each report under subsection (b) shall include the Comptroller General's evaluation of—

(1) the rigor, realism, and adequacy of the developmental test and evaluation and the operational test and evaluation activities;

(2) whether such test and evaluation complies with the full performance matrix described in section 112(b)(1); and

(3) whether threat data as agreed upon within the United States intelligence community was fully used in the test and evaluation process.

(d) **UNCLASSIFIED SUMMARY.**—Each such report shall include an unclassified statement containing a summary of the findings of the Comptroller General with respect to each principal matter discussed in the report.

SEC. 114. REPORT ON COST, SCHEDULE, AND CAPABILITY

(a) **REQUIRED REPORT.**—The Secretary of Defense shall submit to the congressional defense committees a report on the cost, schedule, and capability of the B-2 aircraft program. The report shall provide the following:

(1) An unclassified integrated program schedule for the B-2 aircraft program that includes—

(A) the total cost of the program shown by fiscal year, including costs (shown by fiscal year) for research and development, for procurement (including advance procurement, spares, and modifications), for military construction, for operation and maintenance, and for personnel (with all such costs to be expressed in both base year and then year dollars); and

(B) the proposed annual buy rate of B-2 aircraft.

(2) A detailed statement of the mission and requirements for the B-2 aircraft, including the current and projected capability (based on threat data as agreed upon within the United States intelligence community) of the B-2 aircraft to conduct missions against strategic relocatable targets and to conduct conventional warfare operations.

(3) A detailed assessment of the performance of the B-2 aircraft, together with a comparison of that performance with the performance of existing strategic penetrating bombers of the United States based on threat data as agreed upon within the United States intelligence community.

(4) A detailed assessment of the technical risks associated with the B-2 program, particularly those risks associated with the avionics systems and components of the aircraft.

(b) **LIMITATION ON FUNDING UNTIL REPORT SUBMITTED.**—Funds appropriated to the Department of Defense for fiscal year 1990 may not be obligated or expended for procurement for new production aircraft under the B-2 bomber program until the report required by subsection (a) is submitted to the congressional defense committees.

SEC. 115. ONGOING INDEPENDENT ASSESSMENT OF B-2 AIRCRAFT PROGRAM

(a) **INDEPENDENT ASSESSMENT.**—The Secretary of Defense shall provide for an ongoing independent assessment of the technological capabilities and performance of the B-2 aircraft. The Secretary shall appoint a panel of experts and shall use the resources of federally funded research and development centers (FFRDCs) to conduct the assessment. The Secretary shall provide the panel such resources as are necessary, including technical assistance by private contractors and the United States intelligence community, to assist the panel in conducting the assessment. Individuals appointed to the panel shall

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

(b) **REPORT.**—The panel shall submit periodic reports of its findings to Congress. The first such report shall be submitted not later than April 1, 1990. Subsequent reports shall be submitted every six months thereafter until B-2 aircraft procurement is completed. Such reports shall be submitted in both classified and unclassified form. Each such report shall address the following matters:

(1) The capability of air defenses of the Soviet Union to defeat the B-2 aircraft during the designed service life of that aircraft, taking into consideration in particular—

(A) the low radar signature and anticipated performance of the aircraft;

(B) technological capabilities of the Soviet Union;

(C) developments by the Soviet Union of alternatives to defeat the B-2 aircraft; and

(D) the estimated cost to the Soviet Union to defeat the B-2 aircraft.

(2) The rationale for building the B-2 aircraft as a manned penetrating bomber, taking into consideration in particular—

(A) the missions of the aircraft;

(B) the capabilities of the aircraft to complete those missions; and

(C) the capability of the aircraft to search for, identify, and destroy strategic relocatable targets.

(3) The opportunity costs associated with the B-2 program as compared to other available or emerging technologies and operational concepts that could perform the missions of the B-2 aircraft at lesser costs.

(4) The planned service life of the B-2 aircraft and the potential for growth in that planned service life through the incorporation of preplanned product improvements and other modifications.

(5) The requirements for any follow-on aircraft or system that incorporates both low observable technology and high speed maneuverability.

(6) An assessment of the capability of the United States to defeat, identify, and destroy low observable vehicles, including manned aircraft and unmanned systems.

SEC. 116. SUBMISSION OF UNCLASSIFIED VERSION OF B-2 PERFORMANCE MATRIX

The Secretary of Defense shall submit to the congressional defense committees a report containing an unclassified version of the latest full performance matrix for the B-2 program established under section 121 of Public Law 100-180 and section 232 of Public Law 100-456. The report shall be submitted at the same time as the budget of the President for fiscal year 1991 is submitted to Congress pursuant to section 1105 of title 31, United States Code.

SEC. 117. REPORTS RELATING TO CORRECTION-OF-DEFICIENCIES CLAUSES IN B-2 AIRCRAFT PROCUREMENT CONTRACTS

(a) **REPORTS REQUIRED.**—The Secretary of Defense shall submit to the congressional defense committees two reports on the implementation of the contractor guarantee requirements of section 2403 of title 10, United States Code, with respect to the B-2 aircraft program. Each such report shall include the following:

Union of
Soviet
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Republics.

Reports.

(1) A copy of each so-called "correction of deficiency" clause in a contract with the prime contractor for the B-2 aircraft program in effect as of the date of the submission of the report.

(2) The plans of the Department of Defense for meeting the requirements of subsection (b) of section 2403 of title 10, United States Code, in future contracts for the procurement of B-2 aircraft, including a copy of any specific contract clause that has been agreed to by the Air Force and the contractor under that subsection.

(3) The manner in which inspection or acceptance by the Air Force will affect the relative liability of the Government and the contractor—

(A) under the contract clauses referred to in paragraphs (1) and (2), and

(B) under the plans referred to in paragraph (2) for compliance with the contractor guarantee requirements referred to in that paragraph.

(b) **SUBMISSION OF REPORTS.**—The first report required by subsection (a) shall be submitted not later than 30 days after the date of the enactment of this Act. The second report shall be submitted in conjunction with the certification under section 111(b)(3).

(c) **PROTECTION OF PROPRIETARY INFORMATION.**—The reports required by this section shall be submitted in classified and unclassified versions and shall clearly identify any material that contains proprietary information or other source selection information, the disclosure of which is restricted by law or regulation.

(d) **MODIFICATION OF CORRECTION-OF-DEFICIENCY CLAUSES.**—(1) The Secretary of the Air Force shall take appropriate steps to ensure—

(A) that the procurement of all B-2 aircraft authorized for fiscal years 1989 and 1990 is subject to a contractor guarantee pursuant to section 2403 of title 10, United States Code; and

(B) that the prime contractor for such aircraft is required to assume a substantially greater responsibility for the cost of corrective actions required under section 2403(b) of such title than under existing contracts for B-2 aircraft.

(2) Notwithstanding section 2403(g) of such title, the Secretary may not negotiate exclusions or limitations on the prime contractor's financial liability for the cost of corrective action for defects under section 2403(b) of such title for the B-2 aircraft referred to in paragraph (1) that would result in the total of such liability for such costs being less than the total of the contractor's target profit on the production of such aircraft unless the Secretary determines that the specific benefits of such exclusions or limitations substantially outweigh the potential costs.

(3) Whenever the Secretary makes a determination under paragraph (2), the Secretary shall notify the congressional defense committees of that determination and shall include in such notification the specific reasons for such determination and copies of any relevant exclusions or limitations.

(4) The Secretary shall describe in the reports required by subsection (a) the steps the Air Force has taken under this subsection.

(5) Nothing in this section shall be construed to require the renegotiation of any contract in effect on the date of the enactment of this Act.

SEC. 118. STUDY OF ALTERNATIVE B-2 AIRCRAFT FORCE STRUCTURES

(a) **REQUIREMENT FOR STUDY.**—The Secretary of Defense shall conduct a comprehensive study of the force structure for the B-2 aircraft. Under the study, the Secretary shall compare—

(1) the current plan of the Department of Defense to produce 132 B-2 aircraft, with

(2) two alternative plans for production of B-2 aircraft, one of which would provide for procurement of three wings of B-2 aircraft with a total of 90 to 100 aircraft and the second of which would provide for procurement of two wings of B-2 aircraft with a total of 60 to 70 aircraft.

(b) **MATTERS TO BE CONSIDERED.**—In conducting the study under subsection (a), the Secretary of Defense shall determine the implications of adopting the alternative plans described in subsection (a)(2) with respect to each of the following:

(1) The cost of the B-2 aircraft program, including—

- (A) annual program costs,
- (B) total program costs,
- (C) 20-year life cycle costs, and
- (D) unit and flyaway costs.

(2) The effect on the military and arms control posture of the United States, including—

- (A) strategic nuclear deterrent capabilities,
- (B) long-range conventional strike capabilities, and
- (C) on-going arms control negotiations and post-treaty force structures.

(c) **REPORT.**—The Secretary shall submit to the congressional defense committees a report in both classified and unclassified form containing the results of the study conducted under subsection (a). The report shall include such comments and recommendations as the Secretary considers appropriate and shall be submitted not later than March 31, 1990.

SEC. 119. SENSE OF CONGRESS ON PROCUREMENT OF B-2 AIRCRAFT

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

(1) The United States has devoted substantial resources over the past several decades to the strategic bomber force, including substantial resources for—

- (A) significant upgrades to B-52 aircraft;
- (B) research, development, and procurement of B-1 aircraft; and
- (C) research, development, and procurement of air-launched cruise missiles.

(2) The current estimate of the Department of Defense of a cost of \$70,200,000,000 for acquisition of a force of 132 B-2 aircraft is predicated on several assumptions, including the achievement of cost-reduction initiatives, not all of which have been contracted for.

(3) The life-cycle costs for a force of 132 B-2 aircraft would be significantly higher than the acquisition cost estimate of \$70,200,000,000.

(4) Funds have been approved for the production of 10 B-2 aircraft through fiscal year 1990, but Congress has not decided the total number of such aircraft that should be produced.

(5) If a substantial number of B-2 aircraft is not procured, additional funds could be made available for other important military programs.

(6) Fiscal year 1990 will constitute the fifth consecutive fiscal year for which the amount appropriated for national defense functions of the Government declined (after adjusting for inflation) from the preceding fiscal year.

(7) Expected limitations on future defense budgets make it essential that the Nation's defense priorities be carefully analyzed so as to properly fund the Armed Forces, including the various elements of the Nation's strategic forces.

(b) **SENSE OF CONGRESS.**—In light of the findings in subsection (a), it is the sense of Congress that—

(1) it is not prudent or possible at this time to commit to a production rate for the B-2 aircraft higher than the rate under the low-rate initial production plan;

(2) the contingent authorization of funds in this Act for the low-rate initial production of two additional B-2 aircraft does not constitute a commitment to support the procurement of large numbers of B-2 aircraft, to provide funding in subsequent years for rate production of B-2 aircraft, or to approve a multiyear procurement of B-2 aircraft; and

(3) before a commitment is made to proceed with initial full-rate production of the B-2 aircraft, the President and Congress should carefully consider (based upon the assumption of a START regime that uses the Reykjavik counting rule for bombers, upon the assumption of a START regime that uses alternative rules for counting bombers, and upon the assumption of no START treaty) the desirability and feasibility of—

(A) structuring the strategic bomber force of the United States in such a manner that primary reliance would be placed upon bombers carrying cruise missiles rather than bombers having strictly a penetrating role; and

(B) pursuing options for the procurement of significantly fewer than 132 B-2 aircraft so that, if a decision is made in the future to procure an operational force of B-2 aircraft, the total acquisition and life-cycle cost of the B-2 aircraft program would be reduced.

PART C—OTHER STRATEGIC PROGRAMS

SEC. 121. LIMITATIONS ON B-1B ELECTRONIC COUNTERMEASURES RECOVERY PROGRAM

(a) **GENERAL LIMITATION.**—The Secretary of the Air Force may proceed with the recovery program for the B-1B aircraft electronic countermeasures (ECM) system only in accordance with this section.

(b) **REQUIREMENT FOR TESTING PROGRAM.**—(1) During fiscal years 1990 and 1991, the Secretary of Defense shall conduct a comprehensive program for the systematic testing of the B-1B avionics modifications.

(2) For purposes of this section, the term "B-1B avionics modifications" means the modifications proposed by the Air Force to the defensive avionics system of the B-1B aircraft consisting of (A) the "core configuration" modification to the ALQ-161 system, plus (B) the installation and integration of a radar warning receiver.

(3) Not later than 60 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a detailed plan for the conduct of the systematic testing

program required by paragraph (1). The plan shall include the following:

(A) The planned test schedule for each of the various components of the defensive avionics system of the B-1B aircraft, to be tested both singly and in combination with other components of the defensive and offensive avionics systems for the aircraft.

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

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

(c) **MODIFICATIONS TO B-1B AIRCRAFT.**—(1) The Secretary of the Air Force may modify not more than six B-1B aircraft to incorporate the B-1B avionics modifications.

(2) The aircraft that are so modified shall be used to conduct the test program required by subsection (b). The test program shall be carried out in accordance with the plan submitted under subsection (b)(3).

(3) Except as provided in paragraph (4), no B-1B aircraft other than those modified pursuant to paragraph (1) may be modified to incorporate the B-1B avionics modifications until the test program required by subsection (b) is completed.

(4) The Secretary may modify the avionics systems of the first 19 B-1B production aircraft to bring those aircraft to the current avionics configuration of the balance of the B-1B fleet.

(d) **BIMONTHLY STATUS REPORTS.**—(1) The Secretary of Defense shall submit to the congressional defense committees a report every two months with respect to the test program under subsection (b). Each such report shall indicate whether the tests scheduled in the test plan to be carried out after the date of the submission of the preceding report under this subsection—

(A) have been carried out as scheduled and otherwise in accordance with the test plan; and

(B) whether, in the case of each such test, the test was successful, partially successful, or unsuccessful.

(2) The Secretary shall include in each such report an assessment of the capability of the B-1B aircraft to meet—

(A) performance objectives;

(B) technical and fiscal objectives; and

(C) significant test milestones.

(3) The first such bimonthly report shall be submitted February 1, 1990. The requirement for the submission of such reports shall cease to apply when the test program required by this section is completed.

(e) **INDEPENDENT ASSESSMENT BY OUTSIDE PANEL.**—(1) Following completion of the test program under subsection (b)(1), the Secretary of Defense shall provide for an independent assessment of the capabilities of the B-1B aircraft to penetrate air defenses of the Soviet Union. The Secretary shall appoint a panel of experts from the private sector to conduct the assessment and shall provide the panel with such resources as are necessary, including technical assistance by private contractors, to assist the panel in conducting the assessment. Individuals appointed to the panel shall be independent of the Air Force and shall have no arrangements with the Air Force that would constitute a conflict of interest.

(2) The panel—

(A) shall assess the air defense capabilities of the test aircraft referred to in subsection (c) after they have been modified with the B-1B avionics modifications; and

(B) on the basis of that assessment, shall determine what the air defense penetration capabilities of the entire fleet of such aircraft would be in all of its mission profiles if every aircraft in the fleet were so modified.

(3) The panel shall estimate the air defense penetration capabilities of the B-1B aircraft against the threats described—

(A) in the 1981 joint Office of the Secretary of Defense/Air Force Bomber Alternatives Study;

(B) in the 1986 Strategic Bomber Force Study; and

(C) in the most current threat baseline established by the intelligence community for estimated Soviet air defenses in the late 1990s.

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

Reports.

(5) The Secretary shall submit to the congressional defense committees the report of the panel not more than 180 days after the conclusion of the test program referred to in subsection (b).

(f) FUNDING OF B-1B AVIONICS MODIFICATIONS.—(1) Subject to the limitation in paragraph (2), the Secretary may use expired or lapsed funds—

(A) to carry out the B-1B avionics modifications and the testing program established in subsections (b) and (c); and

(B) upon completion of such testing program, to carry out the B-1B avionics modifications on the remainder of the unmodified B-1B aircraft.

(2) The amount of expired or lapsed funds used for any purpose related to development, procurement, modification, or repair of B-1B aircraft (including such amounts of expired or lapsed funds as have been applied to the B-1B program before the enactment of this Act) may not exceed \$527,100,000.

(3) The use of expired or lapsed funds for the purposes described in paragraph (1) is subject to section 2782 of title 10, United States Code (as added by section 1603 of this Act).

(4) Funds for the B-1B recovery program for purposes other than those stated in paragraph (1), or for such purposes but in excess of the limitation under paragraph (3), may be provided only by law through the authorization and appropriation process.

(5) For purposes of this subsection, the term “expired or lapsed funds” means funds previously appropriated to the Air Force the availability of which for obligation has expired or lapsed.

(g) ACCESS BY GAO.—(1) The Secretary of Defense shall ensure that the General Accounting Office has full, direct, and timely access to the documentation relating to the recovery program (including test data and results).

(2) The Comptroller General of the United States shall actively monitor the recovery program and shall provide periodic reports to the congressional defense committees on the status and effectiveness of the program.

SEC. 122. ADVANCED CRUISE MISSILE PROGRAM

Funds appropriated or otherwise made available to the Air Force for fiscal year 1990 may not be obligated or expended for procurement of missiles under the Advanced Cruise Missile program until—

(1) there have been at least 10 successful developmental test flights of the Advanced Cruise Missile; and

(2) the Secretary of Defense certifies to the congressional defense committees that since June 1, 1989, a minimum of four flight tests of the Advanced Cruise Missile have been conducted and that, of those tests, the percentage which were successful is significantly greater than 50 percent.

SEC. 123. CAP ON NUMBER OF MX MISSILES THAT MAY BE DEPLOYED

The number of MX missiles deployed at any time may not exceed 50.

SEC. 124. REFERENCE TO LIMITATION ON OBLIGATION OF FUNDS FOR MX RAIL GARRISON PROGRAM

Limitations with respect to the obligation of funds for advance procurement of long-lead items and initial spare parts for the MX Rail Garrison program are set forth in section 231.

PART D—PROGRAM TERMINATIONS**SEC. 131. F-14 AIRCRAFT PROGRAM**

(a) **IN GENERAL.**—(1) The Secretary of Defense shall terminate new production of F-14 aircraft in accordance with this section.

(2) Except as provided in subsection (b), funds appropriated or otherwise made available to the Department of Defense pursuant to this or any other Act may not be obligated for the procurement of F-14 aircraft.

(b) **EXCEPTIONS.**—(1) Subject to subsection (c), the prohibition in subsection (a)(2) does not apply to—

(A) the modification of, or the acquisition of spare or repair parts for, F-14 aircraft described in paragraph (2);

(B) completion of the new production aircraft described in paragraph (2)(B); and

(C) the obligation of not more than \$1,175,336,000 from funds made available pursuant to section 102(a) for the procurement of not more than 18 new production F-14 aircraft and for payment of costs necessary to terminate the F-14 aircraft program.

(2) The F-14 aircraft referred to in paragraph (1)(A) are—

(A) F-14 aircraft acquired by the Navy on or before the date of enactment of this Act;

(B) F-14 new production aircraft for which funds, other than funds for the procurement of long lead items and other advance procurement, were obligated before the date of enactment of this Act and which are delivered to the Navy on or after that date; and

(C) eighteen F-14 new production aircraft for which funds are available pursuant to section 102(a).

(c) **CONTRACT PROVISIONS.**—(1) Funds appropriated or otherwise made available to the Department of Defense under this or any other Act may not be obligated for modification of, or the acquisition of spare or repair parts for, the F-14 aircraft until the Secretary of Defense certifies to the congressional defense committees that the

Navy and the prime contractor have entered into a contract that includes a specific prohibition on the use of any funds made available under the contract for new production of any aircraft other than new production aircraft referred to in subparagraph (B) or (C) of subsection (b)(2).

(2) Funds referred to in paragraph (1) may not be obligated for F-14 new production aircraft until the Secretary of Defense certifies to the congressional defense committees that the Navy and the prime contractor have entered into a contract that includes the following provisions:

(A) A provision for the termination of the F-14 program and a provision providing that all termination activities be completed according to a schedule specified in the contract.

(B) A specific prohibition on the use of funds made available under the contract for new production of any aircraft other than new production aircraft referred to in subparagraphs (B) and (C) of subsection (b)(2).

(C) A provision providing that each aspect of the F-14 new production aircraft program be terminated as soon as the Navy determines that continuation of that aspect of the program is no longer necessary for—

(i) completion of new production aircraft referred to in subparagraphs (B) and (C) of subsection (b)(2); or

(ii) modification of, or production of spare or repair parts for, the F-14 aircraft.

(D) A provision providing that the termination schedule specifically require the prime contractor to disassemble, transfer to the United States, or otherwise dispose of all special tooling, test equipment, and technical data of the prime contractor and subcontractors relating to the F-14 aircraft, except for such items as are determined by the Navy to be necessary for the modification or operation and maintenance of F-14 aircraft referred to in subsection (b).

(E) A provision providing that all termination activities are to be completed not later than the date of delivery to the Navy of the last new production aircraft referred to in subsection (b)(1)(C).

SEC. 132. AH-64 HELICOPTER PROGRAM

(a) **IN GENERAL.**—(1) The Secretary of Defense shall terminate new production of AH-64 aircraft in accordance with this section.

(2) Except as provided in subsection (b), funds appropriated or otherwise made available to the Department of Defense pursuant to this or any other Act may not be obligated for the procurement of AH-64 aircraft.

(b) **EXCEPTIONS.**—(1) The prohibition in subsection (a)(2) does not apply to—

(A) the modification of, or the acquisition of spare or repair parts for, AH-64 aircraft described in paragraph (2);

(B) completion of the new production aircraft described in paragraph (2)(B); and

(C) the obligation of not more than \$1,487,527,000 from funds made available for fiscal years 1990 and 1991 for not more than 132 new production AH-64 aircraft and for payment of costs necessary to terminate the AH-64 aircraft program.

(2) The AH-64 aircraft referred to in paragraph (1)(A) are—

(A) AH-64 aircraft acquired by the Army on or before the date of enactment of this Act;

(B) AH-64 new production aircraft for which funds, other than funds for the procurement of long lead items and other advance procurement, were obligated before the date of enactment of this Act and which are delivered to the Army on or after that date; and

(C) 132 new production AH-64 aircraft for which funds are available in accordance with subsection (b)(1)(C).

SEC. 133. AHIP SCOUT AIRCRAFT PROGRAM

(a) **IN GENERAL.**—(1) The Secretary of Defense shall terminate the AHIP Scout aircraft program in accordance with this section.

(2) Except as provided in subsection (b), funds appropriated or otherwise made available to the Department of Defense pursuant to this or any other Act may not be obligated for the procurement of AHIP Scout aircraft (OH-58 aircraft modified into the configuration specified in the Army Helicopter Improvement Program described in the Selected Acquisition Report, dated December 31, 1988, relating to the OH-58 helicopter).

(b) **EXCEPTIONS.**—(1) Subject to subsection (c), the prohibition in subsection (a)(2) does not apply to—

(A) the modification of, or the acquisition of spare or repair parts for, AHIP Scout aircraft described in paragraph (2);

(B) completion of the installation of AHIP modification kits in the AHIP Scout aircraft described in paragraph (2)(B); and

(C) the obligation of not more than \$195,000,000 from funds made available pursuant to section 101(a) for the procurement and installation of AHIP modification kits in not more than 36 AHIP Scout aircraft and for payment of costs necessary to terminate the AHIP Scout aircraft program.

(2) The AHIP Scout aircraft referred to in paragraph (1)(A) are—

(A) AHIP Scout aircraft acquired by the Army on or before the date of enactment of this Act;

(B) AHIP Scout aircraft for which funds, other than funds for the procurement of long lead items and other advance procurement, were obligated before the date of enactment of this Act and which are delivered to the Army on or after that date; and

(C) 36 AHIP Scout aircraft for which funds are available in accordance with subsection (b)(1)(C).

SEC. 134. F-15E AIRCRAFT PROGRAM

(a) **IN GENERAL.**—(1) The Secretary of Defense shall terminate new production of F-15E aircraft in accordance with this section.

(2) Except as provided in subsection (b), funds appropriated or otherwise made available to the Department of Defense pursuant to this or any other Act may not be obligated for the procurement of F-15E aircraft.

(b) **EXCEPTIONS.**—(1) The prohibition in subsection (a) does not apply to the obligation of funds for—

(A) the completion of, the modification of, or the acquisition of spare or repair parts for, F-15E aircraft described in paragraph (2); or

(B) the payment of costs necessary to terminate the F-15E aircraft program.

(2) The F-15E aircraft referred to in paragraph (1)(A) are F-15E aircraft—

- (A) that are acquired by the Air Force before October 1, 1991;
or
(B) for which funds have been obligated for procurement before October 1, 1991, other than for the procurement of long lead items and other advance procurement.

SEC. 135. M88A2 RECOVERY VEHICLE PROGRAM

(a) **IN GENERAL.**—(1) The Secretary of Defense shall terminate new production of M88A2 recovery vehicles in accordance with this section.

(2) Except as provided in subsection (b), funds appropriated or otherwise made available to the Department of Defense pursuant to this or any other Act may not be obligated for the procurement of M88A2 recovery vehicles.

(b) **EXCEPTIONS.**—(1) The prohibition in subsection (a) does not apply to the obligation of funds for—

(A) the completion of, the modification of, or the acquisition of spare or repair parts for, M88A2 recovery vehicles described in paragraph (2); or

(B) the payment of costs necessary to terminate the M88A2 recovery vehicle program.

(2) The M88A2 recovery vehicles referred to in paragraph (1)(A) are M88A2 recovery vehicles—

(A) that were acquired by the Army before the date of enactment of this Act; or

(B) for which funds have been obligated for procurement before the date of the enactment of this Act, other than for the procurement of long lead items and other advance procurement.

SEC. 136. RECONNAISSANCE AIRCRAFT PROGRAMS

The Secretary of Defense shall terminate the SR-71 reconnaissance aircraft program and the classified airborne reconnaissance program as discussed in the classified annex to the joint statement of managers to accompany the conference report on H.R. 2461 of the One Hundred First Congress.

SEC. 137. STATUTORY CONSTRUCTION

A provision of law enacted after the date of the enactment of this Act may not be construed as modifying or superseding any provision of any of sections 131 through 136 unless that provision specifically refers to such section and specifically states that such provision of law modifies or supersedes such section.

PART E—ARMY PROGRAMS

SEC. 141. M-1 TANK PROGRAM

(a) **DETROIT ARMY TANK PLANT.**—None of the funds appropriated for the Army for fiscal year 1990 may be obligated to begin the inactivation or deactivation of the Detroit Army Tank Plant.

(b) **BLOCK II MODIFICATION PROGRAM.**—Funds appropriated for the Army for fiscal year 1990 may not be obligated for long-lead items and nonrecurring costs for the Block II modification program for the M-1 tank until the Secretary of the Army submits to the Committees on Armed Services of the Senate and House of Representatives a report with respect to the program as described in subsection (c).

(c) **REPORT ON BLOCK II PROGRAM.**—A report under subsection (b) shall—

Reports.

- (1) identify the total funding requirements for the Block II program;
- (2) assess the proposed modifications under the program in terms of the results of the live-fire testing;
- (3) describe operational implications of the weight increase for the M-1 tank under the proposed modifications;
- (4) identify decisions in the program that have an effect on the next generation tank; and
- (5) evaluate the overall cost effectiveness of the Block II modification program.

SEC. 142. RESTRICTION ON FISCAL YEAR 1989 FUNDS FOR REFUELERS/TANKERS

Of the funds appropriated or otherwise made available to the Army for fiscal year 1989, not more than \$29,000,000 may be available for purposes of procuring and installing 480 tanker/refueler kits on pallets for use by heavy trucks configured with the palletized loading system.

SEC. 143. ARMY RECOVERY VEHICLE PROGRAM

- (a) **TESTING.**—The Secretary of the Army—
- (1) shall complete the technical and operational testing of the Army Improved Recovery Vehicle; and
 - (2) shall study all potential modifications to the existing chassis for the M-88 vehicle to perform the mission for the Improved Recovery Vehicle.
- (b) **CONDITIONS ON PRODUCTION DECISION.**—The Secretary of the Army may not make a decision to enter into production during fiscal year 1990 or 1991 for a recovery vehicle for the Army until each of the following occurs:
- (1) Operational testing of the vehicle to be produced is completed.
 - (2) The Director of Operational Test and Evaluation certifies to the Secretary of the Army that the vehicle meets performance requirements of the Army.
 - (3) The Secretary of the Army completes—
 - (A) an analysis of the cost-effectiveness of the vehicle that supports the proposed production decision; and
 - (B) an analysis of the cost-effectiveness of a service life extension program for the existing recovery vehicle.

SEC. 144. REPEAL OF PROCUREMENT REQUIREMENT AND LIMITATION OF FUNDS FOR THE HEAVY EXPANDED MOBILITY TACTICAL TRUCK

Section 129 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180; 101 Stat. 1045) is repealed.

SEC. 145. LIMITATION ON MODIFICATIONS OF CERTAIN SPECIAL OPERATIONS FORCES AIRCRAFT

(a) **LIMITATION.**—Funds appropriated for fiscal year 1990 for procurement of aircraft for the Army may not be obligated or expended for modifications for MH-60K and MH-47 helicopters until the Secretary of the Army certifies in writing to the congressional defense committees that the cost of any modification, correction of deficiencies, or retrofit that is required for such aircraft to

meet established contract specifications and overall system performance requirements will not be borne by the Government.

Reports.

(b) **WAIVER.**—(1) If the Secretary is unable to make the certification described in subsection (a), the Secretary shall submit to the congressional defense committees a report on the nature and extent of any prospective Government risk with respect to the costs of modifications, corrections, and deficiencies referred to in that subsection. In the report, the Secretary—

(A) shall set forth the type and degree of risk with respect to the affected major subsystem of each of the two aircraft; and

(B) shall specify the contractual agreements for any such areas of risk by affected major subsystem for each aircraft.

(2) Upon the receipt of a report under paragraph (1), the limitation in subsection (a) shall cease to apply.

SEC. 146. LIMITATION ON ACCEPTANCE OF DELIVERY OF STINGER MISSILES

The Secretary of the Army may not accept delivery of Stinger missiles that do not conform to all existing performance requirements unless the Secretary certifies in writing to the congressional defense committees that the contractor is contractually responsible to modify or retrofit delivered missiles in order to meet all performance specifications existing as of the time of delivery at no cost to the Government.

SEC. 147. M109 HOWITZER IMPROVEMENT PROGRAM

The Secretary of the Army may not obligate fiscal year 1990 funds for the M109 Howitzer Improvement Program until—

(1) the Secretary certifies to the congressional defense committees that the Army Acquisition Executive has approved the baseline acquisition program for the Howitzer Improvement Program that is consistent with the current five-year defense program;

Reports.

(2) the Secretary submits that baseline report to Congress; and

Reports.

(3) the Secretary submits to the committees a report on a design for a follow-on operational test of the howitzer and the degree to which the operational and organizational concept for the howitzer will be validated by that test.

SEC. 148. EQUAL EMPLOYMENT OPPORTUNITIES RELATING TO AN ARMY CONTRACT

Funds appropriated for procurement of aircraft for the Army for fiscal year 1990 may not be obligated for the procurement of C-23 Sherpa aircraft unless the Secretary of the Army secures a commitment from the contractor that it will support equal employment opportunities in its employment practices for all individuals irrespective of race, color, religion, sex, or national origin.

PART F—NAVY PROGRAMS

SEC. 151. LIMITATION ON PROCUREMENT OF V-22 OSPREY AIRCRAFT

(a) **PROHIBITION.**—None of the funds appropriated for fiscal year 1990 or otherwise made available to the Department of Defense for fiscal year 1990 pursuant to this Act or any Act enacted after this Act may be obligated for procurement of V-22 aircraft.

(b) **STATUTORY CONSTRUCTION.**—A provision of law enacted after the date of the enactment of this Act may not be construed as modifying or superseding any provision of this section unless that provision specifically refers to such section and specifically states that such provision of law modifies or supersedes such section.

SEC. 152. PRESERVATION OF DUAL-SOURCE PRODUCTION BASE FOR STANDARD MISSILE II

The Secretary of the Navy shall carry out the fiscal year 1990 acquisition for the Standard Missile II so as to preserve the existing dual-source production base for that missile.

SEC. 153. ANNUAL REPORT ON NAVY AIRCRAFT REQUIREMENTS

(a) **ANNUAL REPORT REQUIREMENT.**—(1) Chapter 635 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 7345. Navy aircraft requirements: annual report

“(a) Not later than September 1 of each year, the Secretary of the Navy shall submit to the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives a report addressing the current and projected aircraft requirements of the Navy and the plans of the Navy for aircraft acquisition and modernization.

“(b) Each such report shall cover at least the next 10 years and shall specify the following:

“(1) The number of aircraft, by type, required to fully equip the current and projected force structure of the Navy and the Marine Corps.

“(2) The current and projected inventory of each type of aircraft.

“(3) The current average age of (A) all Navy and Marine Corps aircraft, (B) all Navy and Marine Corps combat aircraft, and (C) all carrier-based combat aircraft.

“(4) A list of planned and programmed aircraft acquisition programs and major aircraft modernization programs, specifying (A) the approximate numbers of aircraft involved in each program, (B) the estimated fiscal year in which each program will begin and end, and (C) the estimated total cost for each program.”.

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

“7345. Navy aircraft requirements: annual report.”.

(b) **INITIAL REPORT.**—Not later than February 1, 1990, the Secretary of the Navy shall submit to the congressional defense committees a report containing the information specified in section 7345 of title 10, United States Code, as added by subsection (a).

10 USC 7345
note.

SEC. 154. FAST SEALIFT SHIP PROGRAM

(a) **PROGRAM.**—The Secretary of Defense is authorized to establish a fast sealift ship program.

(b) **REPORT.**—The Secretary of the Navy may not obligate funds for procurement of ships for the fast sealift ship program until 30 days after the date on which the Secretary submits to the Committees on Armed Services of the Senate and House of Representatives a comprehensive report on the design characteristics for those ships. The report shall describe in detail the multimission capability of the

ships and shall specify the operational concept for the use of those ships in contingencies requiring sealift and in routine fleet operations.

SEC. 155. TRANSFER OF A-6 AIRCRAFT TO THE NAVY

The Secretary of the Navy shall transfer all Marine Corps A-6 Intruder aircraft from the Marine Corps to the Navy not later than September 30, 1994.

SEC. 156. REPORT REGARDING TRIDENT SUBMARINE CONSTRUCTION RATE

(a) **REPORT REQUIREMENT.**—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a written report, in both a classified and unclassified version, evaluating the practicality and desirability of reducing the rate at which Trident submarines are procured.

(b) **PREPARATION AND CONTENT.**—In preparing the report required by subsection (a), the Secretary shall consider alternative construction rates for the Trident submarine, each of which shall provide for a construction rate slower than one ship per year. The Secretary shall include in the report with respect to each such alternative rate—

(1) an evaluation of the effect of the alternative rate on—
(A) the availability and capability of the Trident submarine to perform the mission assigned to it; and

(B) the level and stability of the work force in the naval shipbuilding industry; and

(2) a discussion of the practicality and desirability of accelerating the procurement of other vessels for the Navy with funds saved by using the alternative rate.

(c) **TIME FOR SUBMISSION.**—The report required by subsection (a) shall be submitted concurrently with the submission of the budget for fiscal year 1991 to Congress pursuant to section 1105 of title 31, United States Code.

PART G—NONSTRATEGIC AIR FORCE PROGRAMS

SEC. 161. MC-130H (COMBAT TALON) AIRCRAFT PROGRAM

(a) **REQUIRED CERTIFICATION.**—Funds appropriated pursuant to this Act may not be obligated for the payment of an award fee and the procurement of contractor-furnished equipment for the MC-130H Combat Talon aircraft until the Director of Operational Test and Evaluation determines (and certifies under subsection (c)) that the results of qualification test and evaluation and of qualification operational test and evaluation demonstrate that such aircraft is capable of performing terrain following/terrain avoidance flight profiles as prescribed in the approved test and evaluation master plan for the Combat Talon II program dated September 1988.

(b) **LIMITATION ON PRODUCTION OPTION FOR AVIONICS INTEGRATION.**—If the certification under subsection (a) is made after April 30, 1990, the Secretary of the Air Force may not incur any costs to the Government when the Secretary executes the production option for avionics integration for the MC-130H program for fiscal year 1990 in excess of the costs that the Secretary would have incurred for such purpose in April 1990.

(c) **SUBMISSION OF CERTIFICATION.**—A certification under subsection (a) shall be submitted in writing to the congressional defense committees.

SEC. 162. AC-130U GUNSHIP PROGRAM

No funds may be obligated after the date of the enactment of this Act for procurement of AC-130U Gunship aircraft until the Secretary of the Air Force certifies in writing to the congressional defense committees that the cost of any modification, correction of deficiencies, or retrofit that is required to address and to meet established contract specifications and performance requirements for AC-130U Gunship aircraft procured using funds appropriated for the Department of Defense for fiscal year 1988 or fiscal year 1989 will be borne by the prime contractor or an appropriate subcontractor.

SEC. 163. AMRAAM MISSILE PROGRAM

(a) **LIMITATION ON FUNDING.**—No funds may be obligated to undertake full-rate production of the Advanced Medium-Range Air-to-Air (AMRAAM) missile until the Director of Operational Test and Evaluation (pursuant to section 138 of title 10, United States Code) certifies to the congressional defense committees that—

(1) all required testing for making the decision to proceed to full-rate production (as prescribed pursuant to the June 16, 1987 Department of Defense-approved AMRAAM Test and Evaluation Master Plan) has been conducted; and

(2) the results of that testing demonstrate that (A) the AMRAAM missile has met all established performance requirements, and (B) stable missile production design and configuration (including its software) have been established.

(b) **FULL-RATE PRODUCTION DEFINED.**—For purposes of subsection (a), full-rate production of the AMRAAM missile is production of that missile at a rate that exceeds 900 production-configured missiles per year.

(c) **PRESERVATION OF PRODUCTION CAPABILITY OF OTHER MISSILES.**—During the period beginning on the date of the enactment of this Act and ending on the date on which the certification required by subsection (a) is made, the Secretary of Defense shall ensure that production capability for the AIM-7F/M Sparrow and the AIM-9L/M Sidewinder missiles is maintained.

SEC. 164. OVER-THE-HORIZON BACKSCATTER RADAR

(a) **REQUIREMENTS.**—None of the funds appropriated or otherwise made available to the Air Force for fiscal year 1990 may be obligated for acquisition of land for the Central System of the Over-the-Horizon Backscatter (OTH-B) radar program.

(b) **ALASKAN SYSTEM.**—(1) With respect to acquisition of that portion of the OTH-B radar program known as the Alaskan System, the Secretary of the Air Force—

(A) shall enter into a type of contract known as a “fixed-price incentive (firm target) contract” or a “fixed-price incentive (successive target) contract” (or a similar type of contract that encourages maximum cost reduction) for the first sector of the system with funds appropriated for fiscal years 1989 and 1990; and

(B) shall include in that contract a priced option for the second sector of such system.

(2) The total value of the ceiling price of that contract for the first and second sectors of that system may not exceed \$530,000,000.

(3) The contract entered into pursuant to paragraph (1) shall provide for all of the prime-mission equipment, software, construction, site activation activities, and required system capabilities for that system.

(c) **REPORT BY THE SECRETARY OF DEFENSE.**—No funds may be obligated for the Alaskan System referred to in subsection (b) until the Secretary of Defense submits to the congressional defense committees a report on the results of development test and evaluation of the East Coast System, including the results of integrated three-sector tests.

(d) **REPORT BY DIRECTOR OF OT&E.**—The Director of Operational Test and Evaluation of the Department of Defense shall submit to the congressional defense committees a report certifying whether the test results of the integrated initial operational evaluation conducted with the three East Coast System sectors of the OTH-B radar system demonstrate that the East Coast System sectors meet all contract requirements and performance specifications relevant to operational test and evaluation, including any specifications for the system relating to small target detection capability. The report shall be submitted not later than September 1, 1990.

Communica-
tions and
telecommuni-
cations.

SEC. 165. MILSTAR PROGRAM

(a) **INFORMATION TO BE SUBMITTED TO CONGRESS.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees the following with respect to the Military Satellite and Terminal Relay (MILSTAR) system:

Reports.

(1) A Selected Acquisition Report on the total program.

(2) A comprehensive master plan for the MILSTAR program setting forth—

(A) the MILSTAR program requirements;

(B) the Department of Defense acquisition strategy for the program; and

(C) Department of Defense plans relating to program execution, program schedule, program management, and program architecture.

(3) An analysis of the feasibility of establishing a cost sharing plan among all potential users of the MILSTAR system.

(b) **LIMITATION ON PROCEEDING WITH PROGRAM.**—(1) Funds appropriated or otherwise available to the Department of Defense may not be obligated for the MILSTAR program after April 1, 1990, unless the Secretary of Defense certifies to the congressional defense committees that the Department of Defense has complied with all conditions for the MILSTAR program specified in the classified annex to the joint statement of managers accompanying the conference report on the bill H.R. 2461 of the Hundred First Congress.

(2) Until the congressional defense committees receive all of the matters referred to in subsection (a), the Secretary of Defense may not obligate more than 75 percent of the funds appropriated pursuant to this Act for the MILSTAR program (other than for satellite communications ship terminals, satellite communications shore terminals, and extremely high frequency satellite communications).

**SEC. 166. LIMITATION ON FUNDS FOR PROCUREMENT OF F-16 AIRCRAFT
PENDING APPROVAL OF CERTAIN PLANS RESPECTING AIR-
LAND FIRE SUPPORT FOR GROUND COMBAT FORCES**

(a) **LIMITATION ON EXPENDITURES FOR F-16 AIRCRAFT.**—If by April 1, 1990, the Secretary of Defense does not submit to the congressional defense committees a report in writing containing a certification described in subsection (b), then after that date funds appropriated pursuant to this Act may not be expended for the procurement of F-16 aircraft until such a report is submitted to those committees.

Reports.

(b) **CERTIFICATION.**—A certification referred to in subsection (a) is a certification by the Secretary of Defense of both of the following:

(1) That the Director of Operational Test and Evaluation of the Department of Defense—

(A) has approved a test plan for the evaluation of systems for providing air-land fire support for ground combat forces systems that is sufficiently flexible to allow for evaluation of any current system and any feasible future system for such purpose; and

(B) has approved a test plan for the evaluation of both the upgrade program proposed for the F-16 aircraft and the upgrade program proposed for the A-10 aircraft for close air support (including night time operations).

(2) That any fixed-wing aircraft operated after July 1, 1990, at the National Training Center at Fort Irwin, California, will be fully integrated into the range instrumentation system to the same extent as attack helicopters.

California.

PART H—CHEMICAL MUNITIONS

**SEC. 171. RESTRICTION ON OBLIGATION OF FUNDS FOR PROCUREMENT
OF BINARY CHEMICAL MUNITIONS**

(a) **155-MILLIMETER BINARY CHEMICAL MUNITIONS.**—None of the funds appropriated or otherwise made available for fiscal year 1990 for procurement of ammunition for the Army may be used for production of 155-millimeter binary chemical munition M687 projectiles until—

(1) the Secretary of the Army submits to the congressional defense committees a certification described in subsection (b); and

(2) a period of two weeks elapses after the date on which such certification is received.

(b) **REQUIRED CERTIFICATION.**—A certification by the Secretary of the Army under subsection (a) must state—

(1) that, based on deliveries of M20 plastic, M20 steel, and M21 components of the M687 projectile accepted by the Government from the incumbent contractor—

(A) the incumbent contractor has demonstrated monthly delivery rates of those components sufficient to eliminate before October 1, 1990, the production backlog of all those components for the M687 rounds authorized for production for fiscal years 1986, 1987, and 1988;

(B) the components and rounds for which delivery has been accepted conform to the contract specifications at the time that the Government entered into the contract; and

(C) the incumbent contractor has sustained those monthly delivery rates for such components for a period of not less than three consecutive months; and

Arkansas.

(2) that the new production lines at Pine Bluff Arsenal, Arkansas, for the production of chemicals for the M687 projectile have been proven out and the Secretary of the Army has formally accepted the facility housing those production lines.

(c) MONTHLY GAO REPORTS.—Not later than February 1, 1990, and not later than the first day of each month thereafter, the Comptroller General of the United States shall submit to the congressional defense committees a report on the previous month's production rate for the M20 plastic, M20 steel, and M21 components of the M687 projectile and on the status of the production backlog for fiscal years 1986, 1987, and 1988 for those components. The Comptroller General shall continue submitting such reports until he certifies to those committees either that the production backlog for those components has been eliminated or that production of the components has been terminated.

Reports.

(d) FINAL GAO CERTIFICATION.—Not later than two weeks after a certification is submitted under subsection (a), the Comptroller General of the United States shall submit to the congressional defense committees a report containing the Comptroller General's assessment of whether the monthly delivery rates referred to in subsection (b)(1) demonstrate that there are reasonable grounds to believe that the incumbent contractor will continue to deliver at those monthly rates in order to eliminate the backlog of deliveries by October 1, 1990.

(e) EXCEPTION FOR CERTAIN LONG-LEAD MATERIALS.—The limitation in subsection (a) shall not apply with respect to the obligation of funds (not in excess of \$2,000,000) for long-term lead materials to support procurement of plastics for cannister production for the M687 projectile.

SEC. 172. CHEMICAL MUNITIONS EUROPEAN RETROGRADE PROGRAM

(a) LIMITATIONS ON RETROGRADE PROGRAM.—The Secretary of Defense may not obligate any funds appropriated for fiscal year 1990 for the purpose of carrying out the chemical munitions European retrograde program involving the withdrawal from Europe of chemical munitions until each of the following occurs:

(1) The Secretary submits to the Committees on Armed Services of the Senate and House of Representatives a certification—

(A) that an adequate United States binary chemical munitions stockpile will exist before any withdrawal of the existing stockpile from its present location in Europe is carried out; and

(B) that the plan for such retrograde program is based on—

- (i) minimum technical risk;
- (ii) minimum operational risk; and
- (iii) maximum safety to the public.

(2) The Secretary submits to those committees a revised concept plan for such retrograde program that includes a description of—

(A) the full budgetary effect of the retrograde program; and

(B) the potential effect of the retrograde program on the chemical demilitarization program.

(b) **LIMITATION ON TRANSFER OF FUNDS.**—The Secretary of Defense may not transfer any funds from the chemical demilitarization emergency response program for the retrograde program referred to in subsection (a).

SEC. 173. CHEMICAL DEMILITARIZATION CRYOFRACTURE PROGRAM

(a) **PROGRAM.**—The Secretary of Defense, to the extent funds are available for the purpose, shall proceed as expeditiously as possible with the project to develop an operational cryofracture facility at the Tooele Army Depot, Utah.

Utah.

(b) **USE OF FISCAL YEAR 1989 FUNDS.**—Of the amount authorized and appropriated for fiscal year 1989 for the chemical demilitarization program, \$16,300,000 shall be obligated immediately for continued research and development testing of the cryofracture program.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Science and technology.

PART A—AUTHORIZATIONS

SEC. 201. AUTHORIZATION OF APPROPRIATIONS

(a) **FISCAL YEAR 1990.**—Funds are hereby authorized to be appropriated for fiscal year 1990 for the use of the Armed Forces for research, development, test, and evaluation as follows:

- (1) For the Army, \$5,666,210,000.
- (2) For the Navy, \$9,901,897,000.
- (3) For the Air Force, \$13,938,679,000.
- (4) For the Defense Agencies, \$8,436,986,000, of which—
 - (A) \$211,200,000 is authorized for the activities of the Deputy Director, Defense Research and Engineering (Test and Evaluation); and
 - (B) \$67,085,000 is authorized for the Director of Operational Test and Evaluation.

(b) **FISCAL YEAR 1991.**—Funds are hereby authorized to be appropriated for fiscal year 1991 for the use of the Armed Forces for research, development, test, and evaluation as follows:

- (1) For the Army, \$5,791,042,000.
- (2) For the Navy, \$8,414,683,000.
- (3) For the Air Force, \$11,305,240,000.
- (4) For the Defense Agencies, \$4,264,161,000, of which—
 - (A) \$150,734,000 is authorized for the activities of the Deputy Director, Defense Research and Engineering (Test and Evaluation); and
 - (B) \$25,834,000 is authorized for the Director of Operational Test and Evaluation.

SEC. 202. AMOUNTS FOR BASIC RESEARCH AND EXPLORATORY DEVELOPMENT FOR FISCAL YEARS 1990 AND 1991

(a) **FISCAL YEAR 1990.**—Of the amounts authorized to be appropriated pursuant to section 201 for fiscal year 1990, \$3,510,196,000 shall be available for basic research and exploratory development projects.

(b) **FISCAL YEAR 1991.**—Of the amounts appropriated pursuant to section 201 for fiscal year 1991, \$3,770,000,000, shall be available for basic research and exploratory development projects.

(c) **BASIC RESEARCH AND EXPLORATORY DEVELOPMENT DEFINED.**—For purposes of this section, the term “basic research and exploratory development” means work funded in program elements for defense research and development under Department of Defense category 6.1 or 6.2.

SEC. 203. AMOUNTS FOR IMPROVED INFANTRY EQUIPMENT

Of the amounts authorized to be appropriated pursuant to section 201 for fiscal year 1990, amounts shall be available to increase the effectiveness of small infantry units through the development of improved weapons and equipment as follows:

For the Army, \$18,000,000.

For the Marine Corps, \$12,000,000.

PART B—PROGRAM REQUIREMENTS, RESTRICTIONS, AND LIMITATIONS

SEC. 211. BALANCED TECHNOLOGY INITIATIVE

(a) **AMOUNTS AUTHORIZED.**—Of the amounts authorized to be appropriated pursuant to section 201 for fiscal year 1990, \$238,082,000 shall be available for research and development under the Balanced Technology Initiative program.

(b) **DETERMINATION OF SOURCE OF FUNDS.**—The Secretary of Defense shall determine the amount of funds appropriated to the Army, Navy, Air Force, and Defense Agencies pursuant to section 201 for fiscal year 1990 that are to be allocated for the Balanced Technology Initiative.

(c) **PROHIBITION REGARDING UNDISTRIBUTED REDUCTIONS.**—No portion of any undistributed reduction (under this Act or any other Act) may be applied against the funds specified in subsection (a) or against any funds made available for the Balanced Technology Initiative for fiscal year 1990 that are in addition to the amount specified in subsection (a).

(d) **PROHIBITION ON USE OF FUNDS FOR SDI.**—None of the funds made available for the Balanced Technology Initiative by subsection (a) may be used in connection with any program, project, or activity in support of the Strategic Defense Initiative.

(e) **ANNUAL REPORT.**—Not later than March 15 of each year, the Secretary of Defense shall submit to the congressional defense committees a report on the Balanced Technology Initiative and related matters. Each such report shall include the following:

(1) A current assessment of the extent to which advanced technologies can be used to exploit potential vulnerabilities of hostile threats to the national security of the United States.

(2) Identification of each program, project, and activity being pursued under the Balanced Technology Initiative and, with respect to each such program, project, and activity, the amount made available pursuant to this section and the source of such amount.

(3) For each program, project, and activity for which funds are made available pursuant to this section, a five-year funding plan that (A) provides for the allocation of sufficient resources to maintain adequate progress in research and development under such program, project, or activity, and (B) specifies the major programmatic and technical milestones and the schedule for achieving those milestones.

(4) The status of each program, project, and activity being pursued under the Balanced Technology Initiative.

(5) Identification of other on-going or potential research and development programs, projects, and activities not currently provided for under this section that should be considered for inclusion under the Balanced Technology Initiative in order to improve conventional defense capabilities.

(6) Identification of the most critical technologies for the successful development of existing or potential Balanced Technology Initiative programs, projects, and activities and an assessment of the current status of those technologies.

SEC. 212. INTEGRATED ELECTRIC DRIVE PROGRAM

(a) **INTEGRATED ELECTRIC DRIVE PROGRAM.**—The Secretary of the Navy is authorized to establish an Integrated Electric Drive program by merging the Ship Propulsion System program and the Shipboard System Component program with the Electric Drive program for the purpose of providing Integrated Electric Drive propulsion in the DDG-51 guided missile destroyer program.

(b) **FUNDING.**—Of the amount authorized to be appropriated pursuant to section 201 for the Navy for fiscal year 1990, \$36,064,000 shall be available for the Integrated Electric Drive program.

SEC. 213. FAST SEALIFT TECHNOLOGY DEVELOPMENT PROGRAM

(a) **NEW PROGRAM.**—The Secretary of the Navy is authorized to establish a Fast Sealift Technology Development program for the purposes of completing, within 24 months after the date of the enactment of this Act, the technology development program described in the January 1989 report of the Secretary to Congress entitled "Fast Sealift Program Technology Assessment Report".

(b) **FUNDING.**—Of the amount authorized to be appropriated pursuant to section 201 for the Navy for fiscal year 1990, \$15,000,000 shall be available for the Fast Sealift Technology Development program.

SEC. 214. TACTICAL OCEANOGRAPHY PROGRAM

(a) **NEW PROGRAM.**—The Secretary of the Navy is authorized to establish a Tactical Oceanography program to accelerate uses of scientific measurement and data collection devices and processes for the purpose of rapid tactical applications.

(b) **FUNDING.**—Of the amount authorized to be appropriated pursuant to section 201 for the Navy for fiscal year 1990, \$3,000,000 shall be available for the Tactical Oceanography program.

SEC. 215. GRANT FOR SEMICONDUCTOR COOPERATIVE RESEARCH PROGRAM

Of the amount authorized to be appropriated pursuant to section 201(a) for fiscal year 1990 for Defense Agencies, \$100,000,000 shall be available to make grants under section 272 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180; 15 U.S.C. 4602).

SEC. 216. ARMY HEAVY FORCE MODERNIZATION PROGRAM

(a) **FUNDING.**—Of the amount authorized to be appropriated pursuant to section 201 for the Army for fiscal year 1990, \$58,000,000 shall be available to the Secretary of the Army for competitive development of Advanced Technology Transition Demonstrators (ATTDs) for a common chassis for the Heavy Force Modernization program of the Army.

(b) **LIMITATION ON USE OF FUNDING.**—No funds may be obligated for such competitive development until—

(1) the Milestone I decision to proceed with demonstration and validation for the Heavy Force Modernization program is made by the appropriate official of the Department of Defense (upon consideration of the recommendation of the Defense Acquisition Board for that program) and such decision includes proceeding with development of Advanced Technology Transition Demonstrators for the common chassis for that program; and

(2) after such decision, the Secretary of Defense submits to the Committees on Armed Services of the Senate and House of Representatives a report described in subsection (c).

(c) **REPORT.**—The report referred to in subsection (b)(2) is a report by the Secretary of Defense containing the following:

(1) A description of the decisions referred to in subsection (b)(1), including a description of the demonstration and validation program approved.

(2) An updated Interagency Intelligence Memorandum providing current estimates (prepared within the 12 months preceding the date of the report) for production, and for operational capabilities, of future tanks of the Soviet Union.

(3) Detailed cost estimates and schedules for research, development, test, and evaluation, and for procurement, for all programs expected to use the common chassis to be selected pursuant to the competitive development under subsection (a) and explanations for the order in which those programs are to proceed through research, development, test, and evaluation and procurement.

(4) A description of the criteria to be used by the Secretary of Defense in determining whether—

(A) to proceed with a new tank program (for replacement of the M1 tank) using the common chassis to be selected pursuant to the competitive development under subsection (a); or

(B) to produce an M1A3 tank.

(5) The results of the review conducted under subsection (d).

(d) **REVIEW OF ENGINE ACQUISITION PLAN.**—(1) The Secretary of Defense, acting through an appropriate official of the Office of the Secretary of Defense designated by the Secretary, shall conduct a detailed review of the acquisition plan of the Department of the Army for the engine to be acquired for the common chassis to be selected pursuant to the competitive development under subsection (a).

(2) The review of such plan shall include a review of—

(A) the Transverse Mounted Engine Propulsion System;

(B) the Advanced Integrated Propulsion System; and

(C) derivatives of commercially developed engine systems.

(3) The review should determine—

(A) whether the schedule for development of the Advanced Technology Transition Demonstrator for the common chassis is consistent with the availability of engines; and

(B) whether such acquisition plan provides for the maximum competition between all alternatives.

Reports.

SEC. 217. JOINT RESEARCH PROJECT ON MAGNETOENCEPHALOGRAPHY (MEG) AND NEUROMAGNETISM

Of the amounts appropriated pursuant to section 201 for fiscal year 1990, \$250,000 may be used for the joint research project of the Department of the Army and the Department of Energy on magnetoencephalography (MEG) and neuromagnetism.

SEC. 218. V-22 OSPREY AIRCRAFT PROGRAM

Of the amount appropriated pursuant to section 201(a) or otherwise made available to the Navy for fiscal year 1990, not more than \$255,000,000 may be obligated for research, development, test, and evaluation in connection with the V-22 aircraft program.

SEC. 219. BIODEGRADABLE MATERIALS RESEARCH

Of the amount appropriated pursuant to section 201 for the Army for fiscal year 1990, not more than \$100,000 may be obligated for the purpose of continuing the research into the potential use of biodegradable materials in ration packaging designs. The Army Natick Research, Development, and Engineering Center shall be the responsible agency for such research.

PART C—STRATEGIC DEFENSE INITIATIVE**SEC. 221. FUNDING FOR THE STRATEGIC DEFENSE INITIATIVE FOR FISCAL YEAR 1990**

(a) **AMOUNT AUTHORIZED.**—Of the amounts appropriated pursuant to section 201 for fiscal year 1990 or otherwise made available to the Department of Defense for research, development, test, and evaluation for fiscal year 1990, not more than \$3,573,202,000 may be obligated for the Strategic Defense Initiative.

(b) **MANAGEMENT HEADQUARTERS SUPPORT.**—Of the amount available for the Strategic Defense Initiative pursuant to subsection (a), not more than \$23,000,000 shall be available for Management Headquarters Support.

(c) **FUNDS FOR SUPPORT OF MEDICAL FREE ELECTRON LASER PROGRAM.**—Of the amounts appropriated for fiscal years 1990 and 1991 that are available for the Strategic Defense Initiative, not more than \$20,000,000 of that amount for each such year may be used to support the medical free electron laser program.

SEC. 222. REPORT ON ALLOCATION OF FISCAL YEAR 1990 SDI FUNDING

(a) **REPORT.**—The Secretary of Defense shall submit to the congressional defense committees a report on the allocation of funds appropriated for the Strategic Defense Initiative for fiscal year 1990. The report shall specify the amount of such funds allocated for each program, project, or activity of the Strategic Defense Initiative.

(b) **DEADLINE FOR REPORT.**—The report required by subsection (a) shall be submitted not later than 90 days after the date of the enactment of legislation appropriating funds for the Strategic Defense Initiative for fiscal year 1990.

SEC. 223. LIMITATION ON DEVELOPMENT AND TESTING OF ANTIBALLISTIC MISSILE SYSTEMS OR COMPONENTS

(a) **USE OF FUNDS.**—(1) Funds appropriated or otherwise made available to the Department of Defense for fiscal year 1990, or any fiscal year before 1990, shall be subject to the limitations prescribed in paragraph (2).

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

(A) for the development or testing of any antiballistic missile system or component, except for development and testing consistent with the development and testing described in the 1989 SDIO Report; or

(B) for the acquisition of any material or equipment (including any long lead materials, components, piece parts, test equipment, or any modified space launch vehicle) required or to be used for the development or testing of antiballistic missile systems or components, except for material or equipment required for development or testing consistent with the development and testing described in the 1989 SDIO Report.

(3) The limitation in paragraph (2) shall not apply to funds transferred to or for the use of the Strategic Defense Initiative for fiscal year 1990 if the transfer is made in accordance with section 1601 of this Act.

(b) DEFINITION.—As used in this section, the term “1989 SDIO Report” means the report entitled, “1989 Report to Congress on the Strategic Defense Initiative,” dated January 19, 1989, prepared by the Strategic Defense Initiative Organization and submitted to certain committees of the Senate and House of Representatives by the Secretary of Defense pursuant to section 231 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180; 101 Stat. 1059; 10 U.S.C. 2431 note).

SEC. 224. REQUIREMENT FOR ANNUAL REPORT ON SDI PROGRAMS

(a) REPORT REQUIRED.—Not later than March 15 of each year, the Secretary of Defense shall transmit to Congress a report (in both unclassified and classified form) on the programs and projects that constitute the Strategic Defense Initiative and on any other program or project relating to defense against ballistic missiles.

(b) CONTENT OF REPORT.—Each such report shall include the following:

(1) A statement of the basic strategy for research and development being pursued by the Department of Defense under the Strategic Defense Initiative (SDI), including the relative priority being given, respectively, to the development of near-term deployment options and research on longer-term technological approaches.

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

(3) A clear definition of the objectives of each planned deployment phase of the Strategic Defense Initiative or defense against strategic ballistic missiles.

(4) An explanation of the relationship between each such phase and each program and project associated with the proposed architecture for that phase.

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

(6) A statement of the compliance of the planned SDI development and testing programs with existing arms control agreements, including the 1972 Anti-Ballistic Missile Treaty.

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

(8) Details regarding funding of programs and projects for the Strategic Defense Initiative (including the amounts authorized, appropriated, and made available for obligation after undistributed reductions or other offsetting reductions were carried out), as follows:

(A) The level of requested and appropriated funding provided for the current fiscal year for each program and project in the Strategic Defense Initiative budgetary presentation materials provided to Congress.

(B) The aggregate amount of funding provided for previous fiscal years (including the current fiscal year) for each such program and project.

(C) The amount requested to be appropriated for each such program and project for the next fiscal year.

(D) The amount programmed to be requested for each such program and project for the following fiscal year.

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

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

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

(B) Defending against an accidental launch of strategic ballistic missiles against the United States.

(C) Defending against a limited but militarily effective attack by the Soviet Union aimed at disrupting the National Command Authority or other valuable military assets.

(D) Providing sufficient warning and tracking information to defend or effectively evade possible attacks by the Soviet Union against military satellites, including those in high orbits.

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

(F) Providing protection of the United States population from a nuclear attack by the Soviet Union.

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

(10) For each of the near-term military missions listed in paragraph (9), the report shall include the following:

(A) A list of specific program elements of the Strategic Defense Initiative that are pertinent to such mission.

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

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

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

PART D—STRATEGIC PROGRAMS

SEC. 231. FUNDING AND LIMITATIONS FOR ICBM MODERNIZATION PROGRAM

(a) **OVERALL OBLIGATIONAL LIMITATION.**—Of the amounts appropriated for the Department of Defense for fiscal year 1990 pursuant to this Act, not more than \$1,131,700,000 may be obligated for the activities described in subsection (b) for the intercontinental ballistic missile (ICBM) modernization program.

(b) **COVERED ICBM MODERNIZATION ACTIVITIES.**—The activities referred to in subsection (a) are the following:

(1) Research, development, test, and evaluation in connection with the MX Rail Garrison program and the Small ICBM program.

(2) Advance procurement of long-lead items for the MX Rail Garrison program.

(3) Advance procurement of initial spare parts for the MX Rail Garrison program.

(4) Procurement of operational Mark 21 reentry systems.

(5) Military construction at F. E. Warren Air Force Base, Wyoming, in connection with the MX Rail Garrison program.

(c) **MAXIMUM AMOUNTS THAT MAY BE OBLIGATED FOR MODERNIZATION ACTIVITIES.**—The maximum amount that may be obligated for each activity described in subsection (b) from amounts appropriated for the Department of Defense for fiscal year 1990 pursuant to this Act is as follows:

(1) For the activity described in subsection (b)(1), a total of \$874,244,000.

(2) For the activity described in subsection (b)(2), \$163,607,000.

(3) For the activity described in subsection (b)(3), \$58,999,000.

(4) For the activity described in subsection (b)(4), \$80,000,000.

(5) For the activity described in subsection (b)(5), \$104,850,000.

(d) **TRANSFER AUTHORITY; LIMITATION.**—(1) The Secretary of Defense may transfer funds made available for fiscal year 1990 for any activity referred to in subsection (b) to any other activity referred to in that subsection, except that in no case may the total amount obligated from fiscal year 1990 defense funds for that activity exceed the amount specified for that activity in subsection (c).

Railroads.

Wyoming.

(2) An amount transferred pursuant to this subsection may be used only in connection with the activity to which transferred and shall be merged with other funds made available for that activity for fiscal year 1990.

(3) An amount transferred pursuant to this subsection shall not be counted against the maximum amount authorized to be transferred pursuant to this Act under section 1601(a).

(e) **USE OF UNOBLIGATED FY 1989 FUNDS.**—The Secretary of the Air Force shall use \$100,000,000 of amounts appropriated for research, development, test, and evaluation for the Air Force for fiscal year 1989 that remain available for obligation to carry out research, development, test, and evaluation in connection with the Small ICBM program.

(f) **REPORT TO CONGRESS.**—Not later than 10 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report specifying the amounts allocated to each activity referred to in subsection (b) and an explanation of any transfer of funds made pursuant to subsection (d). In the case of any such transfer of funds, the report shall include an identification of the activity or activities from which the funds are transferred and the activity or activities to which the funds are transferred.

SEC. 232. FUNDING FOR SECURITY IMPROVEMENTS AT THE KWAJALEIN TEST RANGE

The Secretary of Defense shall transfer to the Army \$7,500,000 from funds available for research, development, test and evaluation for the Armed Forces for fiscal year 1990. Funds so transferred shall be available for the sole purpose of funding highest priority security improvements at the Kwajalein Test Range. Funds made available for such purpose shall be in addition to any funds otherwise made available for the United States Army Kwajalein Atoll Command.

SEC. 233. TITAN IV WEST COAST LAUNCH PAD

(a) **PROHIBITION ON OBLIGATION OF FUNDS FOR SLC-7 FACILITY.**—Funds appropriated or otherwise made available for the Air Force for fiscal year 1990 may not be obligated or expended in connection with the launch facility at Vandenberg Air Force Base, California, identified as the SLC-7 Launch Facility.

(b) **LIMITATION ON OBLIGATION OF FUNDS FOR SLC-6 FACILITY.**—(1) Of the funds appropriated for the Air Force for research, development, test, and evaluation for fiscal year 1990, not more than \$31,200,000 shall be available for conversion of the launch facility at Vandenberg Air Force Base, California, identified as the SLC-6 Launch Facility, for launching Titan IV expendable launch vehicles.

(2) Funds appropriated or otherwise made available for the Air Force for fiscal year 1990 may not be used for a second West Coast launch capability for Titan IV expendable launch vehicles except for the conversion of the SLC-6 launch facility to such a capability.

PART E—CHEMICAL AND BIOLOGICAL WARFARE PROGRAMS

SEC. 241. PROGRAM FOR MONITORING COMPLIANCE WITH POSSIBLE CHEMICAL WEAPONS CONVENTION

Of the amount authorized to be appropriated pursuant to section 201 for the Defense Agencies for fiscal year 1990, \$15,000,000 shall be available for use only by the Office of the Secretary of Defense to

conduct a program to develop and demonstrate compliance monitoring capabilities in support of efforts by the United States in the Conference on Disarmament at Geneva to achieve a verifiable convention on the prohibition of chemical weapons.

SEC. 242. REPORT ON BIOLOGICAL DEFENSE RESEARCH PROGRAM

(a) **REPORT.**—The Secretary of Defense shall submit to the Congress a report on research, development, test, and evaluation conducted by the Department of Defense during fiscal year 1989 under the Biological Defense Research Program. The report shall be submitted in both classified and unclassified form in conjunction with the submission of the budget to Congress for fiscal 1991.

(b) **CONTENT OF REPORT.**—The report shall address the following matters:

(1) Each biological or infectious agent used in, or the subject of, research, development, test, and evaluation conducted under that program during that fiscal year and not previously listed in the Center for Disease Control Guidelines.

(2) The biological properties of each such agent.

(3) With respect to each agent, the location at which research, development, test, and evaluation under that program involving that agent is conducted and the amount of funds expended during that fiscal year under the program at that location.

(4) The biosafety level used in conducting that research, development, test, and evaluation.

(c) **TYPES OF RESEARCH AFFECTED.**—Subsection (a) applies to all research, development, test, and evaluation conducted under the Biological Defense Research Program by the Department of Defense.

(d) **DEFINITION.**—In this section the term “biosafety level” means the applicable biosafety level described in the publication entitled “Biosafety in Microbiological and Biomedical Laboratories” (CDC-NIH, 1984).

SEC. 243. RESTORATION OF CERTAIN REPORTING REQUIREMENTS RELATING TO CHEMICAL AND BIOLOGICAL WARFARE AGENTS

(a) **SPECIFIC REPORTS.**—Section 602 of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 (100 Stat. 1066; 10 U.S.C. 111 note) is amended—

(1) by striking out subsections (g) and (h) and inserting in lieu thereof the following:

“(g) **PUBLIC LAW 91-121.**—The exception provided in subsection (d)(3) applies to the following annual report and notifications relating to chemical or biological warfare agents:

“(1) The annual report required by subsection (a) of section 409 of Public Law 91-121 (50 U.S.C. 1511).

“(2) The notifications required by subsections (b)(4) and (c)(1) of such section (50 U.S.C. 1512(4), 1513(1)).

“(h) **PUBLIC LAW 91-441.**—The exception provided in subsection (d)(3) applies to the following reports:

“(1) The annual report required by section 203(c) of Public Law 91-141 (10 U.S.C. 2358 note), relating to independent research and development and bid and proposal programs.

“(2) Reports required by section 506(d) of such public law (50 U.S.C. 1518), relating to the disposal of chemical or biological warfare agents.”; and

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

“(v) PUBLIC LAW 95-79.—The exception provided in subsection (d)(3) applies to the notifications required by section 808 of Public Law 95-79 (50 U.S.C. 1520), relating to chemical or biological warfare agents.”

(b) CONFORMING AMENDMENT.—Subsection (d)(3) of such section is amended by striking out “(u)” and inserting in lieu thereof “(v)”.

PART F—OTHER MATTERS

SEC. 251. ADVANCED RESEARCH PROJECTS

(a) AUTHORITY FOR DARPA COOPERATIVE AGREEMENTS AND OTHER TRANSACTIONS.—(1) Chapter 139 of title 10, United States Code, as amended by section 242(a), is further amended by adding at the end the following new section:

“§ 2371. Advanced research projects: cooperative agreements and other transactions

“(a) The Secretary of Defense, in carrying out advanced research projects through the Defense Advanced Research Projects Agency, may enter into cooperative agreements and other transactions with any person, any agency or instrumentality of the United States, any unit of State or local government, any educational institution, and any other entity.

“(b)(1) Cooperative agreements and other transactions entered into by the Secretary under subsection (a) may include a clause that requires a person or other entity to make payments to the Department of Defense (or any other department or agency of the Federal Government) as a condition for receiving support under the agreement or other transaction.

“(2) The amount of any payment received by the Federal Government pursuant to a requirement imposed under paragraph (1) may be credited, to the extent authorized by the Secretary of Defense, to the account established under subsection (e). Amounts so credited shall be merged with other funds in the account and shall be available for the same purposes and the same period for which other funds in such account are available.

“(c) The authority provided under subsection (a) may be exercised without regard to section 3324 of title 31.

“(d) The Secretary shall ensure that—

“(1) to the maximum extent practicable, a cooperative agreement or other transaction under this section does not provide for research that duplicates research being conducted under existing programs carried out by the Department of Defense;

“(2) to the extent the Secretary determines practicable, the funds provided by the Government under the cooperative agreement or other transaction do not exceed the total amount provided by other parties to the cooperative agreement or other transaction; and

“(3) the authority under this section is used only when the use of standard contracts or grants is not feasible or appropriate.

“(e) There is hereby established on the books of the Treasury an account for support of advanced research projects provided for in cooperative agreements and other transactions entered into under subsection (a). Funds in such account shall be available for the payment of such support.

Reports.

“(f) Not later than 60 days after the end of each fiscal year, the Secretary of Defense shall submit to the Committees of Armed Services of the Senate and House of Representatives a report on all cooperative agreements and other transactions (other than contracts and grants) entered into under this section during such fiscal year. The report shall contain, with respect to each such cooperative agreement and transaction, the following:

“(1) A general description of the cooperative agreement or other transaction (as the case may be), including the technologies for which advanced research is provided for under such agreement or transaction.

“(2) The potential military and, if any, commercial utility of such technologies.

“(3) The reasons for not using a contract or grant to provide support for such advanced research.

“(4) The amount of the payments, if any, referred to in subsection (b) that were received by the Federal Government in connection with such cooperative agreement or other transaction during the fiscal year covered by the report.

“(5) The amount of the payments reported under paragraph (4), if any, that were credited to the account established under subsection (e).

Termination
date.

“(g) The authority of the Secretary to enter into cooperative agreements and other transactions under this section expires at the close of September 30, 1991.”

(2) The table of sections at the beginning of such chapter, as amended by section 242(a), is further amended by adding at the end the following new item:

“2371. Advanced research projects: cooperative agreements and other transactions.”

(b) FUNDING.—Of the amounts appropriated pursuant to section 201 for the Defense Agencies, not more than \$25,000,000 of the funds appropriated for fiscal year 1990 and not more than \$25,000,000 of the funds appropriated for fiscal year 1991 may be available for the support, through the Defense Advanced Research Projects Agency, of advanced research provided for in cooperative agreements and other transactions authorized by section 2371 of title 10, United States Code (as added by subsection (a)). That amount shall be credited to the account established under subsection (e) of such section.

Grants.

SEC. 252. CLARIFICATION OF REQUIREMENT FOR COMPETITION IN AWARD OF RESEARCH AND DEVELOPMENT CONTRACTS AND CONSTRUCTION CONTRACTS TO COLLEGES AND UNIVERSITIES

(a) COMPETITION REQUIREMENT.—Subsection (a) of section 2361 of title 10, United States Code, is amended by striking out “unless the grant” and all that follows through the end of the subsection and inserting in lieu thereof “unless—

“(1) in the case of a grant, the grant is made using competitive procedures; and

“(2) in the case of a contract, the contract is awarded in accordance with section 2304 of this title (other than pursuant to subsection (c)(5) of that section).”

(b) RESTRICTIONS WITH RESPECT TO SUPERSEDING LEGISLATION.—(1) Subsection (b) of such section is amended to read as follows:

“(b)(1) A provision of law may not be construed as modifying or superseding the provisions of subsection (a), or as requiring funds to be made available by the Secretary of Defense to a particular college or university by grant or contract, unless that provision of law—

“(A) specifically refers to this section;

“(B) specifically states that such provision of law modifies or supersedes the provisions of this section; and

“(C) specifically identifies the particular college or university involved and states that the grant to be made or the contract to be awarded, as the case may be, pursuant to such provision of law is being made or awarded in contravention of subsection (a).

“(2) A grant may not be made, or a contract awarded, pursuant to a provision of law that authorizes or requires the making of the grant, or the awarding of the contract, in a manner that is inconsistent with subsection (a) until—

“(A) the Secretary of Defense submits to Congress a notice in writing of the intent to make the grant or award the contract; and

“(B) a period of 180 days has elapsed after the date on which the notice is received by Congress.”

(2) Subsection (b) of section 2361 of title 10, United States Code, as amended by paragraph (1), applies with respect to any provision of law enacted after September 30, 1989.

Effective date.
10 USC 2361
note.

(c) SEMIANNUAL REPORT.—(1) Such section is further amended by adding at the end the following new subsection:

“(c)(1) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a semiannual report on the use of competitive procedures for the award of research and development contracts, and the award of construction contracts, to colleges and universities. Each such report shall include—

“(A) a list of each college and university that, during the period covered by the report, received more than \$1,000,000 in such contracts through the use of procedures other than competitive procedures; and

“(B) the cumulative amount of such contracts received during that period by each such college and university.

“(2) The reports under paragraph (1) shall cover the six-month periods ending on June 30 and December 31 of each year. Each such report shall be submitted within 30 days after the end of the period covered by the report.

“(3) A report is not required under paragraph (1) for any period beginning after December 31, 1993.”

(2) The first report under subsection (c) of section 2361 of title 10, United States Code, as added by paragraph (1), shall cover the last six months of 1989 and shall be submitted not later than February 1, 1990.

10 USC 2361
note.

SEC. 253. EXTENSION OF DEADLINE FOR SELECTION OF HEAVY TRUCK SYSTEM CONFIGURED WITH PALLETIZED LOADING SYSTEM

Section 259(b) of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180; 101 Stat. 1068) is amended by striking out “24 months after the enactment of this Act” in the first sentence and inserting in lieu thereof “June 4, 1990”.

SEC. 254. TESTING OF INFANTRY ANTI-TANK WEAPON

(a) **EVALUATION OF INFANTRY ANTI-TANK WEAPON.**—(1) The Secretary of the Army shall conduct a side-by-side test and evaluation of the Bofors Bill weapon system, the Milan weapon system, and the Dragon II weapon system. On the basis of the performance of those systems in those tests, the Secretary of the Army shall select the superior weapon system, giving full consideration to cost effectiveness.

(2) Such test and evaluation shall be conducted, and such selection shall be made, not later than six months after the date of the enactment of this Act.

(3) The tests and criteria used for such evaluation shall be identical to those used for tests under section 114 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 102 Stat. 1931) and the associated language on page 303 of the joint explanatory statement of managers for the bill H.R. 4481 of the 100th Congress (House Report 100-989 of the 100th Congress).

(b) **FUNDING OF TESTS.**—The tests under subsection (a) shall be funded from—

(1) funds appropriated for fiscal year 1988 for evaluation of the Bofors Bill system and Milan system which remain unspent;

(2) funds appropriated for fiscal year 1989 for the terminated Dragon III program which remain unspent; and

(3) other fiscal year 1988 or 1989 funds available to the Secretary.

(c) **INDEPENDENT ASSESSMENTS.**—The Comptroller General of the United States and the Director of Operational Test and Evaluation of the Department of Defense shall each conduct an assessment of the operational tests and evaluations referred to in subsection (a). The Comptroller General and the Director shall each submit a report on such assessment to the Committees on Armed Services of the Senate and House of Representatives not later than two months after the end of the tests.

SEC. 255. FUNDING FOR FACILITY FOR COLLABORATIVE RESEARCH AND TRAINING FOR MILITARY MEDICAL PERSONNEL; FUNDING FOR MICROELECTRONICS RESEARCH

(a) **FUNDING.**—(1) Of the amounts appropriated pursuant to section 201 for fiscal year 1990, \$18,000,000 may be used by the Secretary of Defense as a contribution toward the construction of a facility as part of a complex to enable collaborative research and training for Department of Defense military medical personnel in the following fields:

(A) Trauma care.

(B) Head, neck, and spinal injury.

(C) Paralysis.

(D) Neurosciences and neurodegenerative diseases.

(2) Such a contribution may be made only for a facility that will—

(A) support education, training, treatment, and rehabilitative services related to the fields described in paragraph (1); and

(B) support neuroscience research with relevance for the medical mission of the Department of Defense.

(3) Such a contribution may be made only for a facility to be located at an institutional setting that—

(A) has received national recognition for its work in the fields listed in paragraph (1); and

Reports.

(B) can best facilitate interagency collaborative research, education, and training activities.

(4) The amount of a contribution under paragraph (1) may not exceed 33 percent of the total cost of such complex.

(b) **MICROELECTRONICS RESEARCH.**—Of the funds authorized to be appropriated pursuant to section 201 for fiscal year 1990, not more than \$15,000,000 may be made available for a program of research in advanced microelectronics, optoelectronics, and materials. None of such funds may be obligated before July 1, 1990. Any contract awarded under such program shall be awarded using competitive procedures to the maximum extent feasible.

SEC. 256. AVAILABILITY OF FUNDS TRANSFERRED TO NASA FOR NATIONAL AEROSPACE PLANE

Of amounts appropriated to the Department of Defense for fiscal year 1990 that are transferred to the National Aeronautics and Space Administration pursuant to law, not more than \$225,000,000 may be used for the National Aerospace Plane program.

SEC. 257. REPEAL OF SPECIFICATION OF FUNDS FOR RANKINE ENGINE

Section 205(a)(3) of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180; 101 Stat. 1047) is repealed.

TITLE III—OPERATION AND MAINTENANCE

PART A—AUTHORIZATION OF APPROPRIATIONS

SEC. 301. OPERATION AND MAINTENANCE FUNDING

(a) **AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1990.**—Funds are hereby authorized to be appropriated for fiscal year 1990 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance in amounts as follows:

(1) For the Army, \$22,973,309,000.

(2) For the Navy, \$23,926,751,000.

(3) For the Marine Corps, \$1,657,800,000.

(4) For the Air Force, \$21,909,296,000.

(5) For the Defense Agencies, \$7,850,472,000.

(6) For the Army Reserve, \$861,800,000.

(7) For the Naval Reserve, \$894,800,000.

(8) For the Marine Corps Reserve, \$77,400,000.

(9) For the Air Force Reserve, \$978,500,000.

(10) For the Army National Guard, \$1,867,100,000.

(11) For the Air National Guard, \$1,981,900,000.

(12) For the National Board for the Promotion of Rifle Practice, \$3,970,000.

(13) For the Defense Inspector General, \$94,749,000.

(14) For the Court of Military Appeals, \$4,000,000.

(15) For Environmental Restoration, Defense, \$601,100,000.

(16) For Humanitarian Assistance, \$13,000,000.

(17) For the Goodwill Games, as provided in section 305 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 102 Stat. 1949), \$14,600,000.

(b) **AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1991.**—Funds are hereby authorized to be appropriated for fiscal year 1991 for the use of the Armed Forces and other activities and agencies of

the Department of Defense for expenses, not otherwise provided for, for operation and maintenance in amounts as follows:

- (1) For the Army, \$24,648,400,000.
- (2) For the Navy, \$25,262,700,000.
- (3) For the Marine Corps, \$1,771,300,000.
- (4) For the Air Force, \$23,344,300,000.
- (5) For the Defense Agencies, \$8,318,900,000.
- (6) For the Army Reserve, \$902,600,000.
- (7) For the Naval Reserve, \$949,900,000.
- (8) For the Marine Corps Reserve, \$79,400,000.
- (9) For the Air Force Reserve, \$1,015,400,000.
- (10) For the Army National Guard, \$1,896,300,000.
- (11) For the Air National Guard, \$2,104,600,000.
- (12) For the National Board for the Promotion of Rifle Practice, \$5,600,000.
- (13) For the Defense Inspector General, \$97,600,000.
- (14) For the Court of Military Appeals, \$4,200,000.
- (15) For Environmental Restoration, Defense, \$519,900,000
- (16) For Humanitarian Assistance, \$13,000,000.

(c) SPECIAL AUTHORIZATION FOR CONTINGENCIES.—There is authorized to be appropriated for each of fiscal years 1990 and 1991, in addition to the amounts authorized to be appropriated in subsections (a) and (b), such sums as may be necessary—

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

SEC. 302. WORKING CAPITAL FUNDS

(a) AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1990.—Funds are hereby authorized to be appropriated for fiscal year 1990 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working-capital funds in amounts as follows:

- (1) For the Navy Stock Fund, \$40,500,000.
- (2) For the Air Force Stock Fund, \$126,100,000.
- (3) For the Defense Stock Fund, \$78,100,000.

(b) AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1991.—Funds are hereby authorized to be appropriated for fiscal year 1991 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working-capital funds in amounts as follows:

- (1) For the Army Stock Fund, \$141,500,000.
- (2) For the Navy Stock Fund, \$232,100,000.
- (3) For the Air Force Stock Fund, \$319,600,000.
- (4) For the Defense Stock Fund, \$156,300,000.

SEC. 303. DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT

(a) AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1990.—There is authorized to be appropriated for fiscal year 1990 to the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 102 Stat. 2631), \$500,000,000.

(b) AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1991.—There is authorized to be appropriated for fiscal year 1991 to the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Clo-

sure and Realignment Act (Public Law 100-526; 102 Stat. 2631), \$500,000,000.

SEC. 304. HUMANITARIAN ASSISTANCE

(a) **PURPOSE.**—Funds appropriated pursuant to the authorizations in subsections (a)(16) and (b)(16) of section 301 for humanitarian assistance shall be used for the purpose of providing transportation for humanitarian relief for persons displaced or who are refugees because of the invasion of Afghanistan by the Soviet Union. Of the funds appropriated for each of fiscal years 1990 and 1991 pursuant to such subsections for such purpose, not more than \$3,000,000 may be used for distribution of humanitarian relief supplies to the non-Communist resistance organization at or near the border between Thailand and Cambodia.

Refugees.
Afghanistan.

Thailand.
Cambodia.

(b) **AUTHORITY TO TRANSFER FUNDS.**—The Secretary of Defense may transfer to the Secretary of State not more than \$3,000,000 of the funds appropriated pursuant to such subsections for each of fiscal years 1990 and 1991 for humanitarian assistance to provide for—

(1) the payment of administrative costs incurred in providing the transportation described in subsection (a); and

(2) the purchase or other acquisition of transportation assets for the distribution of humanitarian relief supplies in the country of destination.

(c) **TRANSPORTATION UNDER DIRECTION OF THE SECRETARY OF STATE.**—Transportation for humanitarian relief provided with funds appropriated pursuant to such subsections for humanitarian assistance shall be provided under the direction of the Secretary of State.

(d) **MEANS OF TRANSPORTATION TO BE USED.**—Transportation for humanitarian relief provided with funds appropriated pursuant to such subsections for humanitarian assistance shall be provided by the most economical commercial or military means available, unless the Secretary of State determines that it is in the national interest of the United States to provide transportation other than by the most economical means available. The means used to provide such transportation may include the use of aircraft and personnel of the reserve components of the Armed Forces.

(e) **AVAILABILITY OF FUNDS.**—Funds appropriated pursuant to such subsections for humanitarian assistance shall remain available until expended, to the extent provided in appropriation Acts.

(f) **REPORTS TO CONGRESS.**—(1) The Secretary of Defense shall submit (at the times specified in paragraph (2)) to the Committees on Armed Services and Foreign Relations of the Senate and the Committees on Armed Services and Foreign Affairs of the House of Representatives a report on the provision of humanitarian assistance under the humanitarian relief laws specified in paragraph (4).

(2) A report required by paragraph (1) shall be submitted—

(A) not later than 60 days after the date of the enactment of this Act;

(B) not later than June 1, 1990; and

(C) not later than June 1 of each year thereafter until all funds available for humanitarian assistance under the humanitarian relief laws specified in paragraph (4) have been obligated.

(3) A report required by paragraph (1) shall contain (as of the date on which the report is submitted) the following information:

(A) The total amount of funds obligated for humanitarian relief under the humanitarian relief laws specified in paragraph (4).

(B) The number of scheduled and completed flights for purposes of providing humanitarian relief under the humanitarian relief laws specified in paragraph (4).

(C) A description of any transfer (including to whom the transfer is made) of excess nonlethal supplies of the Department of Defense made available for humanitarian relief purposes under section 2547 of title 10, United States Code.

(4) The humanitarian relief laws referred to in paragraphs (1), (2), and (3) are the following:

(A) This section.

(B) Section 305 of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 617).

(C) Section 331 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180; 101 Stat. 1078).

(D) Section 303 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 102 Stat. 1948).

(5) Section 303 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 102 Stat. 1948), is amended by striking out subsection (f).

SEC. 305. ARMY AVIATION FLIGHT FACILITY AT JACKSON, TENNESSEE

(a) **ESTABLISHMENT OF FACILITY.**—The Secretary of the Army shall establish an Army aviation flight facility at McKellar Field in Jackson, Tennessee.

(b) **AMOUNT AUTHORIZED FOR TRANSFER OF BRIGADE.**—Of the amount appropriated pursuant to section 301 for fiscal year 1990 for operation and maintenance for the Army National Guard, \$300,000 is authorized to be used to transfer the aviation section of the 30th Separate Armored Brigade of the Tennessee National Guard to the facility established pursuant to subsection (a).

SEC. 306. ASSISTANCE TO SCHOOLS TO BENEFIT CHILDREN OF MEMBERS OF THE ARMED FORCES AND CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE

(a) **ASSISTANCE AUTHORIZED.**—Of the amounts appropriated for operation and maintenance for fiscal year 1990, the Secretary of Defense is authorized to use \$10,000,000 for the purpose of providing, in consultation with the Secretary of Education, assistance to eligible local educational agencies that operate schools that include students who—

(1) are dependent children of members of the Armed Forces or of civilian employees of the Department of Defense; and

(2) while in attendance at such schools, reside on Federal property.

(b) **ELIGIBLE LOCAL EDUCATIONAL AGENCIES.**—A local educational agency described in subsection (a) is eligible for financial assistance under such subsection if the Secretary of Defense, in consultation with the Secretary of Education, determines that such agency is unable, without the addition of such assistance, to provide a level of education for such students equivalent to the minimum level of education available within the State in which such students reside (as determined by comparable school district data).

(c) **CRITERIA FOR ASSISTANCE.**—Not later than December 31, 1989, the Secretary of Defense shall submit to the Committees on Armed

Services and Labor and Human Resources of the Senate and the Committees on Armed Services and Education and Labor of the House of Representatives a report describing the criteria and procedures the Secretary will use to select recipient agencies for assistance under subsection (a).

(d) **REPORT ON IMPACT AID.**—Not later than December 31, 1989, the Secretary of Defense, in consultation with the Secretary of Education, shall submit to the Committee on Armed Services and the Committee on Labor and Human Resources of the Senate and the Committee on Armed Services and the Committee on Education and Labor of the House of Representatives a report on the feasibility and desirability—

(1) of transferring to the Department of Defense by October 1, 1991, impact aid responsibilities for schools impacted by Department of Defense activities; and

(2) of providing support services (including funds for facilities) to schools receiving impact aid as a result of the presence of dependent children of members of the Armed Forces or of civilian employees of the Department of Defense.

PART B—LIMITATIONS

SEC. 311. PROHIBITION ON PAYMENT OF SEVERANCE PAY TO FOREIGN NATIONALS IN THE EVENT OF CERTAIN BASE CLOSURES

(a) **CERTAIN SEVERANCE PAY COSTS NOT ALLOWABLE COSTS WITH RESPECT TO SERVICE CONTRACTS PERFORMED OUTSIDE THE UNITED STATES.**—(1) Subsection (e)(1) of section 2324 of title 10, United States Code, is amended—

(A) by redesignating subparagraph (N) as subparagraph (O); and

(B) by inserting after subparagraph (M) the following new subparagraph (N):

“(N) Costs of severance pay paid by the contractor to a foreign national employed by the contractor under a service contract performed in a foreign country if the termination of the employment of the foreign national is the result of the closing of, or the curtailment of activities at, a United States military facility in that country at the request of the government of that country.”.

(2) Subparagraph (N) of such subsection, as added by paragraph (1), shall not apply with respect to the termination of the employment of a foreign national employed under any covered contract (as defined in subsection (1) of such section) if such termination is the result of the closing of, or the curtailment of activities at, a United States military facility in a foreign country pursuant to an agreement entered into with the government of that country before the date of the enactment of this Act.

10 USC 2324
note.

(b) **PROHIBITION ON PAYMENT OF SEVERANCE PAY TO FOREIGN NATIONALS EMPLOYED BY THE DEPARTMENT OF DEFENSE.**—(1) Chapter 81 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 1592. Prohibition on payment of severance pay to foreign nationals in the event of certain overseas base closures

“Funds available to the Department of Defense may not be used to pay severance pay to a foreign national employed by the Department of Defense under a contract performed in a foreign country if

the termination of the employment of the foreign national is the result of the closing of, or the curtailment of activities at, a United States military facility in that country at the request of the government of that country.”.

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

“1592. Prohibition on payment of severance pay to foreign nationals in the event of certain overseas base closures.”.

Effective date.
10 USC 1592
note.

(3)(A) Section 1592 of title 10, United States Code, as added by paragraph (1), shall take effect on the date of the enactment of this Act.

(B) Such section shall not apply with respect to the closing of, or the curtailment of activities at, a United States military facility in a foreign country pursuant to an agreement entered into with the government of that country before the date of the enactment of this Act.

(c) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) in the event a United States military facility located in a foreign country is closed (or activities at the facility are curtailed) at the request of the government of that country, such government should be responsible for the payment of severance pay to foreign nationals in the country whose employment by the United States or by a contractor under a contract with the United States is terminated as a result of the closure or curtailment; and

(2) in negotiating a status-of-forces agreement or other country-to-country agreement with the government of a foreign country, the President should endeavor to include in the agreement a provision that would require the government of that country to pay severance pay to foreign nationals in that country whose employment is terminated as a result of the closing of, or the curtailment of activities at, a United States military facility in that country, if the closing or curtailment is at the request of the government of that country.

SEC. 312. PROHIBITION ON JOINT USE OF THE MARINE CORPS AIR STATION AT EL TORO, CALIFORNIA, WITH CIVIL AVIATION

The Secretary of the Navy may not enter into any agreement that would provide for, or permit, civil aircraft to regularly use the Marine Corps Air Station at El Toro, California.

SEC. 313. CLARIFICATION OF PROHIBITION ON CERTAIN DEPOT MAINTENANCE WORKLOAD COMPETITIONS

Section 2466 of title 10, United States Code, is amended—

(1) by striking out “may not require” and inserting in lieu thereof “shall prohibit”;

(2) by striking out “or” after “Secretary of the Army” and inserting in lieu thereof “and”; and

(3) by striking out “to carry out” and inserting in lieu thereof “from carrying out”.

SEC. 314. REDUCTION IN THE NUMBER OF CIVILIAN PERSONNEL AUTHORIZED FOR DUTY IN EUROPE

(a) REDUCTION REQUIRED.—The number of civilian employees of the Department of Defense authorized for duty in Europe on the date of the enactment of this Act shall be reduced by a number

equal to the number of remaining authorizations for employees of the department that—

(1) were related to intermediate-range nuclear forces on December 8, 1987; and

(2) are unnecessary as a result of the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Elimination of their Intermediate-range and Shorter-range Missiles, signed on December 8, 1987 (commonly referred to as the "INF Treaty").

International
agreements.

(b) **DEADLINE FOR REDUCTION.**—The reduction in the number of employees authorized for duty in Europe required by subsection (a) shall be completed not later than October 1, 1991.

SEC. 315. REPEAL OF LIMITATION ON THE USE OF OPERATION AND MAINTENANCE FUNDS TO PURCHASE INVESTMENT ITEMS

Section 303 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180; 101 Stat. 1073) is repealed.

PART C—MISCELLANEOUS PROGRAM CHANGES

SEC. 321. AUTHORIZATION TO REDUCE UNDER CERTAIN CIRCUMSTANCES THE RATES FOR MEALS SOLD AT A MILITARY DINING FACILITY

Section 1011(a) of title 37, United States Code, is amended—

(1) by striking out "or enlisted members" and all that follows through the period in the first sentence and inserting in lieu thereof "and enlisted members."; and

(2) by adding after the second sentence the following new sentence: "Notwithstanding the preceding sentence, if the Secretary determines that it is in the best interest of the United States, the Secretary may reduce a rate for meals established under this subsection by the amount of that rate attributable to operating expenses.".

SEC. 322. IMPROVED AND EXPEDITED DISPOSAL OF LOST, ABANDONED, OR UNCLAIMED PERSONAL PROPERTY IN THE CUSTODY OF THE ARMED FORCES

(a) **IN GENERAL.**—Subsection (a) of section 2575 of title 10, United States Code, is amended—

(1) by striking out "120 days" in the third sentence and inserting in lieu thereof "45 days";

(2) by striking out "\$25 or more" and all that follows through "three months" in the fourth sentence and inserting in lieu thereof "more than \$300, the Secretary may not dispose of the property until 45 days"; and

(3) by inserting after the second sentence the following new sentences: "The diligent effort to find the owner (or the heirs, next of kin, or legal representative of the owner) shall begin, to the maximum extent practicable, not later than seven days after the date on which the property comes into the custody or control of the Secretary. The period for which that effort is continued may not exceed 45 days.".

(b) **TECHNICAL AMENDMENTS.**—Such section is further amended—

(1) by striking out "owner, his heirs or next of kin, or his legal representative" each place it appears and inserting in lieu

thereof "owner (or the heirs, next of kin, or legal representative of the owner)";

(2) in subsection (a)—

(A) by striking out "his department" and inserting in lieu thereof "the Secretary's department"; and

(B) by striking out "owner, his heirs or next of kin, or his legal representatives" and inserting in lieu thereof "owner (or heirs, next of kin, or legal representative of the owner)"; and

(3) in subsection (c), by striking out "he" and inserting in lieu thereof "that person".

10 USC 2575
note.

(c) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall apply with respect to property that comes into the custody or control of the Secretary of a military department or the Secretary of Transportation after the date of the enactment of this Act.

SEC. 323. PROCUREMENT OF LAUNDRY AND DRY CLEANING SERVICES FROM NAVY EXCHANGES

(a) **IN GENERAL.**—Chapter 143 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2423. Laundry and dry cleaning services: procurement from facilities operated by the Navy Resale and Services Support Office

"(a) **AUTHORITY.**—The Secretary of Defense may authorize an element of the Department of Defense to enter into a contract (through the use of procedures other than competitive procedures) with a laundry and dry cleaning facility operated by the Navy Resale and Services Support Office to procure laundry and dry cleaning services for the armed forces outside the United States.

"(b) **APPLICATION.**—Subsection (a) shall apply only with respect to a laundry and dry cleaning facility of the Navy Resale and Services Support Office that began operating before October 1, 1989."

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

"2423. Laundry and dry cleaning services: procurement from facilities operated by the Navy Resale and Services Support Office."

SEC. 324. PROCUREMENT OF SUPPLIES AND SERVICES FROM MILITARY EXCHANGES OUTSIDE THE UNITED STATES

(a) **IN GENERAL.**—Chapter 143 of title 10, United States Code, is amended by adding after section 2423 (as added by section 323) the following new section:

"§ 2424. Procurement of supplies and services from exchange stores outside the United States

"(a) **AUTHORITY.**—The Secretary of Defense may authorize an element of the Department of Defense to enter into a contract (through the use of procedures other than competitive procedures) with an exchange store operated under the jurisdiction of the Secretary of a military department outside the United States to procure supplies or services for use by the armed forces outside the United States.

"(b) **LIMITATIONS.**—(1) A contract may not be entered into under subsection (a) in an amount in excess of \$50,000.

“(2) Supplies provided under a contract entered into under subsection (a) shall be provided from the stocks of the exchange store on hand as of the date the contract is entered into with that exchange store.

“(3) A contract entered into with an exchange store under subsection (a) may not provide for the procurement of services not regularly provided by that exchange store.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding after the item relating to section 2423 (as added by section 323) the following new item:

“2424. Procurement of supplies and services from exchange stores outside the United States.”.

SEC. 325. TUITION-FREE ENROLLMENT OF DEPENDENTS OF CERTAIN EMPLOYEES OF NONAPPROPRIATED FUND INSTRUMENTALITIES IN SCHOOLS OF THE DEFENSE DEPENDENTS' EDUCATION SYSTEM

(a) SPONSOR DEFINED TO INCLUDE CERTAIN EMPLOYEES OF NONAPPROPRIATED FUND INSTRUMENTALITIES.—Section 1414(2) of the Defense Dependents' Education Act of 1978 (20 U.S.C. 932(2)) is amended to read as follows:

“(2) The term ‘sponsor’ means a person—

“(A) who is—

“(i) a member of the Armed Forces serving on active duty, or

“(ii) a full-time civilian officer or employee of the Department of Defense and a citizen or national of the United States; and

“(B) who is authorized to transport dependents to or from an overseas area at Government expense and is provided an allowance for living quarters in that area.”.

(b) CONFORMING AMENDMENT.—Section 1404(d)(1) of such Act (20 U.S.C. 923(d)(1)) is amended by striking out “(including employees of nonappropriated fund activities of the Department of Defense)” in subparagraph (A) and inserting in lieu thereof “(other than civilian officers and employees who are sponsors under section 1414(2))”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to periods of enrollment in schools of the defense dependents' education system beginning after September 30, 1989.

10 USC 923
note.

SEC. 326. AUTHORITY TO USE APPROPRIATED FUNDS TO SUPPORT STUDENT MEAL PROGRAMS IN DEPARTMENT OF DEFENSE OVERSEAS DEPENDENTS' SCHOOLS

(a) AUTHORITY PROVIDED.—Subchapter I of chapter 134 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 2243. Authority to use appropriated funds to support student meal programs in overseas dependents' schools

“(a) AUTHORITY.—Subject to subsection (b), amounts appropriated to the Department of Defense for the operation of the defense dependents' education system may be used by the Secretary of Defense to enable an overseas meal program to provide students enrolled in that system with meals at a price equal to the average price paid by students for equivalent meals under a comparable public school meal program in the United States.

“(b) **LIMITATION.**—The authority provided by subsection (a) may be used only if the Secretary of Defense determines that Federal payments and commodities provided under section 20 of the National School Lunch Act (42 U.S.C. 1769b) and section 20 of the Child Nutrition Act of 1966 (42 U.S.C. 1789) to support an overseas meal program are insufficient to provide meals under that program at a price for students equal to the average price paid by students for equivalent meals under a comparable public school meal program in the United States.

“(c) **DETERMINING AVERAGE PRICE.**—In determining the average price paid by students in the United States for meals under a school meal program, the Secretary of Defense shall exclude free and reduced price meals provided pursuant to income guidelines.

“(d) **OVERSEAS MEAL PROGRAM DEFINED.**—In this section, the term ‘overseas meal program’ means a program administered by the Secretary of Defense to provide breakfasts or lunches to students attending Department of Defense dependents’ schools which are located outside the United States.”

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

“2243. Authority to use appropriated funds to support student meal programs in overseas dependents’ schools.”

SEC. 327. COMMERCIAL SALE OF RECORDING OF AIR FORCE SINGING SERGEANTS

The Secretary of the Air Force may enter into an appropriate contract providing for the production and commercial sale of a recording made on April 9, 1989, by the Cincinnati Pops Orchestra and members of the Air Force known as the United States Air Force Singing Sergeants. Any contract entered into under this section shall contain such provisions as the Secretary considers appropriate to protect the interests of the United States.

Hawaii.

SEC. 328. TRANSPORTATION OF MOTOR VEHICLES OF MILITARY AND CIVILIAN PERSONNEL STATIONED ON JOHNSTON ISLAND

(a) **AUTHORITY TO TRANSPORT.**—(1) When a member of the Armed Forces or an employee of the Department of Defense is assigned to permanent duty on Johnston Island, one motor vehicle that is owned by the member or employee (or a dependent of the member or employee) may be transported at the expense of the United States to a location in the State of Hawaii from the old duty station of the member or employee (or from a location of lesser distance) if the member or employee designates Hawaii as the State in which the immediate family of the member or employee will reside.

(2) When a member or employee is reassigned from Johnston Island to a new permanent duty station, one motor vehicle that is owned by the member or employee (or a dependent of the member or employee) may be transported at the expense of the United States from the residence in the State of Hawaii of the dependents of the member or employee—

(A) to the new duty station of the member or employee; or

(B) at the request of the member or employee, to such other location not greater than the distance allowed under paragraph (1).

(b) **REGULATIONS.**—Subsection (a) shall be carried out under regulations prescribed by the Secretary of Defense.

SEC. 329. AUTHORITY TO PROVIDE CERTAIN ASSISTANCE TO ANNUAL CONVENTIONS OF NATIONAL MILITARY ASSOCIATIONS

(a) **AUTHORITY.**—(1) Chapter 151 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 2548. National military associations: assistance at national conventions

“(a) **AUTHORITY TO PROVIDE SERVICES.**—The Secretary of a military department may provide services described in subsection (c) in connection with an annual conference or convention of a national military association.

“(b) **CONDITIONS FOR PROVIDING SERVICES.**—Services may be provided under this section only if—

“(1) the provision of the services in any case is approved in advance by the Secretary concerned;

“(2) the services can be provided in conjunction with training in appropriate military skills; and

“(3) the services can be provided within existing funds otherwise available to the Secretary concerned.

“(c) **COVERED SERVICES.**—Services that may be provided under this section are—

“(1) limited air and ground transportation;

“(2) communications;

“(3) medical assistance;

“(4) administrative support; and

“(5) security support.

“(d) **NATIONAL MILITARY ASSOCIATIONS.**—The Secretary of Defense shall designate those organizations which are national military associations for purposes of this section.

“(e) **REGULATIONS.**—The Secretary of Defense shall prescribe regulations to carry out this section.”.

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

“2548. National military associations: assistance at national conventions.”.

(b) **EFFECTIVE DATE.**—Section 2548 of title 10, United States Code, as added by subsection (a), shall take effect on the date of the enactment of this Act.

10 USC 2548
note.

SEC. 330. AUTHORITY TO LEASE FLEET ELECTRONIC WARFARE SUPPORT AIRCRAFT

Section 328 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 102 Stat. 1957), is amended by striking out “such a lease” and all that follows through the period and inserting in lieu thereof “leasing, operating, and supporting such aircraft is less than the projected costs of operating and maintaining existing aircraft of the Navy for the same activity.”.

SEC. 331. ENERGY EFFICIENCY INCENTIVE

Section 736 of the National Defense Authorization Act, Fiscal Year 1989 (102 Stat. 2006; 42 U.S.C. 8287 note), is amended as follows:

(1) In subsection (a), by striking out “first-year energy cost savings (as defined in subsection (d)) realized” and inserting in lieu thereof “energy cost savings realized by the United States during the first five years”.

(2) In subsection (b)—

(A) by striking out "First-year energy savings" and inserting in lieu thereof "The energy cost savings realized by the United States in each of the first five years under a contract"; and

(B) by striking out paragraph (1) and inserting in lieu thereof the following:

"(1) One-half of the amount of such savings may be used for the acquisition of energy conserving measures for military installations, and such measures may be in addition to any such energy conserving measures acquired for military installations under contracts entered into under title VIII of the National Energy Conservation Policy Act."

(3) In subsection (c)—

(A) by striking out "end of the first year" and inserting in lieu thereof "end of each of the first five years"; and

(B) by striking out "first-year energy cost savings realized under the terms of the contract during that year by the military department concerned" and inserting in lieu thereof "energy cost savings realized by the United States under the terms of the contract during that year".

(4) By striking out subsection (d).

SEC. 332. AUTHORITY TO ACQUIRE RAILROAD TRACK STRUCTURE AND TEMPORARY RIGHT-OF-WAY FOR RAIL LINE

Nevada.

The Secretary of the Army may purchase the railroad track structure and temporary right-of-way in the State of Nevada for the railroad line known as the Mina Branch, located between milepost 331.12, near Wabuska, Nevada, and milepost 385.00, near Thorne, Nevada, for use in connection with the operation of Hawthorne Army Ammunition Plant, Nevada. The Secretary may use any funds appropriated pursuant to section 301 for the Army for fiscal year 1990 to carry out the preceding sentence.

SEC. 333. AUTHORIZATION OF LONG-TERM AIRCRAFT SUPPORT CONTRACT

Marshall Islands.

The Secretary of the Army may enter into a long-term contract pursuant to section 2401 of title 10, United States Code, that includes a lease for the provision of air transportation at Kwajalein Atoll, Republic of the Marshall Islands, if—

(1) the contract does not impose a substantial termination liability on the United States within the meaning of section 2401(a)(1)(B) of title 10, United States Code; and

(2) the contract is made subject to the availability of funds for such purpose.

SEC. 334. SERVICE CONTRACT TO TRAIN UNDERGRADUATE NAVAL FLIGHT OFFICERS

In accordance with sections 2304 and 2401 of title 10, United States Code, the Secretary of the Navy may enter into a contract (to commence after September 30, 1990) for services with respect to the training of undergraduate naval flight officers.

Employment and unemployment.

SEC. 335. DEFENSE CONTRACT AUDITORS

The Secretary of Defense, not later than September 30, 1990, shall increase the number of full-time personnel employed by the Defense Contract Audit Agency to 7,457, of which not less than 6,488 shall be auditors.

SEC. 336. UNIFORM ALLOWANCE FOR CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE REQUIRED TO WEAR UNIFORMS

(a) **ALLOWANCE AUTHORIZED.**—(1) Chapter 81 of title 10, United States Code, is amended by adding after section 1592 (as added by section 311(b)) the following new section:

“§ 1593. Uniform allowance: civilian employees

“(a) **ALLOWANCE AUTHORIZED.**—(1) The Secretary of Defense may pay an allowance to each civilian employee of the Department of Defense who is required by law or regulation to wear a prescribed uniform in the performance of official duties.

“(2) In lieu of providing an allowance under paragraph (1), the Secretary may provide a uniform to a civilian employee referred to in such paragraph.

“(3) This subsection shall not apply with respect to a civilian employee of the Defense Intelligence Agency who is entitled to an allowance under section 1606 of this title.

“(b) **AMOUNT OF ALLOWANCE.**—Notwithstanding section 5901(a) of title 5, the amount of an allowance paid, and the cost of uniforms provided, under subsection (a) to a civilian employee may not exceed \$400 per year.

“(c) **TREATMENT OF ALLOWANCE.**—An allowance paid, or uniform provided, under subsection (a) shall be treated in the same manner as is provided in section 5901(c) of title 5 for an allowance paid under that section.”

(2) The table of sections at the beginning of such chapter is amended by adding after the item relating to section 1592 (as added by section 311(b)) the following new item:

“1593. Uniform allowance: civilian employees.”

(b) **CONFORMING AMENDMENT.**—Section 1606(b)(2) of title 10, United States Code, is amended by striking out “\$360 per year.” and inserting in lieu thereof “The maximum allowance provided under section 1593(b) of this title.”

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on January 1, 1990.

10 USC 1593
note.

PART D—ARMED FORCES RETIREMENT HOMES

Veterans.

SEC. 341. UNITED STATES SOLDIERS' AND AIRMEN'S HOME SUBJECT TO ANNUAL AUTHORIZATIONS OF APPROPRIATIONS

(a) **IN GENERAL.**—Section 1321(b) of title 31, United States Code, is amended—

(1) by inserting before the period in the third sentence the following: “and only if the appropriations are specifically authorized by law”; and

(2) by striking out the last sentence.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall apply with respect to appropriations for the operation of the United States Soldiers' and Airmen's Home made for fiscal years after fiscal year 1990.

10 USC 1321
note.

SEC. 342. MILITARY FINES AND FORFEITURES TO BENEFIT ARMED FORCES RETIREMENT HOMES

(a) **IN GENERAL.**—(1) Chapter 165 of title 10, United States Code, is amended by inserting after section 2771 the following new section:

“§ 2772. Share of fines and forfeitures to benefit Armed Forces retirement homes

“(a)(1) The Secretary of the Army and the Secretary of the Air Force shall deposit in the Soldiers’ Home, permanent fund, referred to in section 1321(a)(59) of title 31 a percentage (determined under paragraph (2)) of the following amounts:

“(A) The amount of fines adjudged against an enlisted member or warrant officer in the Army or the Air Force by sentence of a court-martial or under authority of section 815 of this title (article 15) over and above any amount that may be due from the member or warrant officer for the reimbursement of the United States or any individual.

“(B) The amount of forfeitures on account of the desertion of an enlisted member or warrant officer in the Army or the Air Force.

“(2) The board of commissioners for the United States Soldiers’ and Airmen’s Home shall determine, on the basis of the financial needs of that home, the percentage of the amounts referred to in paragraph (1) to be deposited in the Soldiers’ Home, permanent fund.

“(b)(1) The Secretary of the Navy shall credit to the funds available for the operation of the Naval Home a percentage (determined under paragraph (2)) of the following amounts:

“(A) The amount of fines adjudged against an enlisted member or warrant officer in the Navy, Marine Corps, or Coast Guard (when it is operating as a service in the Navy) by sentence of a court-martial or under authority of section 815 of this title (article 15) over and above any amount that may be due from the member or warrant officer for the reimbursement of the United States or any individual.

“(B) The amount of forfeitures on account of the desertion of an enlisted member or warrant officer in the Navy, Marine Corps, or Coast Guard (when it is operating as a service in the Navy).

“(2) The Governor of the Naval Home shall determine, on the basis of the financial needs of the Naval Home, the percentage of the amounts referred to in paragraph (1) to be credited under such paragraph.”

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2771 the following new item:

“2772. Share of fines and forfeitures to benefit Armed Forces retirement homes.”

(b) APPLICATION OF AMENDMENTS.—(1) Subsection (a) of section 2772 of such title, as added by subsection (a), shall apply with respect to fines and forfeitures adjudged after the date of the enactment of this Act.

(2) Subsection (b) of such section shall apply with respect to fines and forfeitures adjudged after May 31, 1990.

SEC. 343. DEDUCTIONS FROM THE PAY OF ENLISTED MEMBERS AND WARRANT OFFICERS TO BENEFIT ARMED FORCES RETIREMENT HOMES

(a) IN GENERAL.—Section 1007 of title 37, United States Code, is amended by adding at the end the following new subsection:

“(i)(1) There shall be deducted each month from the pay of each enlisted member and warrant officer of the armed forces on active

duty an amount (determined under paragraph (3)) not to exceed 50 cents.

“(2) Amounts deducted under paragraph (1) shall be—

“(A) deposited in the Soldiers’ Home, permanent fund, in the case of deductions from the pay of enlisted members and warrant officers in the Army and Air Force; and

“(B) credited to the funds available for the operation of the Naval Home, in the case of deductions from the pay of enlisted members and warrant officers in the Navy, Marine Corps, or Coast Guard (when it is operating as a service in the Navy).

“(3) The Secretary of Defense, after consultation with the Governor of the Naval Home and the board of commissioners for the United States Soldiers’ and Airmen’s Home, shall determine from time to time the amount to be deducted under paragraph (1) from the pay of enlisted members and warrant officers on the basis of the financial needs of the homes. The amount to be deducted may be fixed at different amounts on the basis of grade or length of service, or both.

“(4) In this subsection, the term ‘armed forces’ does not include the Coast Guard when it is not operating as a service in the Navy.

“(5) This subsection does not apply to an enlisted member or warrant officer of a reserve component.”.

(b) **EFFECTIVE DATE.**—(1) Except as provided in paragraph (2), subsection (i) of section 1007 of title 37, United States Code, as added by subsection (a), shall take effect on the first day of the first month beginning after the date of the enactment of this Act.

(2) With respect to deductions from the pay of an enlisted member or warrant officer in the Navy, Marine Corps, or Coast Guard (when it is operating as a service in the Navy), such subsection shall take effect on October 1, 1990.

37 USC 1007
note.

SEC. 344. INSPECTION OF ARMED FORCES RETIREMENT HOMES BY INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE

During fiscal year 1990, the Inspector General of the Department of Defense shall—

(1) conduct an inspection of each Armed Forces Retirement Home, including the records of that retirement home; and

(2) submit to the administering authority of that retirement home, the Secretary of Defense, and the Committees on Armed Services of the Senate and House of Representatives a report—

(A) describing the results of the inspection; and

(B) containing such recommendations as the Inspector General considers appropriate, including any recommendation for future inspections of the retirement homes by the Inspector General.

Reports.

SEC. 345. REPORT REGARDING IMPROVING THE OPERATION AND MANAGEMENT OF THE ARMED FORCES RETIREMENT HOMES

(a) **REPORT REQUIREMENT.**—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report with regard to improving the operation and management of the Armed Forces Retirement Homes.

(b) **CONTENT OF THE REPORT.**—The report required by subsection (a) shall—

(1) address the feasibility of consolidating the administration and management of the retirement homes;

- (2) address the feasibility of standardizing (and include proposals to standardize)—
- (A) the eligibility requirements for admission to the retirement homes for persons who served as enlisted members or warrant officers in the Armed Forces;
 - (B) the monthly fees paid by residents of the retirement homes; and
 - (C) the funding arrangements for the retirement homes through a single trust fund; and
- (3) include proposals to administer the retirement homes through a joint board of directors.
- (c) **PREPARATION OF THE REPORT.**—(1) The Secretary shall appoint a board of five members to review the administration and financing of the United States Soldiers' and Airmen's Home and the Naval Home and to prepare the report required by subsection (a).
- (2) The members of the board shall be appointed from persons who—
- (A) are not officers or employees of the United States; and
 - (B) are experts in the fields of gerontology, health care, or the provision of care for elderly persons.
- (d) **EXPENSES OF PREPARATION.**—The expenses of preparing the report required by subsection (a) shall be paid in equal amounts out of the funds available for the operation of the United States Soldiers' and Airmen's Home and the Naval Home.
- (e) **TIME FOR SUBMISSION.**—The report required by subsection (a) shall be submitted not later than February 15, 1990.

SEC. 346. DEFINITIONS

For purposes of this part:

- (1) The terms "Armed Forces Retirement Home" and "retirement home" mean the United States Soldiers' and Airmen's Home or the Naval Home.
- (2) The term "administering authority" means—
 - (A) the board of commissioners for the United States Soldiers' and Airmen's Home, in the case of that home; and
 - (B) the Governor of the Naval Home, in the case of that home.
- (3) The term "Armed Forces" does not include the Coast Guard when it is not operating as a service in the Navy.

SEC. 347. REPEAL OF SUPERSEDED PROVISIONS RELATING TO THE UNITED STATES SOLDIERS' AND AIRMEN'S HOME

The following provisions of law are repealed:

- (1) Sections 4818, 4820, and 4823, and the first and third sentences of section 4819, of the Revised Statutes of the United States (24 U.S.C. 44, 51, 53).
- (2) Sections 2 through 6 of the Act entitled "An Act prescribing regulations for the Soldiers' Home located at Washington, in the District of Columbia, and for other purposes", approved March 3, 1883 (22 Stat. 564; 24 U.S.C. 52, 55, 56, 57, 60).
- (3) The Act entitled "An Act to authorize the Treasurer of the United States to receive and keep on deposit funds of the Soldiers' Home in the District of Columbia", approved January 16, 1891 (26 Stat. 718; 24 U.S.C. 47).
- (4) Section 2(a) of Public Law 94-454 (90 Stat. 1518; 24 U.S.C. 44c).

PART E—ENVIRONMENTAL PROVISIONS

SEC. 351. LIMITATION ON USE OF ENVIRONMENTAL RESTORATION FUNDS

Reports.

Of the total amount appropriated pursuant to section 301 for environmental restoration for fiscal year 1990, not more than \$517,800,000 may be obligated or expended until the Secretary of Defense submits to the Committees on Armed Services of the Senate and House of Representatives a report describing the manner in which funds for such purpose (up to that limit) have been obligated.

SEC. 352. REQUIREMENT FOR DEVELOPMENT OF ENVIRONMENTAL DATA BASE

(a) ENVIRONMENTAL DATA BASE.—The Secretary of Defense shall develop and maintain a comprehensive data base on environmental activities carried out by the Department of Defense pursuant to, and environmental compliance obligations to which the Department is subject under, chapter 160 of title 10, United States Code, and all other applicable Federal and State environmental laws. At a minimum, the information in the data base shall include all the fines and penalties assessed against the Department of Defense pursuant to environmental laws and paid by the Department, all notices of violations of environmental laws received by the Department, and all obligations of the Department for compliance with environmental laws. The Secretary may include any other information he considers appropriate.

10 USC 2701
note.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the progress in development of the data base required under subsection (a). The report shall include a summary of the information collected for the data base with respect to environmental activities during 1989.

SEC. 353. FIVE-YEAR PLAN FOR ENVIRONMENTAL RESTORATION AT BASES TO BE CLOSED

(a) PLAN.—The Secretary of Defense shall develop a comprehensive five-year plan for environmental restoration at military installations that will be closed or realigned during fiscal years 1991 through 1995, pursuant to title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 102 Stat. 2627). The plan shall cover—

10 USC 2687
note.

- (1) the environmental restoration activities that the Secretary plans to carry out each year at the installations;
- (2) the funding requirements needed for such activities; and
- (3) such other information as the Secretary considers appropriate.

(b) REPORT.—At the same time the President submits to Congress the budget for fiscal year 1991 (pursuant to section 1105 of title 31, United States Code), the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the five-year plan required under subsection (a). The report shall include an itemization of the funding requirements specified in the plan for environmental restoration activities during fiscal year 1991.

Hazardous
materials.

SEC. 354. FUNDING FOR WASTE MINIMIZATION PROGRAMS FOR CERTAIN INDUSTRIAL-TYPE ACTIVITIES OF THE DEPARTMENT OF DEFENSE

10 USC 2701
note.

(a) **REQUIREMENT TO ESTABLISH WASTE MINIMIZATION PROGRAM.**—The Secretary of Defense shall require the Secretary of each military department to establish a program for fiscal year 1992 to reduce the volume of solid and hazardous wastes disposed of, and hazardous materials used by, each industrial-type activity within the department that is a depot maintenance installation and for which a working-capital fund has been established under section 2208 of title 10, United States Code.

(b) **FUNDING.**—Funding for the waste minimization program in each military department shall come out of payments received by the working-capital funds established for industrial-type and commercial-type activities of the department. The level of funding for fiscal year 1992 shall be not less than ½ of 1 percent of the amount of such payments received during fiscal year 1988 that were used for depot maintenance installation functions at industrial-type activities. The required level of funding for fiscal year 1992 may be reduced by amounts expended for waste minimization during fiscal years 1990 and 1991. In any case in which a military department fails to spend funds at the level required by this subsection for the waste minimization program, the Secretary concerned shall submit to Congress a report explaining the reasons for the failure.

Reports.

(c) **NOTICE OF EXCLUDED ACTIVITIES.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress the name of each industrial-type or commercial-type activity of each military department which is not covered by the waste minimization program because the activity does not carry out depot maintenance installation functions.

(d) **USE OF FUNDS.**—Funds available for the waste minimization programs established pursuant to this section shall be used to carry out waste minimization projects at depot maintenance installations. The types of expenses for which such funds may be used include the following (if such expense is related to a waste minimization project):

- (1) Operating expenses (including salaries).
- (2) Equipment purchase expenses.
- (3) Facility modification expenses.
- (4) Process change expenses.
- (5) Product substitution expenses.
- (6) Military construction expenses.
- (7) Research, development, test, and evaluation expenses.
- (8) Expenses for the lease of equipment or facilities.

(e) **RECOVERY OF COSTS.**—Each project carried out at an industrial-type activity as part of a waste minimization program established pursuant to this section shall be designed to achieve, over the expected useful life of the project, reductions in the cost of the disposal of solid and hazardous wastes generated by the activity in an amount which is not less than the cost of the project. The Secretary of a military department may provide funds for a project that does not meet the requirement of the preceding sentence if the Secretary certifies to Congress that—

- (1) the project will result in a reduction of solid or hazardous waste disposed of, or hazardous materials used by, the activity;
- or

(2) the project will eliminate or reduce the likelihood of harm to human health or the environment.

SEC. 355. SENSE OF CONGRESS CONCERNING INVESTIGATION OF SOIL AND WATER CONTAMINATION NEAR MEAD, NEBRASKA

(a) **FINDINGS.**—Congress finds the following:

(1) The Army Corps of Engineers is carrying out an investigation of soil and water contamination at the former Nebraska Ordnance Plant near Mead, Nebraska.

(2) Solvents, polychlorinated biphenyls, Research Department Explosive (RDX), and explosive materials used in making ammunition have been discovered during the course of the investigation.

(b) **SENSE OF CONGRESS.**—(1) It is the sense of Congress that the Secretary of the Army should carry out the investigation referred to in subsection (a) as promptly as possible consistent with other environmental cleanup responsibilities, and (2) should continue to keep interested parties, including potentially affected residents in the area, University of Nebraska officials, and State and local government personnel, fully advised of developments relating to the investigation and activities at the site.

SEC. 356. USE OF CHLOROFLUOROCARBONS AND HALONS IN THE DEPARTMENT OF DEFENSE

10 USC 2701
note.

(a) **CHLOROFLUOROCARBONS EMISSION REDUCTION.**—The Secretary of Defense shall formulate and carry out, through the Under Secretary of Defense for Acquisition, a program to reduce the unnecessary release of chlorofluorocarbons (hereinafter in this section referred to as "CFCs") and halons into the atmosphere in connection with maintenance operations and training and testing practices of the Department of Defense.

(b) **REPORT.**—(1) Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report describing the program the Secretary proposes to carry out pursuant to subsection (a). The Secretary shall specify in the report the reduction goals that are attainable on the basis of known technology, including the use of refrigerant recovery systems currently available. The Secretary shall include in the report a schedule for meeting those goals. The Secretary shall also include in such report reduction goals that can be achieved only with the use of new technology and assess the technologies and investment that will be required to attain those goals within a five-year period.

(2) Before the report required under paragraph (1) is submitted to the committees named in such paragraph, the Secretary shall transmit a copy of the report to the Administrator of the Environmental Protection Agency for comment.

(c) **DOD REQUIREMENTS FOR CFCs.**—(1) Not later than 30 days after the date of the enactment of this Act, the Secretary shall establish an advisory committee to be known as the "CFC Advisory Committee" (hereinafter in this section referred to as the "Committee"). The Committee shall be composed of not more than 15 members, with an equal number of representatives from the Department of Defense, the Environmental Protection Agency, and defense contractors. Members representing defense contractors shall be contractors that supply the Department of Defense with products or equipment that require the use of CFCs.

Establishment.

(2) It shall be the function of the Committee to study (A) the use of CFCs by the Department of Defense and by contractors in the performance of contracts for the Department of Defense, and (B) the cost and feasibility of using alternative compounds for CFCs or using alternative technologies that do not require the use of CFCs.

(3) Within 120 days after the date of the enactment of this Act, the Secretary shall provide the Committee with a list of all military specifications, standards, and other requirements that specify the use of CFCs.

(4) Within 150 days after the date of the enactment of this Act, the Secretary shall provide the Committee with a list of all military specifications, standards, and other requirements that do not specify use of CFCs but cannot be met without the use of CFCs.

(d) **REPORT.**—Not later than September 30, 1990, the Secretary shall submit to the committees named in subsection (b) a report containing the results of the study by the Committee. The report shall—

(1) identify cases in which the Committee found that substitutes for CFCs could be made most expeditiously;

(2) identify the feasibility and cost of substituting compounds or technologies for CFC uses referred to in subsection (c)(3) and estimate the time necessary for completing the substitution;

(3) identify CFC uses referred to in subsection (c)(4) for which substitutes are not currently available and indicate the reasons substitutes are not available;

(4) describe the types of research programs that should be undertaken to identify substitute compounds or technologies for CFC uses referred to in paragraphs (3) and (4) of subsection (c) and estimate the cost of the program;

(5) recommend procedures to expedite the use of substitute compounds and technologies offered by contractors to replace CFC uses;

(6) estimate the earliest date on which CFCs will no longer be required for military applications; and

(7) estimate the cost of revising military specifications for the use of substitutes for CFCs, the additional costs resulting from modification of Department of Defense contracts to provide for the use of substitutes for CFCs, and the cost of purchasing new equipment and reverification necessitated by the use of substitutes for CFCs.

SEC. 357. ANNUAL REPORT ON DEFENSE BUDGET FOR ENVIRONMENTAL COMPLIANCE

(a) **REPORT.**—(1) Section 2706 of title 10, United States Code, is amended—

(A) by inserting “(1)” before “The Secretary of Defense” in subsection (a);

(B) by striking out the subsection heading of subsection (b), redesignating paragraphs (1) through (4) of that subsection as subparagraphs (A) through (D), and redesignating such subsection as paragraph (2); and

(C) by adding at the end the following new subsection:

“(b) **ENVIRONMENTAL BUDGET REPORT.**—(1) Each year, at the same time the President submits to Congress the budget for a fiscal year (pursuant to section 1105 of title 31), the Secretary of Defense shall submit to Congress a report on—

“(A) the funding levels required for the Department of Defense to comply with applicable environmental laws during the fiscal year for which the budget is submitted; and

“(B) the funding levels requested for such purposes in the budget as submitted by the President.

“(2) The Secretary shall include in the report an explanation of any differences in the funding level requirements and the funding level requests in the budget.”.

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

“§ 2706. Annual reports to Congress”.

(B) The item relating to such section in the table of sections at the beginning of chapter 106 of such title is amended to read as follows:

“2706. Annual reports to Congress.”.

(b) **EFFECTIVE DATE.**—The first environmental budget report under subsection (b) of section 2706 of such title (as added by subsection (a)) shall be submitted at the same time the President submits the budget for fiscal year 1992.

10 USC 2706
note.

SEC. 358. REPORT ON ENVIRONMENTAL REQUIREMENTS AND PRIORITIES

(a) **REPORT REQUIREMENT.**—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a comprehensive report on the long-range environmental challenges and goals of the Department of Defense.

10 USC 2701
note.

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

(1) A discussion of major environmental concerns that the Department of Defense will face world-wide in the next decade, and a qualitative and quantitative assessment, where practicable, of each concern.

(2) A status report of current efforts, programs, resources, and policies used to address the concerns identified under paragraph (1), including the estimated cost, as of the date of the report, of disposing of solid waste and effluent generated by the Department of Defense.

(3) The projected funding for and schedule of actions under the Defense Environmental Restoration Program referred to in section 2701(a)(1) of title 10, United States Code.

(4) An assessment of anticipated Federal, State, and local environmental regulatory requirements and the effects of such requirements on operations and activities of the Department of Defense.

(5) An analysis of all the information described in paragraphs (1) through (4) and a discussion of potential courses of action, priorities, and goals of the Department of Defense, including the adoption of alternative waste minimization and disposal policies, such as requiring the purchase of biodegradable plastics and recycled paper, the recycling of post-consumer waste, and the consumption of ethanol and other alternative fuels.

(6) Such comments and recommendations as the Secretary considers appropriate.

(c) **SUBMISSION OF REPORT.**—The report required by subsection (a) shall be submitted not later than two years after the date of the enactment of this Act.

SEC. 359. REPORTS ON ENVIRONMENTAL RESTORATION OF JEFFERSON PROVING GROUND, INDIANA

(a) **REQUIREMENT.**—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives three annual reports and a final report on plans and schedules for remediation of the environmental contamination at the Jefferson Proving Ground, Indiana, resulting from the activities of the Department of Defense.

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

(1) A description of the nature and extent of the environmental contamination, including any contamination resulting from hazardous materials.

(2) A detailed plan to restore all portions of the Jefferson Proving Ground south of the firing line to full and unrestricted use.

(3) A description of all portions of the Jefferson Proving Ground which the Department of Defense does not plan to make available for full and unrestricted use for reasons of liability, costs of cleanup, or any other reason.

(4) A plan to finance the cleanup of the Jefferson Proving Ground, including estimated costs of the cleanup, identification of the sources of funds for cleanup, and a time schedule for implementation of cleanup measures.

(c) **CONSULTATION.**—The Secretary shall consult with appropriate State and local officials in preparing the reports required by subsection (a).

(d) **DEADLINES.**—The first annual report required by subsection (a) shall be submitted not later than April 15, 1990. The final report required by subsection (a) shall be submitted not later than April 15, 1993.

Pollution.

SEC. 360. STUDY OF ENVIRONMENTAL DAMAGE TO SHENANDOAH RIVER

(a) **STUDY REQUIREMENT.**—The Administrator of the Environmental Protection Agency, in consultation with the State of Virginia, shall conduct a study to determine the environmental damage to the Shenandoah River that has resulted, or may be resulting, from activities of any company under contract with the Department of Defense and the National Aeronautics and Space Administration.

(b) **MATTERS TO BE STUDIED.**—In conducting the study, the Administrator shall determine the following:

(1) The degree of the pollution in the Shenandoah River, and any other environmental effects on the river, attributable to the activities of any company described in subsection (a).

(2) An estimate of the amount of funds and the length of time needed to assure attainment of any water quality standards for the river established under section 303 of the Federal Water Pollution Control Act, to assure protection of public water supplies, and to assure protection and propagation of a balanced, indigenous population of fish (including shellfish) and wildlife.

Reports.

(c) **DEADLINES.**—The Administrator shall submit to Congress—

(1) a plan for carrying out the study required by this section not later than December 31, 1989;

(2) a progress report on the study not later than June 30, 1990; and

(3) a final report on the study not later than December 31, 1990.

SEC. 361. STUDY OF WASTE RECYCLING

(a) **STUDY.**—The Secretary of Defense shall conduct a study of the following:

10 USC 2701
note.

(1) Current practices and future plans for managing postconsumer waste at facilities of the Department of Defense at which such waste is generated, including commissary and exchange stores, cafeterias, and mess halls.

(2) The feasibility of such Department of Defense facilities participating in programs at military installations or in local communities to recycle the postconsumer waste generated at the facilities.

(b) **POSTCONSUMER WASTE DEFINED.**—For purposes of this section, the term “postconsumer waste” means garbage and refuse, including items that have passed through their end use as consumer items.

(c) **REPORT.**—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report describing the findings and conclusions of the Secretary resulting from the study.

PART F—MISCELLANEOUS REPORTS

SEC. 371. REPORT ON MILITARY USE OF THE INLAND NAVIGATION SYSTEM

Not later than one year after the date of the enactment of this Act, the Secretary of the Army shall submit to Congress a report on the potential for obtaining efficiencies, savings, and enhanced mobilization preparedness through increased use of the national inland waterway system by the Department of Defense and defense industries.

SEC. 372. REPORT ON MANPOWER, MOBILITY, SUSTAINABILITY, AND EQUIPMENT

(a) **REPORT REQUIRED.**—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a comprehensive report on the readiness of the Armed Forces (in terms of manpower, mobility, sustainability, and equipment) to perform their assigned missions. The report shall be based on the manpower and other resources planned for the Armed Forces in the budget for the Department of Defense for fiscal year 1991.

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

(1) A detailed analysis of trends in readiness and sustainability of the military forces of the United States over the five-year period 1986 to 1990 and, based on the current Five-Year Defense Program or other planning document approved by the Secretary, a projection of such trends over the succeeding five-year period.

(2) A detailed evaluation of the readiness and sustainability of the unified combatant commands and the specified combatant commands of the Armed Forces.

(3) A discussion of—

(A) the readiness and sustainability of the military forces of the United States in terms of the standards approved by the Secretary of Defense;

(B) the readiness and sustainability of allied forces of the United States; and

(C) the readiness and sustainability of potential enemy forces.

(4) A list of all improvements that need to be made in the readiness and sustainability of the manpower, mobility, and equipment of the Armed Forces to correct major shortfalls of the unified combatant commands and the specified combatant commands, the relative priority of each such improvement, and the estimated cost of each such improvement.

(5) Such other information regarding the readiness of the Armed Forces (in terms of manpower, mobility, sustainability, and equipment) as the Secretary considers appropriate.

(c) **PRIORITY FOR IMPROVEMENTS.**—The relative priority of the improvements referred to in subsection (b)(4) shall be determined by the Secretary on the basis of the improvements necessary to ensure the ability of the Armed Forces to perform their assigned missions and the ability of the United States to meet its military commitments.

(d) **SUBMISSION OF REPORT.**—The Secretary shall submit the report required by subsection (a), together with such comments and recommendations as the Secretary considers appropriate, not later than February 15, 1990.

SEC. 373. REPORT ON SECOND SOURCE FOR CARBONIZABLE RAYON YARN

(a) **REPORT REQUIRED.**—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the progress and schedule (including a time certain) for the Department of Defense to establish a certified second production source for carbonizable rayon yarn for use by the Department of Defense and the National Aeronautics and Space Administration on heat shields and rocket nozzles of reentry space vehicles.

(b) **TIME FOR SUBMISSION.**—The report required by subsection (a) shall be submitted not later than 60 days after the date of the enactment of this Act.

SEC. 374. REPORT ON MILITARY RECRUITING ADVERTISING EXPENDITURES

Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report evaluating—

(1) the results of using each of the types of media for military recruiting purposes; and

(2) the anticipated effects on military recruitment of devoting to print media advertising each year a greater portion of the total expenditures made in a year for recruitment advertising.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS**PART A—ACTIVE FORCES****SEC. 401. END STRENGTHS FOR ACTIVE FORCES**

(a) **FISCAL YEAR 1990.**—The Armed Forces are authorized strengths for active duty personnel as of September 30, 1990, as follows:

(1) The Army, 764,021, of which not more than 106,001 may be officers.

(2) The Navy, 591,541, of which not more than 72,493 may be officers.

(3) The Marine Corps, 197,159, of which not more than 20,110 may be officers.

(4) The Air Force, 567,474, of which not more than 102,200 may be officers.

(b) **FISCAL YEAR 1991.**—The Armed Forces are authorized strengths for active duty personnel as of September 30, 1991, as follows:

(1) The Army, 763,721, of which not more than 105,675 may be officers.

(2) The Navy, 591,541, of which not more than 72,313 may be officers.

(3) The Marine Corps, 197,159, of which not more than 20,108 may be officers.

(4) The Air Force, 562,415, of which not more than 102,069 may be officers.

SEC. 402. REDUCTION FOR FISCAL YEAR 1991 IN NUMBER OF AIR FORCE COLONELS10 USC 523
note.

The number of officers that (but for this section) would be authorized under section 523 of title 10, United States Code, and other applicable provisions of law to be serving on active duty in the Air Force in the grade of colonel during fiscal year 1991 is hereby reduced by 250.

SEC. 403. TEMPORARY INCREASE IN OFFICER GRADE LIMITATIONS

(a) **AUTHORITY TO INCREASE NUMBERS FOR FISCAL YEARS 1990 AND 1991.**—The Secretary of Defense may increase the strength-in-grade limitations specified in section 523(a) of title 10, United States Code, by a total of 250 positions, to be distributed among grades and services as the Secretary considers appropriate. Any increase pursuant to the preceding sentence in an otherwise applicable limitation shall expire, as specified by the Secretary, not later than September 30, 1991.

10 USC 523
note.

(b) **REPORT ON GRADE TABLE RESTRICTIONS.**—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a comprehensive report on the adequacy of the strength-in-grade limitations prescribed in section 523(a) of title 10, United States Code. The report shall particularly address how those limitations affect the ability of the Department of Defense to recruit and retain nurses and other health professionals for service on active duty. The report shall include such recommendations as the Secretary considers appropriate and shall be submitted not later than March 1, 1990.

PART B—RESERVE FORCES

SEC. 411. END STRENGTHS FOR SELECTED RESERVE

10 USC 261 note.

(a) **FISCAL YEAR 1990.**—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 1990, as follows:

- (1) The Army National Guard of the United States, 458,000.
- (2) The Army Reserve, 321,700.
- (3) The Naval Reserve, 153,400.
- (4) The Marine Corps Reserve, 44,000.
- (5) The Air National Guard of the United States, 116,200.
- (6) The Air Force Reserve, 84,900.
- (7) The Coast Guard Reserve, 15,000.

(b) **FISCAL YEAR 1991.**—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 1991, as follows:

- (1) The Army National Guard of the United States, 458,500.
- (2) The Army Reserve, 323,100.
- (3) The Naval Reserve, 155,000.
- (4) The Marine Corps Reserve, 44,100.
- (5) The Air National Guard of the United States, 116,300.
- (6) The Air Force Reserve, 85,200.
- (7) The Coast Guard Reserve, 15,150.

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

(d) **ADJUSTMENTS.**—The end strengths prescribed by subsection (a) or (b) for the Selected Reserve of any reserve component shall be proportionately reduced by—

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

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training) or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

Whenever such units or such individual members are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be proportionately increased by the total authorized strength of such units and by the total number of such individual members.

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

(a) **FISCAL YEAR 1990.**—Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 1990, the following number of Reserves to be serving on full-time active duty, or in the case of members of the National Guard, full-time National Guard duty, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

- (1) The Army National Guard of the United States, 26,164.
- (2) The Army Reserve, 13,680.
- (3) The Naval Reserve, 22,708.
- (4) The Marine Corps Reserve, 2,301.

- (5) The Air National Guard of the United States, 8,517.
- (6) The Air Force Reserve, 686.

(b) FISCAL YEAR 1991.—Within the end strengths prescribed in section 411(b), the reserve components of the Armed Forces are authorized, as of September 30, 1991, the following number of Reserves to be serving on full-time active duty or, in the case of members of the National Guard, full-time National Guard duty for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

- (1) The Army National Guard of the United States, 26,514.
- (2) The Army Reserve, 14,027.
- (3) The Naval Reserve, 23,565.
- (4) The Marine Corps Reserve, 2,401.
- (5) The Air National Guard of the United States, 8,468.
- (6) The Air Force Reserve, 700.

SEC. 413. INCREASE IN NUMBER OF MEMBERS IN CERTAIN GRADES AUTHORIZED TO BE ON ACTIVE DUTY IN SUPPORT OF THE RESERVES

(a) SENIOR ENLISTED MEMBERS.—(1) The table in section 517(b) of title 10, United States Code, is amended to read as follows:

"Grade	Army	Navy	Air Force	Marine Corps
E-9.....	542	200	224	13
E-8.....	2,504	425	637	74".

(2) Effective on October 1, 1990, that table is amended to read as follows:

"Grade	Army	Navy	Air Force	Marine Corps
E-9.....	557	202	231	13
E-8.....	2,585	429	670	74".

(b) OFFICERS.—(1) The table in section 524(a) of such title is amended to read as follows:

"Grade	Army	Navy	Air Force	Marine Corps
Major or Lieutenant Commander	3,030	1,065	575	110
Lieutenant Colonel or Commander.....	1,448	520	476	75
Colonel or Navy Captain.....	351	188	190	25"

(2) Effective on October 1, 1990, that table is amended to read as follows:

Effective date.

"Grade	Army	Navy	Air Force	Marine Corps
Major or Lieutenant Commander	3,219	1,071	575	110
Lieutenant Colonel or Commander	1,524	520	532	75
Colonel or Navy Captain	364	188	194	25"

PART C—MILITARY TRAINING STUDENT LOADS

SEC. 421. AUTHORIZATION OF TRAINING STUDENT LOADS

(a) FISCAL YEAR 1990.—For fiscal year 1990, the components of the Armed Forces are authorized average military training student loads as follows:

- (1) The Army, 79,667.
- (2) The Navy, 67,224.
- (3) The Marine Corps, 21,656.
- (4) The Air Force, 39,575.
- (5) The Army National Guard of the United States, 19,168.
- (6) The Army Reserve, 15,377.
- (7) The Naval Reserve, 3,237.
- (8) The Marine Corps Reserve, 4,179.
- (9) The Air National Guard of the United States, 2,941.
- (10) The Air Force Reserve, 1,752.

(b) FISCAL YEAR 1991.—For fiscal year 1991, the components of the Armed Forces are authorized average military training student loads as follows:

- (1) The Army, 74,760.
- (2) The Navy, 66,517.
- (3) The Marine Corps, 22,235.
- (4) The Air Force, 37,757.
- (5) The Army National Guard of the United States, 18,667.
- (6) The Army Reserve, 15,963.
- (7) The Naval Reserve, 3,259.
- (8) The Marine Corps Reserve, 4,178.
- (9) The Air National Guard of the United States, 2,939.
- (10) The Air Force Reserve, 1,774.

(c) ADJUSTMENTS.—The average military student loads authorized in subsections (a) and (b) shall be adjusted consistent with the end strengths authorized in parts A and B. The Secretary of Defense shall prescribe the manner in which such adjustment shall be apportioned.

PART D—AUTHORIZATIONS OF APPROPRIATIONS

SEC. 431. AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PERSONNEL FOR FISCAL YEAR 1990

There is hereby authorized to be appropriated to the Department of Defense for military personnel for fiscal year 1990 a total of \$78,780,742,000. The authorization in the preceding sentence supercedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 1990.

TITLE V—MILITARY PERSONNEL**PART A—RESERVE COMPONENTS MATTERS****SEC. 501. DELAYED ENTRY PROGRAM AND DELAYED ENTRY TRAINING PROGRAM FOR RESERVISTS**

(a) **DELAYED ENTRY PROGRAM ENLISTMENTS.**—(1) Chapter 31 of title 10, United States Code, is amended by inserting after section 512 the following new section:

“§ 513. Enlistments: Delayed Entry Program

“(a) A person with no prior military service who is qualified under section 505 of this title and applicable regulations for enlistment in a regular component of an armed force may (except as provided in subsection (c)) be enlisted as a Reserve for service in the Army Reserve, Naval Reserve, Air Force Reserve, Marine Corps Reserve, or Coast Guard Reserve for a term of not less than six years nor more than eight years.

“(b) Unless sooner ordered to active duty under chapter 39 of this title or another provision of law, a person enlisted under paragraph (1) shall, within 365 days after such enlistment, be discharged from the reserve component in which enlisted and immediately be enlisted in the regular component of an armed force. During the period beginning on the date on which the person enlists under subsection (a) and ending on the date on which the person is enlisted in a regular component under the preceding sentence, the person shall be in the Ready Reserve of the armed force concerned.

“(c) A person who is under orders to report for induction into an armed force under the Military Selective Service Act (50 U.S.C. App. 451 et seq.), except as provided in clause (ii) or (iii) of section 6(c)(2)(A) of that Act, may not be enlisted under paragraph (1).

“(d) This section shall be carried out under regulations to be prescribed by the Secretary of Defense or the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy.”

Regulations.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 512 the following new item:

“513. Enlistments: Delayed Entry Program.”

(b) **EXEMPTION OF DEP ENLISTEES FROM READY RESERVE TRAINING REQUIREMENTS.**—Section 270(a) of title 10, United States Code, is amended by inserting “or 513” after “section 269(b)” in the first sentence.

(c) **LIMITATION ON CREDITING DEP SERVICE FOR LONGEVITY FOR PAY.**—Subsection (e) of section 205 of title 37, United States Code, is amended to read as follows:

“(e)(1) Notwithstanding subsection (a), a period of service described in paragraph (2) of a member who enlists in a reserve component may not be counted under this section.

“(2) Paragraph (1) applies to the following service:

“(A) Service performed while a member of a reserve component under an enlistment under section 511(b) or 511(d) of title 10 before the member begins service on active duty under such section (including a period of active duty for training) unless the member performs inactive-duty training before beginning service on active duty or active duty for training;

“(B) Service performed while a member of a reserve component under an enlistment under section 513 of title 10 (other than a period of active duty to which the member is ordered under chapter 39 of title 10 or another provision of law).”

SEC. 502. ANNUAL MUSTER DUTY AND MUSTER DUTY PAY FOR READY RESERVISTS

(a) **ORDER TO ANNUAL MUSTER DUTY.**—(1) Chapter 39 of title 10, United States Code, is amended by inserting after section 686 the following new section:

“§ 687. Ready Reserve: muster duty

“(a) Under regulations prescribed by the Secretary of Defense, a member of the Ready Reserve may be ordered without his consent to muster duty one time each year. A member ordered to muster duty under this section shall be required to perform a minimum of two hours of muster duty on the day of muster.

“(b) The period which a member may be required to devote to muster duty under this section, including round-trip travel to and from the location of that duty, may not total more than one day each calendar year.

“(c) Except as specified in subsection (d), muster duty (and travel directly to and from that duty) under this section shall be treated as the equivalent of inactive-duty training (and travel directly to and from that training) for the purposes of this title and the provisions of title 37 (other than section 206(a)) and title 38, including provisions relating to the determination of eligibility for and the receipt of benefits and entitlements provided under those titles for Reserves performing inactive-duty training and for their dependents and survivors.

“(d) Muster duty under this section shall not be credited in determining entitlement to, or in computing, retired pay under chapter 67 of this title.”

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 686 the following new item:

“687. Ready Reserve: muster duty.”

(b) **ALLOWANCE FOR ANNUAL MUSTER DUTY.**—(1) Chapter 7 of title 37, United States Code, is amended by adding at the end the following new section:

“§ 433. Allowance for muster duty

“(a) Under uniform regulations prescribed by the Secretaries concerned, a member of the Ready Reserve who is not a member of the National Guard or of the Selected Reserve is entitled to an allowance for muster duty performed pursuant to section 691 of title 10 if the member is engaged in that duty for at least two hours.

“(b) The amount of the allowance under this section shall be 125 percent of the amount of the average per diem rate for the United States (other than Alaska and Hawaii) under section 404(d)(2)(A) of this title as in effect on September 30 of the year preceding the year in which the muster duty is performed.

“(c) The allowance authorized by this section may not be disbursed in kind and shall be paid to the member on or before the date on which the muster duty is performed. The allowance shall constitute the single, flat-rate monetary allowance authorized for the perform-

ance of muster duty and shall constitute payment in full to the member, regardless of grade or rank in which serving, as commutation for travel to the immediate vicinity of the designated muster duty location, transportation, subsistence, and the special or extraordinary costs of enforced absence from home and civilian pursuits, including such absence on weekends and holidays.

“(d) A member who performs muster duty is not entitled to compensation for inactive-duty training under section 206(a) of this title for the same period.”

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

“433. Allowance for muster duty.”.

SEC. 503. THREE-YEAR EXTENSION OF CERTAIN RESERVE OFFICER MANAGEMENT PROGRAMS

(a) **GRADE DETERMINATION AUTHORITY FOR CERTAIN RESERVE MEDICAL OFFICERS.**—Sections 3359(b) and 8359(b) of title 10, United States Code, are each amended by striking “September 30, 1989” and inserting in lieu thereof “September 30, 1992”.

(b) **PROMOTION AUTHORITY FOR CERTAIN RESERVE OFFICERS SERVING ON ACTIVE DUTY.**—(1) Sections 3380(d) and 8380(d) of such title are each amended by striking out “September 30, 1989” and inserting in lieu thereof “September 30, 1992”.

(2) The Secretary of the Army or the Secretary of the Air Force, as appropriate, shall provide, in the case of a Reserve officer appointed to a higher grade on or after the date of the enactment of this Act under an appointment described in paragraph (3), that the date of rank of such officer under that appointment shall be the date of rank that would have applied to the appointment had the authority referred to in that paragraph not lapsed.

(3) An appointment referred to in paragraph (2) is an appointment under 3380 or 8380 of title 10, United States Code, that (as determined by the Secretary concerned) would have been made during the period beginning on October 1, 1989, and ending on the date of the enactment of this Act had the authority to make appointments under that section not lapsed during such period.

(c) **YEARS OF SERVICE FOR MANDATORY TRANSFER TO THE RETIRED RESERVE.**—Effective as of October 1, 1989, section 1016(d) of the Department of Defense Authorization Act, 1984 (10 U.S.C. 3360 note), is amended by striking out “September 30, 1989” and inserting in lieu thereof “September 30, 1992”.

SEC. 504. TWO-YEAR EXTENSION OF AUTHORITY FOR CERTAIN SINGLE PARENTS TO ENLIST IN RESERVE COMPONENTS

Section 523(d) of the National Defense Authorization Act for Fiscal Year 1987 (10 U.S.C. 510 note) is amended by striking out “September 30, 1989” and inserting in lieu thereof “September 30, 1991”.

SEC. 505. TWO-YEAR PROGRAM OF SPECIAL UNIT ASSIGNMENT PAY FOR ENLISTED MEMBERS OF SELECTED RESERVE

(a) **SPECIAL PAY.**—(1) Chapter 5 of title 37, United States Code, is amended by inserting after section 308c the following new section:

10 USC 3380 note.

10 USC 3380 note.

Effective date.

“§ 308d. Special pay: enlisted members of the Selected Reserve assigned to certain high priority units

Regulations.

“(a) Under regulations prescribed by the Secretary of Defense, an enlisted member who is assigned to a high priority unit of the Selected Reserve of the Ready Reserve of an armed force, as designated under subsection (b), and who performs inactive duty for training for compensation under section 206 of this title with such unit may be paid compensation, in addition to the compensation to which the member is otherwise entitled, in an amount not to exceed \$10 for each regular period of instruction, or period of appropriate duty, at which the member is engaged for at least four hours, including any such instruction or duty performed on a Sunday or holiday.

“(b) The Secretary concerned may designate a unit, for the purposes of subsection (a) and under such terms and conditions as the Secretary considers appropriate, as a high priority unit if that unit has experienced, or reasonably might be expected to experience, critical personnel shortages. The Secretary may vacate a designation made under this subsection at any time he considers the designation no longer necessary.

“(c) Additional compensation may not be paid under this section for inactive duty performed after September 30, 1991.”

(2) The table of sections at the beginning of such chapter is amended by adding after the item relating to section 308c the following new item:

“308d. Special pay: enlisted members of the Selected Reserve assigned to certain high priority units.”

10 USC 308d
note.

(b) **REPORT.**—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the administration of the special pay program provided for in section 308d of title 37, United States Code, as added by subsection (a). The report shall be submitted not later than May 1, 1991, and shall include such comments and recommendations as the Secretary considers appropriate.

SEC. 506. MILITARY EDUCATION FOR CIVILIAN TECHNICIANS OF THE ARMY NATIONAL GUARD

10 USC 709 note.

(a) **BATTLE SKILLS COURSES.**—A civilian technician of the Army National Guard may not be denied a military promotion because of the failure of the technician to attend the Battle Skills Course if the technician has requested in writing to attend such a course and has not been selected to attend a course that would permit completion of the course within one year after such request. If a civilian technician receives a military promotion before the technician has completed the Battle Skills Course, the technician shall complete that course within one year after the date of the promotion.

(b) **TREATMENT OF TRAINING UNDER EARLIER PROGRAMS.**—For purposes of any reserve component noncommissioned officers education program established for the training of civilian technicians of the Army National Guard, the Secretary of the Army shall accept as meeting the requirements of that program—

(1) training completed by a civilian technician before October 1, 1987, through courses known as—

- (A) Primary Leadership Development courses;
- (B) Basic Noncommissioned Officers courses; and
- (C) Advanced Noncommissioned Officers courses; and

(2) an abbreviated course to update leadership training, knowledge of doctrine, and tactical skills.

(c) **PLAN.**—(1) The Secretary of the Army shall submit to the Committees on Armed Services of the Senate and House of Representatives a plan to use State and National Guard Bureau regional academies by October 1, 1993, to provide the portion of the Reserve Component Noncommissioned Officers Education System specifically related to military occupational specialties. Such plan shall also identify personnel, funds, and other resources required to implement the plan.

(2) The Secretary of the Army shall submit the plan required by paragraph (1) not later than April 1, 1990.

(d) **AMENDMENT.**—Section 523 of Public Law 100-456 (102 Stat. 1974) is amended by striking out “shall” in subsections (a) and (c) and inserting in lieu thereof “may, at the technician’s option,”.

32 USC 709 note.

PART B—OTHER MATTERS

SEC. 511. INCREASE IN SERVICE OBLIGATION FOR GRADUATES OF THE SERVICE ACADEMIES AND THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES

(a) **UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.**—Section 2114(b) of title 10, United States Code, is amended by striking out “seven years” in the fourth sentence and inserting in lieu thereof “10 years”.

(b) **MILITARY ACADEMY.**—Section 4348(a)(2)(B) of such title is amended by striking out “five years” and inserting in lieu thereof “six years”.

(c) **NAVAL ACADEMY.**—Section 6959(a)(2)(B) of such title is amended by striking out “five years” and inserting in lieu thereof “six years”.

(d) **AIR FORCE ACADEMY.**—Section 9348 of such title is amended by striking out “five years” and inserting in lieu thereof “six years”.

(e) **EFFECTIVE DATE.**—The amendments made by this section shall apply to persons who are first admitted to the Uniformed Services University of the Health Sciences or one of the military service academies after December 31, 1991.

10 USC 2114 note.

SEC. 512. EXTENSION OF AUTHORITY TO MAKE TEMPORARY PROMOTIONS OF CERTAIN NAVY LIEUTENANTS

(a) **THREE-YEAR EXTENSION.**—Section 5721(f) of title 10, United States Code, is amended by striking out “September 30, 1989” and inserting in lieu thereof “September 30, 1992”.

(b) **SAVINGS PROVISION.**—(1) The Secretary of the Navy shall provide, in the case of an officer appointed to the grade of lieutenant commander on or after the date of the enactment of this Act under an appointment described in paragraph (2), that the date of rank of such officer under that appointment shall be the date of rank that would have applied to the appointment had the authority referred to in that paragraph not lapsed.

10 USC 5721 note.

(2) An appointment referred to in paragraph (1) is an appointment under 5721 of title 10, United States Code, that (as determined by the Secretary of the Navy) would have been made during the period beginning on October 1, 1989, and ending on the date of the enactment of this Act had the authority to make appointments under that section not lapsed during such period.

SEC. 513. TESTING OF NEW ENTRANTS FOR DRUG AND ALCOHOL ABUSE

(a) **AUTHORITY TO TEST BEFORE ACCESSION.**—Subsection (a) of section 978 of title 10, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by striking out paragraph (1) and inserting in lieu thereof the following:

“(1) The Secretary concerned shall require that, except as provided under paragraph (2), each person applying for an original enlistment or appointment in the armed forces shall be required, before becoming a member of the armed forces, to—

“(A) undergo testing (by practicable, scientifically supported means) for drug and alcohol use; and

“(B) be evaluated for drug and alcohol dependency.

“(2) The Secretary concerned may provide that, in lieu of undergoing the testing and evaluation described in paragraph (1) before becoming a member of the armed forces, a member of the armed forces under the Secretary’s jurisdiction may be administered that testing and evaluation after the member’s initial entry on active duty. In any such case, the testing and evaluation shall be carried out within 72 hours of the member’s initial entry on active duty.”.

(b) **CONFORMING AMENDMENTS.**—(1) Subsection (b) of such section is amended to read as follows:

“(b) A person who refuses to consent to testing and evaluation required by subsection (a) may not (unless that person subsequently consents to such testing and evaluation)—

“(1) be accepted for an original enlistment in the armed forces or given an original appointment as an officer in the armed forces; or

“(2) if such person is already a member of the armed forces, be retained in the armed forces.

An original appointment of any such person as an officer shall be terminated.”.

(2) Subsection (c) of such section is amended—

(A) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively;

(B) by inserting at the beginning of the subsection the following new paragraph (1):

“(1) A person determined, as the result of testing conducted under subsection (a)(1), to be dependent on drugs or alcohol shall be denied entrance into the armed forces.”;

(C) in paragraph (2) (as so redesignated), by striking out “subsection (a)(1)(B)” and inserting in lieu thereof “subsection (a)(2)”; and

(D) in paragraph (3) (as so redesignated)—

(i) by inserting “who is denied entrance into the armed forces under paragraph (1), or a” after “A person”; and

(ii) by striking out “paragraph (1)” and inserting in lieu thereof “paragraph (2),”.

(c) **EXCESS LEAVE STATUS FOR PERSONS TESTING POSITIVE.**—Subsection (c) of such section, as amended by subsection (b), is further amended by adding at the end the following new paragraph:

“(4) The Secretary concerned may place on excess leave any member of the armed forces whose test results under subsection (a)(2) are positive for drug or alcohol use. The Secretary may continue such member’s status on excess leave pending disposition of the member’s case and processing for administrative separation.”.

(d) **TRANSITION PROVISION.**—The amendments made by subsections (a) and (b) shall take effect as of October 1, 1989.

Effective date.
10 USC 978 note.

SEC. 514. CORRECTION OF MILITARY RECORDS CONCERNING PROMOTIONS AND ENLISTMENTS OF ENLISTED MEMBERS

(a) **AUTHORITY OF SERVICE SECRETARIES.**—Subsection (a) of section 1552 of title 10, United States Code, is amended to read as follows:

“(a)(1) The Secretary of a military department may correct any military record of the Secretary’s department when the Secretary considers it necessary to correct an error or remove an injustice. Except as provided in paragraph (2), such corrections shall be made by the Secretary acting through boards of civilians of the executive part of that military department. The Secretary of Transportation may in the same manner correct any military record of the Coast Guard.

“(2) The Secretary concerned is not required to act through a board in the case of the correction of a military record announcing a decision that a person is not eligible to enlist (or reenlist) or is not accepted for enlistment (or reenlistment) or announcing a decision not to promote an enlisted member to a higher grade. Such a correction may be made only if the correction is favorable to the person concerned.

“(3) Corrections under this section shall be made under procedures established by the Secretary concerned. In the case of the Secretary of a military department, those procedures must be approved by the Secretary of Defense.

“(4) Except when procured by fraud, a correction under this section is final and conclusive on all officers of the United States.”.

(b) **TIME FOR REQUEST FOR CORRECTION.**—Subsection (b) of such section is amended by striking out “subsection (a)” both places it appears and inserting in lieu thereof “subsection (a)(1)”.

SEC. 515. TITLE OF ADMISSIONS OFFICER OF UNITED STATES AIR FORCE ACADEMY

(a) **CHANGE IN TITLE OF REGISTRAR.**—Chapter 903 of title 10, United States Code, is amended as follows:

(1) Section 9331(b)(6) is amended by striking out “registrar” and inserting in lieu thereof “director of admissions”.

(2) Section 9333(c) is amended by striking out “registrar” and inserting in lieu thereof “director of admissions”.

(3) Section 9334(b) is amended by striking out “registrar” and inserting in lieu thereof “director of admissions”.

(4) Section 9336(b) is amended by striking out “registrar” each place it appears and inserting in lieu thereof “director of admissions”.

(b) **CLERICAL AMENDMENTS.**—(1) The heading of section 9336 of such title is amended to read as follows:

“§ 9336. Permanent professors; director of admissions”.

(2) The item relating to such section in the table of sections at the beginning of chapter 903 of such title is amended to read as follows: “9336. Permanent professors; director of admissions.”.

SEC. 516. ELIGIBILITY FOR PRISONER OF WAR MEDAL

(a) **EXTENSION TO MEMBERS HELD BY HOSTILE FORCES.**—Section 1128(a) of title 10, United States Code, is amended—

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

(2) by striking out the period at the end of paragraph (3) and inserting in lieu thereof “; or”; and

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

“(4) by foreign armed forces that are hostile to the United States, under circumstances which the Secretary concerned finds to have been comparable to those under which persons have generally been held captive by enemy armed forces during periods of armed conflict.”

10 USC 1128
note.

(b) **EFFECTIVE DATE.**—Paragraph (4) of section 1128(a) of title 10, United States Code, as added by subsection (a), applies with respect to periods of captivity after April 5, 1917.

SEC. 517. GAO REPORT ON TECHNICAL TRAINING FOR RECRUITS AND MEMBERS OF THE RESERVE COMPONENTS

(a) **REPORT REGARDING PROVISION OF TECHNICAL TRAINING.**—The Comptroller General of the United States shall prepare a report on various options for providing technical training for military recruits and members of the reserve components. The report shall evaluate the practicality and desirability of—

(1) providing persons who desire to enlist in the Armed Forces with technical training either before enlistment or immediately after enlistment;

(2) using civilian institutions of higher education and vocational schools to provide such training; and

(3) using civilian institutions of higher education and vocational schools to provide training in individual technical skills for members of the reserve components.

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

(1) A comparison of (A) technical skills training provided by the Armed Forces, with (B) technical skills training available in civilian institutions of higher education and vocational schools.

(2) A description of a program by which a person eligible for enlistment in the Armed Forces would receive technical training in, or under contract with, an institution of higher education or vocational school (and a stipend to pursue such training) (A) before enlistment in exchange for a commitment to serve in the Armed Forces, or (B) immediately after basic training.

(3) A description of any personnel savings and other savings that could result from the implementation of such a program.

(4) A description of a program by which institutions of higher education and vocational schools would enhance the readiness of the reserve components by supplementing active-duty individual skills training.

(5) A description of the specific training improvements, if any, that could result from the implementation of such a program.

(6) A description of a demonstration project to test such a program, on a limited basis as determined in consultation with the Secretary of Defense, together with a description of the cost of such demonstration project.

(c) **SUBMISSION OF REPORT.**—The Comptroller General shall submit the report required by subsection (a) to the Committees on Armed Services of the Senate and House of Representatives not later than February 1, 1991.

(d) **DEFINITIONS.**—For purposes of this section:

(1) The term "technical training" means training in noncombat skills in technical fields, including electricity, machinery, welding, surveying, journalism, and photography.

(2) The terms "institution of higher education" and "vocational school" have the meanings given those terms in section 435 of the Higher Education Act of 1965 (20 U.S.C. 1085).

SEC. 518. PROVISION OF OFF-DUTY POSTSECONDARY EDUCATION SERVICES OVERSEAS

Section 1212 of the Department of Defense Authorization Act, 1986 (10 U.S.C. 113 note), is amended—

(1) by striking out subsections (c) and (e); and

(2) by inserting after subsection (b) the following new subsection (c):

"(c)(1) The Secretary of Defense shall conduct a study to determine the current and future needs of members of the Armed Forces, civilian employees of the Department of Defense, and the dependents of such members and employees for postsecondary education services at overseas locations. The Secretary shall determine on the basis of the results of that study whether the policies and procedures of the Department in effect on the date of the enactment of the Department of Defense Authorization Act for Fiscal Years 1990 and 1991 with respect to the procurement of such services are—

"(A) consistent with the provisions of subsections (a) and (b);

"(B) adequate to ensure the recipients of such services the benefit of a choice in the offering of such services; and

"(C) adequate to ensure that persons stationed at geographically isolated military installations or at installations with small complements of military personnel are adequately served.

The Secretary shall complete the study in such time as necessary to enable the Secretary to submit the report required by paragraph (2)(A) by the deadline specified in that paragraph.

"(2)(A) The Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the results of the study referred to in paragraph (1), together with a copy of any revisions in policies and procedures made as a result of such study. The report shall be submitted not later than March 1, 1990.

Reports.

"(B) The Secretary shall include in the report an explanation of how determinations are made with regard to—

"(i) affording members, employees, and dependents a choice in the offering of courses of postsecondary education; and

"(ii) whether the services provided under a contract for such services should be limited to an installation, theater, or other geographic area.

"(3)(A) Except as provided in subparagraph (B), no contract for the provision of services referred to in subsection (a) may be awarded, and no contract or agreement entered into before the date of the enactment of this paragraph may be renewed or extended on or after such date, until the end of the 60-day period beginning on the date on which the report referred to in paragraph (2)(A) is received by the committees named in that paragraph.

"(B) A contract or an agreement in effect on October 1, 1989, for the provision of postsecondary education services in the European Theater for members of the Armed Forces, civilian employees of the Department of Defense, and the dependents of such members and

employees may be renewed or extended without regard to the limitation in subparagraph (A).

“(C) In the case of a contract for services with respect to which a solicitation is pending on the date of the enactment of this paragraph, the contract may be awarded—

“(i) on the basis of the solicitation as issued before the date of the enactment of this paragraph;

“(ii) on the basis of the solicitation issued before the date of the enactment of this paragraph modified so as to conform to any changes in policies and procedures the Secretary determines should be made as a result of the study required under paragraph (1); or

“(iii) on the basis of a new solicitation.”

SEC. 519. MATTERS TO BE CONSIDERED BY PROMOTION BOARDS IN CASE OF OFFICERS IN HEALTH PROFESSIONS COMPETITIVE CATEGORIES

Section 615 of title 10, United States Code, is amended by adding at the end the following new subsection:

Regulations.

“(d) The Secretary of each military department, under uniform regulations prescribed by the Secretary of Defense, shall include in guidelines furnished to a selection board convened under section 611(a) of this title that is considering officers in a health-professions competitive category for promotion to a grade below colonel or, in the case of the Navy, captain, a direction that the board give consideration to an officer’s clinical proficiency and skill as a health professional to at least as great an extent as the board gives to the officer’s administrative and management skills.”

SEC. 520. REPORT ON CONSTRUCTIVE CREDIT FOR NURSES

(a) **REPORT REQUIREMENT.**—The Secretary of Defense shall prepare a report on the awarding of constructive credit to military nurses for education, training, or experience. The report shall discuss existing provisions of law providing for such constructive credit, including a discussion of any inequities which the Secretary considers that such provisions may have created. If the Secretary determines that any such inequities have been created, the report shall include recommendations by the Secretary for ways to eliminate or reduce those inequities.

(b) **SUBMISSION OF REPORT.**—The report required by subsection (a) shall be submitted to the Committees on Armed Services of the Senate and House of Representatives not later than March 1, 1990.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

PART A—PAY AND ALLOWANCES

SEC. 601. MILITARY PAY RAISE FOR FISCAL YEAR 1990

37 USC 1009
note.

(a) **WAIVER OF SECTION 1009 ADJUSTMENT.**—Any adjustment required by section 1009 of title 37, United States Code, in elements of compensation of members of the uniformed services to become effective during fiscal year 1990 shall not be made.

37 USC 1009
note.

(b) **INCREASE IN BASIC PAY, BAS, AND BAQ.**—The rates of basic pay, basic allowance for subsistence, and basic allowance for quarters of members of the uniformed services are increased by 3.6 percent effective on January 1, 1990.

(c) **INCREASE IN CADET AND MIDSHIPMAN PAY.**—Effective on January 1, 1990, section 203(c)(1) of title 37, United States Code, is amended by striking out “\$525” and inserting in lieu thereof “\$543.90”.

Effective date.

SEC. 602. LIMITATION ON ADJUSTMENTS IN VARIABLE HOUSING ALLOWANCE

(a) **LIMITATION.**—Section 403a(c)(2) of title 37, United States Code, is amended by inserting before the period the following: “, except that the monthly amount of a variable housing allowance for a member may not be reduced to the extent that the total of basic pay, basic allowance for quarters, basic allowance for subsistence, and variable housing allowance of the member is reduced, as a result of such a reduction, below the monthly total of those items for the month preceding the effective date of the most recent increase in the rate of basic pay of the member”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on October 1, 1990.

37 USC 403a note.

PART B—BONUSES AND SPECIAL AND INCENTIVE PAY

SEC. 611. INCREASE IN SELECTIVE REENLISTMENT BONUS

(a) **INCREASE IN SELECTIVE REENLISTMENT BONUS.**—Section 308(a) of title 37, United States Code, is amended—

(1) by striking out “paid a bonus,” in paragraph (1) and all that follows in that paragraph and inserting in lieu thereof “paid a bonus as provided in paragraph (2).”;

(2) by redesignating paragraph (2) as paragraph (4) and in that paragraph striking out “of this subsection”; and

(3) by inserting after paragraph (1) the following new paragraphs:

“(2) The bonus to be paid under paragraph (1) may not exceed the lesser of the following amounts:

“(A) The amount equal to the product of—

“(i) ten times the monthly rate of basic pay to which the member was entitled at the time of the discharge or release of the member; and

“(ii) the number of years (or the monthly fractions thereof) of the term of reenlistment or extension of enlistment, not to exceed six.

“(B) \$45,000.

“(3) Any portion of a term of reenlistment or extension of enlistment of a member that, when added to the total years of service of the member at the time of discharge or release, exceeds 16 years may not be used in computing a bonus under paragraph (2)(A).”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply with respect to reenlistment and extension of enlistment agreements entered into under section 308(a) of title 37, United States Code, after September 30, 1989.

37 USC 308 note.

SEC. 612. ENLISTMENT BONUS FOR MEMBERS IN SKILLS DESIGNATED AS CRITICAL

(a) **INCREASE IN AUTHORIZED BONUS AND FIRST INSTALLMENT.**—Section 308a(a) of title 37, United States Code, is amended—

(1) by striking out “\$8,000” in the first sentence and inserting in lieu thereof “\$12,000”; and

(2) by striking out "\$5,000" in the second sentence and inserting in lieu thereof "\$7,000".

37 USC 308a
note.

(b) **LIMITATION ON PAYMENTS.**—The total amount of payments made during fiscal year 1990 under section 308a(a) of title 37, United States Code, by the Secretary of the Army may not exceed \$66,400,000.

37 USC 308a
note.

(c) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall apply with respect to an enlistment or extension of an initial period of active duty (in a skill designated as critical) entered into on or after October 1, 1989.

SEC. 613. EXTENSION OF ENLISTMENT AND REENLISTMENT BONUS AUTHORITIES FOR RESERVE FORCES

Sections 308b(g), 308c(f), 308e(e), 308g(h), 308h(g), and 308i(i) of title 37, United States Code, are amended by striking out "September 30, 1990" and inserting in lieu thereof "September 30, 1992".

SEC. 614. EXTENSION OF SPECIAL PAY PROGRAMS FOR NUCLEAR-QUALIFIED OFFICERS

(a) **SPECIAL PAY FOR OFFICERS EXTENDING PERIOD OF ACTIVE DUTY.**—Section 312(e) of title 37, United States Code, is amended by striking out "September 30, 1990" and inserting in lieu thereof "September 30, 1995".

(b) **ACCESSION BONUS.**—Section 312b(d) of such title is amended by striking out "September 30, 1990" and inserting in lieu thereof "September 30, 1995".

(c) **ANNUAL INCENTIVE BONUS.**—Section 312c of such title is amended—

(1) by striking out "ending before October 1, 1990" in subsections (a)(1) and (b)(1); and

(2) by striking out "October 1, 1990" in subsection (e) and inserting in lieu thereof "October 1, 1995".

PART C—TRAVEL AND TRANSPORTATION ALLOWANCES

SEC. 621. REIMBURSEMENT FOR CERTAIN FEES INCURRED IN TRAVEL

(a) **REIMBURSEMENT AUTHORIZED.**—Section 404 of title 37, United States Code, is amended by adding at the end the following new subsection:

Regulations.

"(i) Under uniform regulations prescribed by the Secretaries concerned, a member of a uniformed service entitled to travel and transportation allowances under subsection (a) is entitled to reimbursement for parking fees, ferry fares, and bridge, road, and tunnel tolls actually incurred incident to such travel."

37 USC 404 note.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply with respect to travel and transportation commenced after the date of the enactment of this Act.

SEC. 622. LUMP-SUM PAYMENT OF OVERSEAS HOUSING COSTS

(a) **PAYMENTS AUTHORIZED.**—Section 405 of title 37, United States Code, is amended by adding at the end the following new subsection:

"(d) In the case of a member of the uniformed services authorized to receive a per diem allowance under subsection (a), the Secretary concerned may make a lump-sum payment for nonrecurring expenses incurred by the member in occupying private housing outside of the United States. Expenses for which payments are made under

this subsection may not be considered for purposes of determining the per diem allowance of the member under subsection (a).”

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply with respect to expenses incurred after August 31, 1990.

37 USC 405 note.

SEC. 623. CLARIFICATION OF ALLOWANCE FOR TRANSPORTATION OF HOUSEHOLD EFFECTS

(a) **WAIVER FOR SUBSTANTIAL HARDSHIP.**—Section 406(b)(1) of title 37, United States Code, is amended by adding at the end the following new subparagraph:

“(D) In connection with the change of temporary or permanent station of a member in a pay grade below pay grade O-6, the Secretary concerned may authorize a higher weight allowance than the weight allowance determined under subparagraph (C) for the member if the Secretary concerned determines that the application of the weight allowance determined under such subparagraph would result in significant hardship to the member or the dependents of the member. An increase in weight allowance under this subparagraph may not result in a weight allowance exceeding the weight allowance specified in subparagraph (C) for pay grades O-6 to O-10. The Secretary of Defense shall prescribe regulations to carry out this subparagraph.”

Regulations.

(b) **TECHNICAL AMENDMENT.**—Subparagraph (C) of such section is amended by inserting “in pounds” after “weight allowance” in the matter preceding the table.

(c) **EFFECTIVE DATE.**—The authority provided in subparagraph (D), as added by subsection (a), shall apply with respect to the transportation of baggage and household effects occurring after June 30, 1989.

37 USC 406 note.

SEC. 624. TRAVEL ENTITLEMENT FOR MEMBERS ASSIGNED TO A VESSEL UNDER CONSTRUCTION

(a) **AUTHORIZATION FOR TRAVEL ALLOWANCE.**—(1) Chapter 7 of title 37, United States Code, is amended by inserting after section 406b the following new section:

“§ 406c. Travel and transportation allowances: members assigned to a vessel under construction

“(a) **ALLOWANCE AUTHORIZED.**—(1) Under regulations prescribed by the Secretary concerned, a member of the uniformed services who is assigned to permanent duty aboard a ship that is under construction at a location other than—

Regulations.

“(A) the designated home port of the ship; or

“(B) the area where the dependents of the member are residing,

is entitled to transportation, or an allowance for transportation under section 404(d)(3) of this title, for round-trip travel from the port of construction to either of those locations as provided in paragraph (2).

“(2) A member referred to in paragraph (1) shall be entitled to such transportation or allowance on or after the thirty-first day (and every sixtieth day after the thirty-first day) after the later of—

“(A) the date on which the ship enters the construction port; and

“(B) the date on which the member becomes permanently assigned to the ship.

"(3) The amount of reimbursement for personally procured transportation or the allowance for transportation under this subsection may not exceed the cost of Government-procured commercial round-trip air travel.

"(b) **DEPENDENTS TRAVEL.**—(1) In lieu of the entitlement of a member of the uniformed services to transportation under subsection (a), the Secretary concerned may provide transportation in kind, reimbursement for personally procured transportation, or a monetary allowance in place of the cost of transportation as provided in section 404(d)(1) of this title for the travel of the dependents of the member from the location that was the home port of the ship before commencement of construction to the port of construction.

"(2) The total reimbursement for transportation for the member's dependents under paragraph (1) may not exceed the cost of Government-procured commercial round-trip travel.

"(c) **CHANGE OF HOME PORT.**—In any case in which a member of the uniformed services assigned to permanent duty aboard a ship that undergoes a change of home port to the port at which the ship is being constructed, the dependents of such member may be provided the transportation allowances prescribed in subsections (a) and (b) in lieu of the transportation authorized by section 406 of this title and section 2634 of title 10.

"(d) **APPLICATION OF OTHER LAW.**—Section 420 of this title does not apply with respect to transportation or allowances provided under this section."

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 406b the following new item:

"406c. Travel and transportation allowances: members assigned to a vessel under construction."

(b) **CLARIFYING AMENDMENT.**—Subsection (c) of section 406b of such title is amended to read as follows:

"(c) In any case in which a member of the uniformed services is assigned to permanent duty aboard a ship that undergoes a change of home port to the overhaul or inactivation port, the dependents of the member may be provided transportation allowances prescribed in subsections (a) and (b) in lieu of the transportation authorized by section 406 of this title and section 2634 of title 10."

SEC. 625. STUDENT TRAVEL AUTHORIZED FOR DEPENDENTS OF MEMBERS IN ALASKA AND HAWAII

(a) **AUTHORIZATION FOR DEPENDENT CHILDREN.**—Section 430 of title 37, United States Code, is amended—

(1) in subsection (a)—

(A) by striking out "United States" in paragraphs (1) and (3) and inserting in lieu thereof "continental United States"; and

(B) by striking out "oversea" in paragraph (2);

(2) in subsection (b)—

(A) by striking out "United States" each place it appears and inserting in lieu thereof "continental United States"; and

(B) by striking out "in the oversea area" and inserting in lieu thereof "outside the continental United States"; and

(3) by adding at the end the following new subsections:

“(d) For a member assigned to duty outside the continental United States, transportation under this section may be provided a dependent child as described in subsection (a)(3) who is attending a school in Alaska or Hawaii.

“(e) The transportation allowance authorized by this section (whether transportation in kind or reimbursement) may not be paid in the case of a member assigned to a permanent duty station in Alaska or Hawaii for a child attending a school in the State of the permanent duty station.

“(f) In this section, the term ‘continental United States’ means the 48 contiguous States and the District of Columbia.”

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall apply with respect to travel and transportation commenced after the date of the enactment of this Act.

37 USC 430 note.

PART D—MILITARY AVIATORS

SEC. 631. AVIATION CAREER INCENTIVE PAY

(a) **ENTITLEMENT REQUIREMENTS.**—Subsection (a)(4) of section 301a of title 37, United States Code, is amended—

(1) by striking out “6 of the first 12, and 11 of the first 18 years of his aviation service.” in the first sentence and inserting in lieu thereof “9 of the first 12, and 12 of the first 18 years of the aviation service of the officer.”;

(2) by striking out “at least 9 but less than 11 of the first 18 years of his aviation service, he” in the second sentence and inserting in lieu thereof “at least 10 but less than 12 of the first 18 years of the aviation service of the officer, the officer”;

(3) by striking out “his officer service” in the second sentence and inserting in lieu thereof “the officer’s service as an officer”.

(b) **WAIVER OF ENTITLEMENT REQUIREMENTS BY THE SECRETARY CONCERNED.**—Subsection (a)(5) of such section is amended by inserting after the first sentence the following new sentence: “For the needs of the service, the Secretary concerned may permit, on a case by case basis, an officer to continue to receive continuous monthly incentive pay despite the failure of the officer to perform the prescribed operational flying duty requirements during the prescribed periods of time so long as the officer has performed those requirements for not less than 6 years of aviation service.”

(c) **MONTHLY RATES.**—(1) Subsection (b)(1) of such section is amended—

(A) by striking out “400” in the portion of the table designated as Phase I and inserting in lieu thereof “650”; and

(B) by striking out the portion of the table designated as Phase II and inserting in lieu thereof the following:

“Phase II

“Years of service as an officer:	Monthly rate:
Over 18	\$585
Over 20	495
Over 22	385
Over 25	250”.

(2) Subsection (b)(2) of such section is amended by striking out “400” in the table and inserting in lieu thereof “650”.

(d) **REPORT ON NUMBER OF OFFICERS RECEIVING A WAIVER.**—Such section is further amended by adding at the end the following new subsection:

“(f) The Secretary of Defense shall submit annually to Congress a report specifying for the year covered by the report—

“(1) the total number of officers who were determined under subsection (a)(5) to have failed to perform the minimum prescribed operational flying duty requirements;

“(2) the number of those officers who continued to receive continuous monthly incentive pay despite their failure to perform the minimum prescribed operational flying duty requirements and the extent to which they failed to perform those requirements; and

“(3) the reasons for the exercise of the authority under the second sentence of subsection (a)(5) in the case of each officer specified pursuant to paragraph (2).”

37 USC 301a
note.

(e) **EFFECTIVE DATE.**—(1) Except as provided in paragraph (2), the amendments made—

(A) by subsection (c) shall take effect on the date of the enactment of this Act; and

(B) by subsections (a), (b), and (d) shall take effect on October 1, 1991.

(2) The Secretary of a military department may delay, subject to the approval of the Secretary of Defense, the implementation of the amendments made by subsection (c) with respect to the department of that Secretary until such time as the Secretary concerned determines that implementation of those amendments is necessary to meet the needs of that department.

(3) If the Secretary of a military department delays under paragraph (2) the implementation of the amendments made by subsection (c) beyond October 1, 1991, the Secretary may also delay implementation of the amendments made by subsections (a), (b), and (d) until the date on which the Secretary implements the amendments made by subsection (c). During the delay in implementation, the provisions of section 301a of title 37, United States Code, as in effect on the day before the date of the enactment of this Act, shall continue to apply in the case of such department to the payment of aviation career incentive pay under such section.

37 USC 301a
note.

(f) **TRANSITION.**—(1) An officer of a uniformed service who, as of the date the amendments made by subsections (a), (b), and (d) take effect with regard to the officer's uniformed service—

(A) has completed years of aviation service in an amount equal to one of the number of years of aviation service specified in column 1 of the following table; and

(B) has performed, or subsequently performs, the prescribed operational flying duties (including flight training but excluding proficiency flying) during the number of years of aviation service specified in column 2 of such table and corresponding to the number of years of aviation service applicable to the officer under column 1,

shall be entitled to continuous monthly incentive pay at the rates provided in section 301a(b) of title 37, United States Code (as amended by this section) until the officer completes the years of service as an officer specified in column 3 of such table and applicable to the officer.

TABLE

COLUMN 1	COLUMN 2	COLUMN 3
Number of years of aviation service	Number of years performing operational flying duty	Entitlement to continuous monthly incentive pay through the following year of officer service
6 or more	At least 6 of the first 12 years of aviation service	18
6 or more	At least 9 but less than 11 of the first 18 years of aviation service	22
6 or more	At least 6 of the first 12 and at least 11 of the first 18 years of aviation service	25
At least 6 but less than 12	Less than 6 and subsequently completes 6 of the first 12 and 9 of the first 15 years of aviation service	18
At least 12 but less than 18	Less than 9 and subsequently completes 9 of the first 18 years of aviation service	22
At least 12 but less than 18	Less than 11 and subsequently completes 11 of the first 18 years of aviation service	25

(2) For purposes of this subsection, the terms "operational flying duty" and "proficiency flying duty" have the meaning given to such terms in section 301a(a)(6) of title 37, United States Code.

SEC. 632. AVIATOR RETENTION BONUSES

(a) **EXTENSION AND CODIFICATION OF CURRENT PROGRAM.**—Section 301b of title 37, United States Code, is amended to read as follows:

"§ 301b. **Special pay: aviation career officers extending period of active duty**

"(a) **BONUS AUTHORIZED.**—An aviation officer described in subsection (b) who, during the period beginning on January 1, 1989, and ending on September 30, 1991, executes a written agreement to remain on active duty in aviation service for at least one year may, upon the acceptance of the agreement by the Secretary concerned, be paid a retention bonus as provided in this section.

"(b) **COVERED OFFICERS.**—An aviation officer referred to in subsection (a) is an officer of a uniformed service who—

"(1) is entitled to aviation career incentive pay under section 301a of this title;

"(2) is in an aviation specialty designated by the Secretary concerned (with the approval of the Secretary of Defense in the case of the Secretary of a military department) as a critical aviation specialty;

"(3) is in a pay grade below pay grade 0-6;

"(4) is qualified to perform operational flying duty;

"(5) has completed at least six but less than 13 years of active duty; and

"(6) has completed any active duty service commitment incurred for undergraduate aviator training.

“(c) AMOUNT OF BONUS.—The amount of a retention bonus paid under this section may not be more than—

“(1) \$12,000 for each year covered by the written agreement, if the officer agrees to remain on active duty to complete 14 years of commissioned service; or

“(2) \$6,000 for each year covered by the written agreement, if the officer agrees to remain on active duty for one or two years.

“(d) PRORATION.—The term of an agreement under subsection (a) and the amount of the bonus under subsection (c) may be prorated as long as such agreement does not extend beyond the date on which the officer making such agreement would complete 14 years of commissioned service.

“(e) PAYMENT OF BONUS.—Upon the acceptance of a written agreement under subsection (a) by the Secretary concerned, the total amount payable pursuant to the agreement becomes fixed and may be paid by the Secretary in either a lump sum or installments.

“(f) ADDITIONAL PAY.—A retention bonus paid under this section is in addition to any other pay and allowances to which an officer is entitled.

“(g) REPAYMENT OF BONUS.—(1) If an officer who has entered into a written agreement under subsection (a) and has received all or part of a retention bonus under this section fails to complete the total period of active duty specified in the agreement, the Secretary concerned may require the officer to repay the United States, on a pro rata basis and to the extent that the Secretary determines conditions and circumstances warrant, all sums paid under this section.

“(2) An obligation to repay the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

“(3) A discharge in bankruptcy under title 11 that is entered less than 5 years after the termination of a written agreement entered into under subsection (a) does not discharge the officer signing the agreement from a debt arising under such agreement or under paragraph (1). This paragraph applies to any case commenced under title 11 after January 1, 1989.

“(h) REGULATIONS.—The Secretaries concerned shall prescribe regulations to carry out this section. Regulations prescribed by the Secretary of a military department shall be subject to the approval of the Secretary of Defense.

“(i) REPORTS.—(1) Not later than February 15 of each year, the Secretaries concerned shall submit to the Secretary of Defense a report analyzing the effect of the provision of retention bonuses to aviation officers during the preceding fiscal year on the retention of qualified aviators. Each report shall include—

“(A) a comparison of the cost of paying bonuses to officers who enter into an agreement for the period referred to in subsection (c)(1) with the cost of paying bonuses to officers who enter into an agreement for a period referred to in subsection (c)(2);

“(B) a description of the increase in the retention of qualified aviators as a result of the program; and

“(C) an examination of the desirability of targeting the retention bonus program toward officers in a critical aviation specialty rather than on the basis of experience or other criteria.

“(2) Not later than March 15 of each year, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives copies of the reports submitted to the Secretary under paragraph (1) with regard to the preceding

fiscal year, together with such comments and recommendations as the Secretary considers appropriate.

“(j) **LIMITATION ON PAYMENTS FOR FISCAL YEAR 1990.**—(1) The total amount of payments made under this section to officers of the Air Force during fiscal year 1990 may not exceed \$78,000,000.

“(2) The total amount of payments made under this section to officers of the Navy during fiscal year 1990 may not exceed \$30,000,000.

“(k) **DEFINITIONS.**—In this section:

“(1) The term ‘aviation service’ means the service performed by an officer holding an aeronautical rating or designation (except a flight surgeon or other medical officer).

“(2) The term ‘aviation specialty’ means a community of pilots identified by type of aircraft or weapon system or a community of other designated aeronautical officers so identified.

“(3) The term ‘critical aviation specialty’ means an aviation specialty in which there exists a shortage of officers on the date of designation under subsection (b).

“(4) The term ‘operational flying duty’ has the meaning given such term in section 301a(a)(6)(A) of this title.”

(b) **CONFORMING AMENDMENT.**—Section 611 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 102 Stat. 1977), is amended by striking out subsection (e).

(c) **AGREEMENTS ENTERED INTO UNDER THE FORMER LAW.**—(1) The amendment made by subsection (a) shall not affect an agreement entered into under section 301b of title 37, United States Code (as in effect on September 30, 1989), and, except as provided in paragraph (2), the provisions of such section as in effect on such day shall continue to apply with respect to such agreement.

(2) For pay periods beginning after September 30, 1989, an officer serving under an agreement entered into under section 301b of such title before October 1, 1987, shall be entitled during the remainder of the agreement to the monthly rate of aviation career incentive pay specified in section 301a(b) of such title and corresponding to the officer’s years of aviation service or years of service as an officer.

(d) **COVERAGE OF PERIOD OF LAPSED AUTHORITY.**—(1) In the case of an aviation officer described in paragraph (2) who executes an agreement under section 301b of title 37, United States Code, during the 90-day period beginning on the date of the enactment of this Act, the Secretary concerned may deem such agreement to have been executed and accepted for purposes of such section on the first date on which the officer would have qualified for such an agreement had the amendment made by subsection (a) taken effect on October 1, 1989.

(2) An aviation officer referred to in paragraph (1) is an officer who, during the period beginning on October 1, 1989, and ending on the date of the enactment of this Act, would have qualified for an agreement under such section had the amendment made by subsection (a) taken effect on October 1, 1989.

(3) For purposes of this subsection, the term “Secretary concerned” has the meaning given that term by section 101(5) of title 37, United States Code.

SEC. 633. REDUCTION IN NONOPERATIONAL FLYING DUTY POSITIONS

(a) **REDUCTIONS REQUIRED.**—(1) Not later than September 30, 1991, the Secretary of Defense shall reduce the number of nonoperational

37 USC 301b
note.

37 USC 301b
note.

flying duty positions in the Armed Forces to a number equal to not more than 98 percent of the total number of such positions in existence on September 30, 1989.

(2) Not later than September 30, 1992, the Secretary of Defense shall reduce the number of nonoperational flying duty positions in the Armed Forces to a number equal to not more than 95 percent of the total number of such positions in existence on September 30, 1989.

(b) **LIMITATION ON INCREASES IN NONOPERATIONAL FLYING DUTY POSITIONS.**—No increase in the number of nonoperational flying duty positions in the Armed Forces (as a percentage of all flying duty positions in the Armed Forces) may be made after September 30, 1992, unless the increase is specifically authorized by law.

(c) **DEFINITIONS.**—For purposes of this section:

(1) The term “Armed Forces” does not include the Coast Guard.

(2) The term “nonoperational flying duty position” means a position in a military department identified by the Secretary of that department as a position that—

(A) requires the assignment of an aviator; and

(B) does not include operational flying duty (as defined in section 301a(6)(A) of title 37, United States Code).

SEC. 634. MINIMUM SERVICE REQUIREMENT FOR AVIATORS

(a) **IN GENERAL.**—(1) Chapter 37 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 653. Minimum service requirement for certain flight crew positions

“(a) **PILOTS.**—The minimum active duty obligation of any member who successfully completes training in the armed forces as a pilot shall be 8 years, if the member is trained to fly fixed-wing jet aircraft, and 6 years, if the member is trained to fly any other type of aircraft.

“(b) **NAVIGATORS AND NAVAL FLIGHT OFFICERS.**—The minimum active duty obligation of any member who successfully completes training in the armed forces as a navigator or naval flight officer shall be 6 years.

“(c) **DEFINITION.**—In this section, the term ‘active duty obligation’ means the period of active duty required to be served after—

“(1) completion of undergraduate pilot training in the case of training as a pilot;

“(2) completion of undergraduate navigator training in the case of training as a navigator; or

“(3) completion of undergraduate training as a naval flight officer in the case of training as a naval flight officer.”

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

“653. Minimum service requirement for certain flight crew positions.”

10 USC 653 note.

(b) **EFFECTIVE DATE.**—(1) Except as provided in paragraphs (2) and (3), section 653 of title 10, United States Code, as added by subsection (a)(1), shall apply to persons who begin undergraduate pilot training, undergraduate navigator training, or undergraduate naval flight officer training, as the case may be, after September 30, 1990.

(2) Such section shall apply to persons who graduate from the United States Military Academy, the United States Naval Academy,

the United States Air Force Academy, and the Coast Guard Academy after December 31, 1991, and to persons who satisfactorily complete the academic and military requirements of the Senior Reserve Officers' Training Corps program (provided for in chapter 103 of title 10, United States Code) after December 31, 1991.

(3) The minimum service requirements provided for such section shall not apply in the case of any person who entered into an agreement with the Secretary concerned before October 1, 1990, and who is obligated under the terms of such agreement to serve on active duty for a period less than the applicable period specified in section 653 of such title.

(4) For purposes of this subsection, the term "Secretary concerned" has the meaning given that term in section 101(8) of title 10, United States Code.

SEC. 635. REPORT ON LIFE INSURANCE

(a) **REPORT REQUIRED.**—Not later than November 15, 1990, the Secretary of Defense shall submit to the Congress a report evaluating the adequacy of the current Servicemen's Group Life Insurance program and the practicability and desirability of providing an accidental death insurance plan for aviators and other aviation crew members serving on active duty that provides for the payment of death benefits in the amount of \$100,000 for death resulting directly from the performance of operational flying duty. The report shall include a legislative proposal containing the recommendations of the Secretary following such evaluation and a recommendation on the advisability of providing an accidental death insurance plan for other members of the Armed Forces on active duty in an occupational specialty characterized as hazardous.

(b) **DEFINITION.**—For purposes of subsection (a), the term "operational flying duty" has the meaning given to that term in section 301a(a)(6)(A) of title 37, United States Code.

SEC. 636. REPORT ON AVIATOR ASSIGNMENT POLICIES AND PRACTICES

Not later than September 15, 1990, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and House of Representatives a report evaluating the aviator assignment policies and practices of the Armed Forces. The report shall include an analysis of the effectiveness and efficiency of the aviator assignment policies and practices of the Armed Forces, including an analysis of the policies and practices followed in accommodating the assignment preferences of aviators within operational needs of the Armed Forces.

SEC. 637. SENSE OF CONGRESS REGARDING ESTABLISHMENT OF COMMISSION TO CONDUCT A STUDY ON THE NATIONAL SHORTAGE OF AVIATORS

(a) **ESTABLISHMENT OF COMMISSION.**—In view of the critical shortage of qualified aviators in both the Armed Forces and in the commercial airline industry of the United States, it is the sense of Congress that the President should establish a commission to study the reasons for such shortages and to consider effective and practicable means of eliminating the shortages.

(b) **MEMBERS OF THE COMMISSION.**—A commission established by the President pursuant to subsection (a) should include as members—

- (1) representatives from the commercial airline industry;

- (2) representatives from the commercial and general aviation pilots organizations;
 - (3) representatives from the Department of Defense;
 - (4) representatives from the Department of Transportation;
 - and
 - (5) representatives from such other sources as the President considers appropriate.
- (c) **TIME OF APPOINTMENT.**—The President should appoint all members of the commission not later than February 15, 1990.
- (d) **REPORT.**—The commission should submit a report on the results of its study to the President and Congress not later than March 1, 1991, together with specific recommendations for eliminating the shortage of aviators in the United States.

PART E—MONTGOMERY GI BILL AMENDMENTS

SEC. 641. INCREASE IN AMOUNT PAYABLE UNDER MONTGOMERY GI BILL FOR CRITICAL SPECIALTIES

Section 1415(c) of title 38, United States Code, is amended by striking out “\$400 per month” and inserting in lieu thereof “\$400 per month, in the case of an individual who first became a member of the Armed Forces before the date of the enactment of the National Defense Authorization Act for Fiscal Years 1990 and 1991, or \$700 per month, in the case of an individual who first became a member of the Armed Forces on or after that date”.

SEC. 642. PAYMENTS FOR VOCATIONAL-TECHNICAL TRAINING UNDER RESERVE-COMPONENT GI BILL

(a) **IN GENERAL.**—Section 2131(c)(1) of title 10, United States Code, is amended to read as follows:

“(c)(1) Educational assistance may be provided under this chapter for pursuit of any program of education that is an approved program of education for purposes of chapter 30 of title 38 other than a program of education in a course of instruction beyond the baccalaureate degree level.”.

(b) **AMOUNT OF ASSISTANCE.**—Section 2131 of such title is amended—

(1) in subsection (b)—

(A) by striking out “Each” and inserting in lieu thereof “Except as provided in subsections (d) through (f), each”;

and

(B) by inserting “, through the Secretary of Veterans Affairs,” after “Secretary concerned”; and

(2) by adding at the end the following:

“(d)(1) Except as provided in paragraph (2), the amount of the monthly educational assistance allowance payable to a person pursuing a full-time program of apprenticeship or other on-the-job training under this chapter is—

“(A) for each of the first six months of the person’s pursuit of such program, 75 percent of the monthly educational assistance allowance otherwise payable to such person under this chapter;

“(B) for each of the second six months of the person’s pursuit of such program, 55 percent of such monthly educational assistance allowance; and

“(C) for each of the months following the first 12 months of the person’s pursuit of such program, 35 percent of such monthly educational assistance allowance.

"(2) In any month in which any person pursuing a program of education consisting of a program of apprenticeship or other on-the-job training fails to complete 120 hours of training, the amount of the monthly educational assistance allowance payable under this chapter to the person shall be limited to the same proportion of the applicable full-time rate as the number of hours worked during such month, rounded to the nearest 8 hours, bears to 120 hours.

"(3)(A) Except as provided in subparagraph (B), for each month that such person is paid a monthly educational assistance allowance under this chapter, the person's entitlement under this chapter shall be charged at the rate of—

"(i) 75 percent of a month in the case of payments made in accordance with paragraph (1)(A);

"(ii) 55 percent of a month in the case of payments made in accordance with paragraph (1)(B); and

"(iii) 35 percent of a month in the case of payments made in accordance with paragraph (1)(C).

"(B) Any such charge to the entitlement shall be reduced proportionately in accordance with the reduction in payment under paragraph (2).

"(e)(1) The amount of the monthly educational assistance allowance payable to a person pursuing a cooperative program under this chapter shall be 80 percent of the monthly allowance otherwise payable to such person under this chapter.

"(2) For each month that a person is paid a monthly educational assistance allowance for pursuit of a cooperative program under this chapter, the person's entitlement under this chapter shall be charged at the rate of 80 percent of a month.

"(f)(1)(A) The amount of the educational assistance allowance payable under this chapter to a person who enters into an agreement to pursue, and is pursuing, a program of education exclusively by correspondence is an amount equal to 55 percent of the established charge which the institution requires nonveterans to pay for the course or courses pursued by such person.

"(B) For purposes of subparagraph (A), the term 'established charge' means the lesser of—

"(i) the charge for the course or courses determined on the basis of the lowest extended time payment plan offered by the institution and approved by the appropriate State approving agency; or

"(ii) the actual charge to the person for such course or courses.

"(C) Such allowance shall be paid quarterly on a pro rata basis for the lessons completed by the person and serviced by the institution.

"(2) In each case in which the amount of educational assistance is determined under paragraph (1), the period of entitlement of the person concerned shall be charged with one month for each \$140 which is paid to the individual as an educational assistance allowance."

(c) CONFORMING AMENDMENTS.—Section 2136(b) of such title is amended—

(1) by striking out the first sentence and inserting in lieu thereof the following: "Except as otherwise provided in this chapter, the provisions of sections 1434(b), 1663, 1670, 1671, 1673, 1674, 1676, 1682(g), and 1683 of title 38 and the provisions of subchapters I and II of chapter 36 of such title (with the exception of sections 1780(c), 1780(g), 1786(a), 1787, and 1792)

shall be applicable to the provision of educational assistance under this chapter.”; and

(2) by striking out “, as used” in the second sentence and inserting in lieu thereof “and the term ‘a person’, as used”.

10 USC 2131
note.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall apply with respect to any person who after September 30, 1990, meets the requirements set forth in subparagraph (A) or (B) of section 2132(a)(1) of title 10, United States Code.

SEC. 643. LIMITATION OF ACTIVE GUARD AND RESERVE PERSONNEL TO ACTIVE-DUTY PROGRAM

(a) **LIMITATION.**—Section 2132(d) of title 10, United States Code, is amended by adding at the end the following new sentence: “However, a person may not receive credit under the program established by this chapter for service (in any grade) on full-time active duty or full-time National Guard duty for the purpose of organizing, administering, recruiting, instructing, or training the reserve components in a position which is included in the end strength required to be authorized each year by section 115(b)(1)(A)(ii) of this title.”.

10 USC 2131
note.

(b) **SAVINGS PROVISION.**—The amendment made by subsection (a) shall not affect the eligibility for educational assistance of any person who before the date of the enactment of this Act is entitled to educational assistance under section 2131(a) of title 10, United States Code.

SEC. 644. REPORT ON IMPOSITION OF CONTRIBUTION REQUIREMENT FOR PARTICIPATION IN CHAPTER 106 PROGRAM

Not later than March 15, 1990, the Secretary of Defense shall submit to Congress a report setting forth the views of the Secretary on the desirability and the practicability of requiring members of the reserve components, as a condition of participating in the educational assistance program under chapter 106 of title 10, United States Code, to sustain a reduction in pay in the same manner as applies to members of the Armed Forces on active duty who participate in the educational assistance program under chapter 30 of title 38, United States Code.

SEC. 645. TECHNICAL AMENDMENTS

(a) **REFERENCES TO ADMINISTRATOR OF VETERANS' AFFAIRS.**—Chapter 106 of title 10, United States Code, is amended—

(1) by striking out “Administrator of Veterans' Affairs” in sections 2131(b)(4), 2132(c), 2132(d), and 2136(a) and inserting in lieu thereof “Secretary of Veterans Affairs”; and

(2) by striking out “to the Administrator” in section 2132(c) and inserting in lieu thereof “to that Secretary”.

(b) **OTHER TECHNICAL AMENDMENTS.**—(1) Section 2131(b) of such title is amended by striking out “and educational” in the matter preceding paragraph (1) and inserting in lieu thereof “of an educational”.

(2) Section 2132(d) of such title is amended by striking out “An individual” and inserting in lieu thereof “A person”.

PART F—PERSONNEL AND COMPENSATION TECHNICAL AMENDMENTS

SEC. 651. TECHNICAL AMENDMENTS TO MILITARY RETIREMENT LAWS

(a) CLARIFICATION OF COMPUTATION OF RETIRED PAY UNDER HIGH-THREE SYSTEM.—Section 1407 of title 10, United States Code, is amended—

- (1) in subsection (b), by inserting “or (d)” after “subsection (c)”;
- (2) by striking out subsections (c), (e), (f) and (g);
- (3) by redesignating subsection (d) as subsection (e); and
- (4) by inserting after subsection (b) the following new subsections (c) and (d):

“(c) COMPUTATION OF HIGH-THREE AVERAGE FOR MEMBERS ENTITLED TO RETIRED OR RETAINER PAY FOR REGULAR SERVICE.—

“(1) GENERAL RULE.—The high-three average of a member entitled to retired or retainer pay under any provision of law other than section 1204 or 1205 or section 1331 of this title is the amount equal to—

“(A) the total amount of monthly basic pay to which the member was entitled for the 36 months (whether or not consecutive) out of all the months of active service of the member for which the monthly basic pay to which the member was entitled was the highest, divided by

“(B) 36.

“(2) SPECIAL RULE FOR SHORT-TERM DISABILITY RETIREES.—In the case of a member who is entitled to retired pay under section 1201 or 1202 of this title and who has completed less than 36 months of active service, the member’s high-three average (notwithstanding paragraph (1)) is the amount equal to—

“(A) the total amount of basic pay to which the member was entitled during the period of the member’s active service, divided by

“(B) the number of months (including any fraction thereof) of the member’s active service.

“(d) COMPUTATION OF HIGH-THREE AVERAGE FOR MEMBERS AND FORMER MEMBERS ENTITLED TO RETIRED PAY FOR NONREGULAR SERVICE.—

“(1) RETIRED PAY UNDER CHAPTER 67.—The high-three average of a member or former member entitled to retired pay under section 1331 of this title is the amount equal to—

“(A) the total amount of monthly basic pay to which the member or former member was entitled during the member or former member’s high-36 months (or to which the member or former member would have been entitled if the member or former member had served on active duty during the entire period of the member or former member’s high-36 months), divided by

“(B) 36.

“(2) NONREGULAR SERVICE DISABILITY RETIRED PAY.—The high-three average of a member entitled to retired pay under section 1204 or 1205 of this title is the amount equal to—

“(A) the total amount of monthly basic pay to which the member was entitled during the member’s high-36 months (or to which the member would have been entitled if the

member had served on active duty during the entire period of the member's high-36 months), divided by

“(B) 36.

“(3) SPECIAL RULE FOR SHORT-TERM DISABILITY RETIREES.—In the case of a member who is entitled to retired pay under section 1204 or 1205 of this title and who was a member for less than 36 months before being retired under that section, the member's high-three average (notwithstanding paragraph (2)) is the amount equal to—

“(A) the total amount of basic pay to which the member was entitled during the entire period the member was a member of a uniformed service before being so retired (or to which the member would have been entitled if the member had served on active duty during the entire period the member was a member of a uniformed service before being so retired), divided by

“(B) the number of months (including any fraction thereof) which the member was a member before being so retired.

“(4) HIGH-36 MONTHS.—The high-36 months of a member or former member whose retired pay is covered by paragraph (1) or (2) are the 36 months (whether or not consecutive) out of all the months before the member or former member became entitled to retired pay for which the monthly basic pay to which the member or former member was entitled (or would have been entitled if serving on active duty during those months) was the highest. In the case of a former member, only months during which the former member was a member of a uniformed service may be used for purposes of the preceding sentence.”

(b) CLARIFICATION OF APPLICABILITY OF PROVISIONS TO FORMER MEMBERS ENTITLED TO RETIRED PAY.—Chapter 71 of title 10, United States Code, is amended as follows:

(1) Section 1401a is amended—

(A) in subsection (b)(3), by inserting “and former member” after “member” the first place it appears;

(B) in subsection (e), by inserting “or former member” after “member” the first and third places it appears; and

(C) in subsection (f), by inserting “or former member” in the second sentence after “member”.

(2) Section 1407(b) is amended by striking out “member” and “member's” and inserting in lieu thereof “person” and “person's”, respectively.

(3) Section 1409(a)(1) is amended by striking out “who is retired” and inserting in lieu thereof “who is entitled to that pay”.

(4) Section 1410 is amended—

(A) in the matter preceding paragraph (1), by inserting “or former member” after “member” each place (other than the second place) it appears; and

(B) in paragraph (1), by striking out “member's retired pay” and inserting in lieu thereof “retired pay of the member or former member”.

(c) PAYMENTS FROM MILITARY RETIREMENT FUND.—Section 1463(a) of such title is amended—

(1) in paragraph (1), by striking out “persons” and inserting in lieu thereof “members”;

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

(3) by inserting after paragraph (1) the following new paragraph (2):

"(2) retired pay payable under chapter 67 of this title to former members of the armed forces (other than retired pay payable by the Secretary of Transportation);"

(d) **CLARIFICATION OF ENTITLEMENT OF RETIRED RESERVISTS FOR SERVICE PERFORMED WHILE IN RETIRED STATUS.**—Section 675 of title 10, United States Code, is amended by adding at the end the following: "A member of the Ready Reserve (other than a member transferred to the Retired Reserve under section 1001(b) of this title) who is ordered to active duty or other appropriate duty in a retired status may be credited under chapter 67 of this title with service performed pursuant to such order. A member in a retired status is not eligible for promotion (or for consideration for promotion) as a Reserve."

SEC. 652. REPEAL OF CERTAIN OBSOLETE AND EXPIRED PROVISIONS

(a) **TITLE 10.**—Title 10, United States Code, is amended as follows:

(1)(A) Section 971(a) is amended by striking out ", under an appointment accepted after June 25, 1956,".

(B) The limitation in section 971(a) of title 10, United States Code, shall not apply with respect to a period of service referred to in that section while also serving under an appointment as a cadet or midshipman accepted before June 26, 1956.

10 USC 971 note.

(2) Section 971(b) is amended—

(A) in paragraph (1), by striking out ", if he was appointed as a midshipman or cadet after March 4, 1913"; and

(B) in paragraph (2), by striking out ", if he was appointed as a midshipman or cadet after August 24, 1912".

(3) Section 1482(e) is amended by striking out "the effective date of this subsection, or the date of death," and inserting in lieu thereof "the date of death".

(4) Sections 3014(f), 5014(f), and 8014(f) are each amended by striking out paragraph (5).

(5) Section 6330(a) is amended by striking out "under—" and all that follows through "this section." and inserting in lieu thereof "under this section."

(6) Section 8925(a) is amended by striking out "and service computed under section 8683 of this title".

(7) Section 8926 is amended—

(A) in subsection (a)—

(i) by inserting "and" at the end of paragraph (1);

(ii) by striking out the semicolon at the end of paragraph (2) and inserting in lieu thereof a period; and

(iii) by striking out paragraphs (3) and (4); and

(B) by striking out subsection (d).

(b) **TITLE 37.**—Title 37, United States Code, is amended as follows:

(1) Sections 308b(e) and 308c(e) are each amended by striking out the second sentence.

(2) Section 308c(a) is amended by striking out ", after September 30, 1978,".

SEC. 653. OTHER TECHNICAL AND CLERICAL AMENDMENTS

(a) **AMENDMENTS FOR STYLISTIC CONSISTENCY.**—Title 10, United States Code, is amended as follows:

- (1) Section 502 is amended by striking out "or affirmation".
- (2) Section 603(f) is amended—
- (A) by striking out "terminates—" and inserting in lieu thereof "terminates on the earliest of the following:";
- (B) by striking out "on the" in paragraph (1) and inserting in lieu thereof "The";
- (C) by striking out the semicolon at the end of paragraph (1) and inserting in lieu thereof a period;
- (D) by striking out "at the" in paragraph (2) and inserting in lieu thereof "The";
- (E) by striking out "; or" at the end of paragraph (2) and inserting in lieu thereof a period;
- (F) by striking out "on the" in paragraph (3) and inserting in lieu thereof "The"; and
- (G) by striking out the semicolon at the end of paragraph (3) and all that follows and inserting in lieu thereof a period.
- (3) Section 671b(a) is amended by striking out "Armed Forces of the United States" and inserting in lieu thereof "armed forces".
- (4) Section 1076(e)(3)(C) is amended by striking out "1 year" and inserting in lieu thereof "one year".
- (5) Section 1408(a) is amended—
- (A) by striking out "(26 U.S.C. 3402(i))" in paragraph (4)(D); and
- (B) by inserting "entitled to retired pay under section 1331 of this title" in paragraph (5) after "a former member".
- (6) Section 1482(a) is amended—
- (A) by striking out "expenses of—" and inserting in lieu thereof "expenses of the following:";
- (B) by capitalizing the first letter of the first word in each of paragraphs (1) through (11);
- (C) by striking out the semicolon at the end of paragraphs (1) through (9) and inserting in lieu thereof a period;
- (D) by striking out "; and" at the end of paragraph (10) and inserting in lieu thereof a period; and
- (E) in paragraph (11)—
- (i) by striking out "clause" each place it appears and inserting in lieu thereof "paragraph"; and
- (ii) by striking out "decedent; for the" and inserting in lieu thereof "decedent. For the".
- (b) CORRECTION OF TABLE HEADING.—Section 305a(b) of title 37, United States Code, is amended by inserting "COMMISSIONED" before "OFFICERS" in the heading of the table in that subsection relating to officers in pay grades O-1 through O-6.
- (c) CORRECTIONS TO AMENDMENTS MADE BY PUBLIC LAW 100-456.—
- (1) Section 411g(a) of title 37, United States Code, is amended by striking out "to" after "may be paid".
- (2) Section 419 of such title is amended—
- (A) by striking out "a officer" both places it appears and inserting in lieu thereof "an officer"; and
- (B) by striking out "to" after "may be paid".
- (d) PUNCTUATION AMENDMENT.—Section 209(c) of title 37, United States Code, is amended by striking out the period after "title 10" the first place it appears.

(e) **CROSS REFERENCE CORRECTIONS.**—(1) Section 1094(c)(2) of title 10, United States Code, is amended by striking out “subsections (b) and (d) through (g)” and inserting in lieu thereof “subsections (c) and (e) through (h)”.

(2) Section 403(b)(1)(B) of Public Law 99-661 (10 U.S.C. 521 note) is amended by striking out “3033,” and “8033,” and inserting in lieu thereof “3021,” and “8021,” respectively.

(f) **DATE OF ENACTMENT REFERENCE.**—Section 1102(j)(1) of title 10, United States Code, is amended by striking out “the date of the enactment of this section” and inserting in lieu thereof “November 14, 1986”.

(g) **REFERENCE TO THE CANAL ZONE.**—Section 708(a) of title 32, United States Code, is amended by striking out “governor of each State and Territory, Puerto Rico, and the Canal Zone” and inserting in lieu thereof “Governor of each State or Territory and Puerto Rico”.

PART G—MISCELLANEOUS

SEC. 661. MILITARY RELOCATION ASSISTANCE PROGRAMS

10 USC 113 note.

(a) **REQUIREMENT TO PROVIDE ASSISTANCE.**—Not later than October 1, 1990, the Secretary of Defense shall establish a program to provide relocation assistance to members of the Armed Forces and their families as provided in this section. In addition, the Secretary of Defense shall make every effort, consistent with readiness objectives, to stabilize and lengthen tours of duty to minimize the adverse effects of relocation.

(b) **TYPES OF ASSISTANCE.**—(1) The Secretary of each military department, under regulations prescribed by the Secretary of Defense, shall provide relocation assistance, through military relocation assistance programs described in subsection (c), to members of the Armed Forces who are ordered to make a change of permanent station which includes a move to a new location (and for dependents of such members who are authorized to move in connection with the change of permanent station).

Regulations.

(2) The relocation assistance provided shall include the following:

(A) Provision of destination area information and preparation (to be provided before the change of permanent station takes effect), with emphasis on information with regard to moving costs, housing costs and availability, child care, spouse employment opportunities, cultural adaptation, and community orientation.

(B) Provision of counseling about financial management, home buying and selling, renting, stress management aimed at intervention and prevention of abuse, property management, and shipment and storage of household goods (including motor vehicles and pets).

(C) Provision of settling-in services, with emphasis on available government living quarters, private housing, child care, spouse employment assistance information, cultural adaptation, and community orientation.

(D) Provision of home finding services, with emphasis on services for locating adequate, affordable temporary and permanent housing.

(c) **MILITARY RELOCATION ASSISTANCE PROGRAMS.**—(1) The Secretary shall provide for the establishment of military relocation

assistance programs to provide the relocation assistance described in subsection (b). The Secretary shall establish such a program in each geographic area in which at least 500 members of the Armed Forces are assigned to or serving at a military installation. A member who is not stationed within a geographic area that contains such a program shall be given access to such a program. The Secretary shall ensure that persons on the staff of each program are trained in the techniques and delivery of professional relocation assistance.

(2) The Secretary shall ensure that, not later than September 30, 1991, information available through each military relocation assistance program shall be managed through a computerized information system that can interact with all other military relocation assistance programs of the military departments, including programs located outside the continental United States.

(3) Duties of each military relocation assistance program shall include assisting personnel offices on the military installation in using the computerized information available through the program to help provide members of the Armed Forces who are deciding whether to reenlist information on locations of possible future duty assignments.

(d) **DIRECTOR.**—The Secretary of Defense shall establish the position of Director of Military Relocation Assistance Programs in the office of the Assistant Secretary of Defense (Force Management and Personnel). The Director shall oversee development and implementation of the military relocation assistance programs under this section.

(e) **REGULATIONS.**—This section shall be administered under regulations prescribed by the Secretary of Defense.

(f) **ANNUAL REPORT.**—Not later than March 1 each year, the Secretary of Defense, acting through the Director of Military Relocation Assistance Programs, shall submit to Congress a report on the program under this section and on military family relocation matters. The report shall include the following:

(1) An assessment of available, affordable private-sector housing for members of the Armed Forces and their families.

(2) An assessment of the actual nonreimbursed costs incurred by members of the Armed Forces and their families who are ordered to make a change of permanent station.

(3) Information (shown by military installation) on the types of locations at which members of the Armed Forces assigned to duty at military installations live, including the number of members of the Armed Forces who live on a military installation and the number who do not live on a military installation.

(4) Information on the effects of the relocation assistance programs established under this section on the quality of life of members of the Armed Forces and their families and on retention and productivity of members of the Armed Forces.

(g) **INAPPLICABILITY TO COAST GUARD.**—This section does not apply to the Coast Guard.

(h) **DEADLINE FOR REGULATIONS.**—The Secretary of Defense shall prescribe regulations to implement this section not later than July 1, 1990.

(i) **REPORT ON PLAN FOR IMPLEMENTATION.**—Not later than March 1, 1990, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on a plan for the full implementation of the programs

provided for in this section. The report shall include an estimate of the cost of implementing that plan.

SEC. 662. EXTENSION OF TEST PROGRAM OF REIMBURSEMENT FOR ADOPTION EXPENSES

(a) **INCLUSION OF COAST GUARD.**—(1) Subsection (a) of section 638 of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (101 Stat. 1106; 10 U.S.C. 113 note) is amended—

(A) by inserting “under the jurisdiction of the Secretary” after “member of the Armed Forces”; and

(B) by adding at the end the following new sentence: “The Secretary of Transportation shall carry out a similar test program under which a member of the Coast Guard may be reimbursed, as provided in this section, for qualifying adoption expenses incurred by the member.”.

(2) Subsection (f) of such section is amended to read as follows:

“(f) **REGULATIONS.**—The Secretary of Defense shall prescribe regulations to carry out this section with respect to members of the Armed Forces under the Secretary’s jurisdiction. The Secretary of Transportation shall prescribe regulations to carry out this section with respect to members of the Coast Guard.”.

(b) **PERIOD COVERED BY TEST PROGRAM.**—Subsection (h) of such section is amended to read as follows:

“(h) **DURATION OF TEST PROGRAM.**—The test program under this section shall apply with respect to qualifying adoption expenses incurred for adoption proceedings initiated—

“(1) in the case of a member of the Army, Navy, Air Force, or Marine Corps, after September 30, 1987, and before October 1, 1990; and

“(2) in the case of a member of the Coast Guard, after September 30, 1989, and before October 1, 1990.”.

(c) **TECHNICAL AMENDMENTS.**—(1) Subsection (a) of such section is amended—

(A) by striking out “shall establish” and inserting in lieu thereof “shall carry out”; and

(B) by striking out “in the adoption of a child”.

(2) Subsection (g)(1) of such section is amended by inserting “under 18 years of age” after “legal adoption of a child”.

SEC. 663. REPEAL OF FOUR-YEAR RESERVE OFFICER UNIFORM ALLOWANCE

(a) **REPEAL OF ALLOWANCE.**—Section 416 of title 37, United States Code, is amended—

(1) by striking out subsection (a);

(2) by striking out “(b) In addition” and all that follows through “of this section” and inserting in lieu thereof “(a) In addition to the allowance provided by section 415 of this title”;

(3) by striking out “he” and inserting in lieu thereof “the officer”; and

(4) by designating the sentence beginning “However, this subsection does not” as subsection (b) and in that sentence striking out “However, this subsection” and inserting in lieu thereof “Subsection (a)”.

(b) **SAVE PAY PROVISION.**—An officer of an armed force who, but for the amendments made by subsection (a), would have become entitled to a uniform reimbursement under section 416(a) of title 37, United States Code, before the end of the one-year period beginning

37 USC 416 note.

on the date of the enactment of this Act shall be entitled (during such one-year period) to receive such reimbursement under such section as in effect on the day before the date of the enactment of this Act.

SEC. 664. REIMBURSEMENT FOR FINANCIAL INSTITUTION CHARGES INCURRED BECAUSE OF GOVERNMENT ERROR IN DIRECT DEPOSIT OF PAY

(a) **EXTENSION OF SCOPE OF REIMBURSEMENT AUTHORITY.**—(1) Subsection (a) of section 1053 of title 10, United States Code, is amended to read as follows:

“(a)(1) A member of the armed forces (or a former member of the armed forces entitled to retired pay under chapter 67 of this title) who, in accordance with law or regulation, participates in a program for the automatic deposit of pay to a financial institution may be reimbursed by the Secretary concerned for a covered late-deposit charge.

“(2) A covered late-deposit charge for purposes of paragraph (1) is a charge (including an overdraft charge or a minimum balance or average balance charge) that is levied by a financial institution and that results from an administrative or mechanical error on the part of the Government that causes the pay of the person concerned to be deposited late or in an incorrect manner or amount.”.

(2) Subsection (d) of such section is amended to read as follows:

“(d) In this section:

“(1) The term ‘financial institution’ has the meaning given the term ‘financial organization’ in section 3332(a) of title 31.

“(2) The term ‘pay’ includes (A) retired pay, and (B) allowances.”.

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

“§ 1053. Reimbursement for financial institution charges incurred because of Government error in mandatory direct deposit of pay”.

(B) The item relating to such section in the table of sections at the beginning of chapter 53 of such title is amended to read as follows:

“1053. Reimbursement for financial institution charges incurred because of Government error in mandatory direct deposit of pay.”.

(b) **OTHER DEPARTMENT OF DEFENSE PERSONNEL.**—(1) Chapter 81 of such title is amended by adding after section 1593, as added by section 336, the following new section:

“§ 1594. Reimbursement for financial institution charges incurred because of Government error in mandatory direct deposit of pay

“(a)(1) A civilian officer or employee of the Department of Defense who, in accordance with law or regulation, participates in a program for the automatic deposit of pay to a financial institution may be reimbursed for a covered late-deposit charge.

“(2) A covered late-deposit charge for purposes of paragraph (1) is a charge (including an overdraft charge or a minimum balance charge) that is levied by a financial institution and that results from an administrative or mechanical error on the part of the Government that causes the pay of the officer or employee concerned to be deposited late or in an incorrect manner or amount.

“(b) Reimbursements under this section shall be made from appropriations available for the pay of the officer or employee concerned.

“(c) The Secretaries concerned shall prescribe regulations to carry out this section, including regulations for the manner in which reimbursement under this section is to be made.

“(d) in this section:

“(1) The term ‘financial institution’ has the meaning given the term ‘financial organization’ in section 3332(a) of title 31.

“(2) The term ‘pay’ includes allowances.”.

(2) The table of sections at the beginning of such chapter is amended by adding after the item relating to section 1593, as added by section 336, the following new item:

“1594. Reimbursement for financial institution charges incurred because of Government error in mandatory direct deposit of pay.”.

(c) **EFFECTIVE DATE.**—The amendments made by subsection (a), and section 1594 of title 10, United States Code, as added by subsection (b), shall apply with respect to pay and allowances deposited (or scheduled to be deposited) on or after the first day of the first month beginning after the date of the enactment of this Act.

10 USC 1053
note.

TITLE VII—HEALTH CARE PROVISIONS

PART A—HEALTH CARE PROFESSIONS PERSONNEL MATTERS

SEC. 701. AUTHORITY TO REPAY LOANS OF CERTAIN HEALTH PROFESSIONALS WHO SERVE IN THE SELECTED RESERVE

(a) **EXPANSION OF EDUCATION LOANS THAT QUALIFY FOR REPAYMENT.**—Subsection (a) of section 2172 of title 10, United States Code, is amended—

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

(2) by striking out the period at the end of paragraph (3) and inserting in lieu thereof “; and”; and

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

“(4) a loan made, insured, or guaranteed through a recognized financial or educational institution if that loan was used to finance education regarding a health profession that the Secretary of Defense determines to be critically needed in order to meet identified wartime combat medical skill shortages.”.

(b) **EXTENSION OF AUTHORITY.**—Subsection (d) of such section is amended by striking out “October 1, 1990” and inserting in lieu thereof “October 1, 1992”.

(c) **TECHNICAL AMENDMENTS.**—(1) Subsection (a) of such section is amended by striking out “a portion of” in paragraph (1).

(2) Subsection (c) of such section is amended by striking out “portion of” in paragraph (2) and inserting in lieu thereof “amount of”.

(d) **REPORT ON LOAN REPAYMENTS.**—(1) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report—

(A) evaluating the loan repayment program for certain health professionals established under section 2172 of title 10, United States Code (as amended by this section); and

(B) containing a legislative proposal to establish a comprehensive and coordinated program in the military departments to repay education loans for health professionals who serve on active duty or in a reserve component.

(2) The report required by paragraph (1) shall be submitted not later than January 15, 1990.

SEC. 702. REVISION OF MILITARY PHYSICIAN SPECIAL PAY STRUCTURE

(a) **VARIABLE SPECIAL PAY.**—Subsection (a)(2) of section 302 of title 37, United States Code, is amended—

(1) by striking out “\$10,000” in subparagraph (C) and inserting in lieu thereof “\$12,000”;

(2) by striking out “\$9,500” in subparagraph (D) and inserting in lieu thereof “\$11,500”;

(3) by striking out “\$9,000” in subparagraph (E) and inserting in lieu thereof “\$11,000”;

(4) by striking out “\$8,000” in subparagraph (F) and inserting in lieu thereof “\$10,000”;

(5) by striking out “\$7,000” in subparagraph (G) and inserting in lieu thereof “\$9,000”;

(6) by striking out “\$6,000” in subparagraph (H) and inserting in lieu thereof “\$8,000”; and

(7) by striking out “\$5,000” in subparagraph (I) and inserting in lieu thereof “\$7,000”.

(b) **ADDITIONAL SPECIAL PAY.**—Subsection (a)(4) of such section is amended—

(1) by striking out “(A)”;

(2) by striking out “who has less than ten years of creditable service”;

(3) by striking out “\$9,000” and inserting in lieu thereof “\$15,000”; and

(4) by striking out subparagraph (B).

(c) **BOARD CERTIFICATION PAY.**—Subsection (a)(5) of such section is amended—

(1) by striking out “\$2,000” in subparagraph (A) and inserting in lieu thereof “\$2,500”;

(2) by striking out “\$2,500” in subparagraph (B) and inserting in lieu thereof “\$3,500”;

(3) by striking out “\$3,000” in subparagraph (C) and inserting in lieu thereof “\$4,000”;

(4) by striking out “\$4,000” in subparagraph (D) and inserting in lieu thereof “\$5,000”; and

(5) by striking out “\$5,000” in subparagraph (E) and inserting in lieu thereof “\$6,000”.

(d) **INCENTIVE SPECIAL PAY.**—Subsection (b)(1) of such section is amended by striking out “\$8,000 for any twelve-month period” and all that follows through the period and inserting in lieu thereof “\$16,000 for any twelve-month period beginning in fiscal year 1990, \$22,000 for any twelve-month period beginning in fiscal year 1991, \$29,000 for any twelve-month period beginning in fiscal year 1992, and \$36,000 for any twelve-month period beginning after fiscal year 1992.”

(e) **RESERVE MEDICAL OFFICERS SPECIAL PAY.**—Subsection (h) of such section is amended to read as follows:

“(h) **RESERVE MEDICAL OFFICERS SPECIAL PAY.**—(1) A reserve medical officer described in paragraph (2) is entitled to special pay at the rate of \$450 a month for each month of active duty.

“(2) A reserve medical officer referred to in paragraph (1) is a reserve officer who—

“(A) is an officer of the Medical Corps of the Army or the Navy or an officer of the Air Force designated as a medical officer; and

“(B) is on active duty under a call or order to active duty for a period of less than one year.”

(f) **STYLISTIC AMENDMENTS.**—Such section is further amended—

(1) by inserting “**VARIABLE, ADDITIONAL, AND BOARD CERTIFICATION SPECIAL PAY.**—” in subsection (a) after “(a)”;

(2) by inserting “**INCENTIVE SPECIAL PAY.**—” in subsection (b) after “(b)”;

(3) by inserting “**ACTIVE-DUTY AGREEMENT.**—” in subsection (c) after “(c)”;

(4) by inserting “**REGULATIONS.**—” in subsection (d) after “(d)”;

(5) by inserting “**FREQUENCY OF PAYMENTS.**—” in subsection (e) after “(e)”;

(6) by inserting “**REFUND FOR PERIOD OF UNSERVED OBLIGATED SERVICE.**—” in subsection (f) after “(f)”;

(7) by inserting “**DETERMINATION OF CREDITABLE SERVICE.**—” in subsection (g) after “(g)”;

(8) by inserting “**EFFECT OF DISCHARGE IN BANKRUPTCY.**—” in subsection (i) after “(i)”;

(9) by striking out “of this section” and “of this subsection” each place they appear (other than in subsection (g)).

(g) **EFFECTIVE DATE.**—(1) The amendments made by subsections (a) and (c) shall take effect on January 1, 1990.

37 USC 302 note.

(2) The amendments made by subsections (b) and (d) shall apply to an agreement entered into under section 302(c)(1) of title 37, United States Code, on or after the date of the enactment of this Act.

(3) The amendment made by subsection (e) shall take effect on January 1, 1990, and shall apply to pay periods beginning on or after such date.

SEC. 703. EXTENSION AND EXPANSION OF MEDICAL OFFICER RETENTION BONUS PROGRAM

(a) **BONUS AUTHORIZED.**—Subsection (a) of section 612 of the National Defense Authorization Act, Fiscal Year 1989 (102 Stat. 1979; 37 U.S.C. 302 note), is amended by striking out “September 30, 1989” in paragraph (1) and inserting in lieu thereof “September 30, 1990”.

(b) **LIMITATION ON AMOUNT OF INCENTIVE SPECIAL PAY.**—Subsection (a) of such section is further amended by adding at the end the following new paragraph:

“(3) Notwithstanding any other provision of law, the amount of incentive special pay under section 302(b) of title 37, United States Code, paid to a medical officer who executes an agreement under paragraph (1) may not exceed \$16,000 during each year covered by the agreement.”

(c) **COVERED OFFICERS.**—Subsection (b) of such section is amended—

(1) in paragraph (3), by striking out “; and” and inserting in lieu thereof “or has completed any active-duty service commitment incurred for medical education and training;”;

(2) by striking out paragraph (4) and inserting in lieu thereof the following:

“(4) has completed initial residency training (or will complete such training before October 1, 1991); and

“(5) is not pursuing a medical residency or fellowship subsequent to completing initial residency training.”

(d) REPORT.—(1) Subsection (g) of such section is amended to read as follows:

“(g) REPORT.—(1) Not later than March 1, 1990, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report evaluating—

“(A) the effectiveness of the Armed Forces in retaining medical officers by providing a retention bonus under this section to medical officers who make a multi-year active-duty service commitment; and

“(B) the effectiveness and practicability of such alternative multi-year options as the Secretary considers appropriate to encourage medical officers to make active-duty service commitments of longer length.

“(2) The options evaluated by the Secretary under paragraph (1)(B) shall include—

“(A) a proposal to increase the payment of additional special pay under subsection (a)(4) of section 302 of title 37, United States Code, by \$2,000 for a two-year active-duty service commitment, \$4,000 for a three-year active-duty service commitment, and \$8,000 for a four-year active-duty service commitment; and

“(B) a proposal to increase the amount of incentive special pay provided under subsection (b) of such section to medical officers who make a multi-year active-duty service commitment by a certain percentage based on the length of the active-duty service commitment.

“(3) The Secretary shall include for each option evaluated under paragraph (1) an assessment of the cost of such option if implemented and methods to fund such option within the amounts provided for special pay under section 302 of title 37, United States Code.”

(2) Such section is further amended by striking out subsection (i).

37 USC 302 note.

(e) TRANSITION FOR CERTAIN OFFICERS EXCLUDED DURING FISCAL YEAR 1989.—(1) In the case of an agreement that was executed by a medical officer under section 612 of the National Defense Authorization Act, Fiscal Year 1989 (102 Stat. 1979; 37 U.S.C. 302 note), before October 1, 1989, but that was not accepted by the Secretary concerned solely because of the limitation contained in subsection (h) of such section, the Secretary concerned may accept such agreement during the 90-day period beginning on the date of the enactment of this Act notwithstanding such limitation.

(2) An agreement accepted under this subsection may be deemed by the Secretary concerned to have been accepted on the date on which the officer executed the agreement during fiscal year 1989.

37 USC 302 note.

(f) COVERAGE OF PERIOD OF LAPSED AUTHORITY.—In the case of a medical officer described in paragraph (2) who executes an agreement under section 612 of the National Defense Authorization Act, Fiscal Year 1989 (102 Stat. 1979; 37 U.S.C. 302 note), during the 90-day period beginning on the date of the enactment of this Act, the Secretary concerned may deem such agreement to have been executed and accepted for purposes of such section on the first date on which the officer would have qualified for such agreement had the authority referred to in such paragraph not lapsed.

(2) A medical officer referred to in paragraph (1) is an officer who, during the period beginning on October 1, 1989, and ending on the date of the enactment of this Act, would have qualified for an agreement under such section but for the fact that the authority for the payment of bonuses provided by such section had lapsed.

(g) **SECRETARY CONCERNED DEFINED.**—For purposes of subsections (e) and (f), the term “Secretary concerned” has the meaning given that term by section 101(5) of title 37, United States Code.

37 USC 302 note.

SEC. 704. SPECIAL PAY FOR PSYCHOLOGISTS

(a) **SPECIAL PAY AUTHORIZED.**—Section 302c of title 37, United States Code, is amended by adding at the end the following new subsection:

“(c) **ARMY, NAVY, AND AIR FORCE PSYCHOLOGISTS.**—The Secretary of Defense may provide special pay at the rates specified in subsection (b) to an officer who—

“(1) is an officer in the Medical Service Corps of the Army or Navy or a biomedical sciences officer in the Air Force;

“(2) is designated as a psychologist; and

“(3) has been awarded a diploma as a Diplomate in Psychology by the American Board of Professional Psychology.”

(b) **CLERICAL AMENDMENTS.**—(1) The section heading of such section is amended by striking out “in the Public Health Service Corps”.

(2) The item relating to section 302c in the table of sections at the beginning of chapter 5 of such title is amended by striking out “in the Public Health Service Corps”.

(c) **STYLISTIC AMENDMENTS.**—Such section is further amended—

(1) by inserting “PUBLIC HEALTH SERVICE CORPS.—” in subsection (a) after “(a)”; and

(2) by inserting “RATE OF SPECIAL PAY.—” in subsection (b) after “(b)”.

(d) **IMPLEMENTATION OF AMENDMENT.**—The Secretary of Defense may not implement subsection (c) of section 302c of title 37, United States Code (as added by subsection (a)), unless the Secretary submits to the Committees on Armed Services of the Senate and House of Representatives a report—

(1) justifying the need of the military departments for the authority provided in such subsection; and

(2) describing the manner in which that authority will be implemented.

Reports.
37 USC 302c
note.

SEC. 705. ACCESSION BONUS FOR REGISTERED NURSES

(a) **ACCESSION BONUS AUTHORIZED.**—(1) Chapter 5 of title 37, United States Code, is amended by adding after section 302c the following new section:

“§ 302d. Special pay: accession bonus for registered nurses

“(a) **ACCESSION BONUS AUTHORIZED.**—(1) A person who is a registered nurse and who, during the period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Years 1990 and 1991 and ending on September 30, 1991, executes a written agreement described in subsection (c) to accept a commission as an officer and remain on active duty for a period of not less than four years may, upon the acceptance of the agreement by the Secretary concerned, be paid an accession bonus in an amount determined by the Secretary concerned.

“(2) The amount of an accession bonus under paragraph (1) may not exceed \$5,000.

“(b) **LIMITATION ON ELIGIBILITY FOR BONUS.**—A person may not be paid a bonus under subsection (a) if—

“(1) the person, in exchange for an agreement to accept an appointment as an officer, received financial assistance from the Department of Defense to pursue a baccalaureate degree; or

“(2) the Secretary concerned determines that the person is not qualified to become and remain licensed as a registered nurse.

“(c) **AGREEMENT.**—The agreement referred to in subsection (a) shall provide that, consistent with the needs of the uniformed service concerned, the person executing the agreement will be assigned to duty, for the period of obligated service covered by the agreement, as an officer of the Nurse Corps of the Army or Navy, an officer of the Air Force designated as a nurse, or an officer designated as a nurse in the commissioned corps of the Public Health Service.

“(d) **REPAYMENT.**—(1) An officer who receives a payment under subsection (a) and who fails to become and remain licensed as a registered nurse during the period for which the payment is made shall refund to the United States an amount equal to the full amount of such payment.

“(2) An officer who voluntarily terminates service on active duty before the end of the period agreed to be served under subsection (a) shall refund to the United States an amount that bears the same ratio to the amount paid to the officer as the unserved part of such period bears to the total period agreed to be served.

“(3) An obligation to reimburse the United States imposed under paragraph (1) or (2) is for all purposes a debt owed to the United States.

“(4) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of an agreement under this section does not discharge the person signing such agreement from a debt arising under such agreement or this subsection. This paragraph applies to any case commenced under title 11 after the date of the enactment of the National Defense Authorization Act for Fiscal Years 1990 and 1991.”

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 302c the following new item:

“302d. Special pay: accession bonus for registered nurses.”

(b) **ADMINISTRATION AND IMPLEMENTATION.**—Section 303a of title 37, United States Code, is amended by inserting “302d,” after “302c,” each place it appears.

(c) **REPORT ON IMPLEMENTATION.**—Not later than March 1, 1990, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report describing the manner in which the authority provided in section 302d of title 37, United States Code (as added by subsection (a)), is implemented.

SEC. 706. INCENTIVE PAY FOR NURSE ANESTHETISTS

(a) **AUTHORIZATION FOR INCENTIVE PAY.**—(1) Chapter 5 of title 37, United States Code, is amended by inserting after section 302d (as added by section 705) the following new section:

“§ 302e. Special pay: nurse anesthetists

“(a) **SPECIAL PAY AUTHORIZED.**—(1) An officer described in subsection (b) who, during the period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Years

1990 and 1991 and ending on September 30, 1991, executes a written agreement to remain on active duty for a period of one year or more may, upon the acceptance of the agreement by the Secretary concerned, be paid incentive special pay in an amount not to exceed \$6,000 for any 12-month period.

“(2) The Secretary concerned shall determine the amount of incentive special pay to be paid to an officer under paragraph (1). In determining that amount, the Secretary concerned shall consider the period of obligated service provided for in the agreement under that paragraph.

“(b) COVERED OFFICERS.—An officer referred to in subsection (a) is an officer of a uniformed service who—

“(1) is an officer of the Nurse Corps of the Army or Navy, an officer of the Air Force designated as a nurse, or an officer designated as a nurse in the commissioned corps of the Public Health Service;

“(2) is a qualified certified registered nurse anesthetist; and

“(3) is on active duty under a call or order to active duty for a period of not less than one year.

“(c) TERMINATION OF AGREEMENT.—Under regulations prescribed by the Secretary of Defense, with respect to the Army, Navy, and Air Force, and the Secretary of Health and Human Services, with respect to the Public Health Service, the Secretary concerned may terminate an agreement entered into under subsection (a). Upon termination of an agreement, the entitlement of the officer to special pay under this section and the agreed upon commitment to active duty of the officer shall end. The officer may be required to refund that part of the special pay corresponding to the unserved period of active duty.

“(d) PAYMENT.—Special pay payable to an officer under subsection (a) of this section shall be paid annually at the beginning of the 12-month period for which the officer is to receive that payment.

“(e) REPAYMENT.—(1) An officer who voluntarily terminates service on active duty before the end of the period agreed to be served under subsection (a) shall refund to the United States an amount that bears the same ratio to the amount paid to the officer as the unserved part of such period bears to the total period agreed to be served.

“(2) An obligation to reimburse the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

“(3) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of an agreement under this section does not discharge the person signing such agreement from a debt arising under such agreement or this subsection. This paragraph applies to any case commenced under title 11 after the date of the enactment of the National Defense Authorization Act for Fiscal Years 1990 and 1991.”

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 302d (as added by section 705) the following new item:

“302e. Special pay: nurse anesthetists.”

(b) ADMINISTRATION AND IMPLEMENTATION.—Section 303a of title 37, United States Code (as amended by section 705(b)), is further amended by inserting “302e,” after “302d,” each place it appears.

(c) REPORT ON MILITARY USE OF CERTIFIED REGISTERED NURSE ANESTHETISTS.—(1) The Secretary of Defense shall submit to the

Committees on Armed Services of the Senate and House of Representatives a report on the use of certified registered nurse anesthetists by the military departments. The report shall include—

(A) a description of restrictions imposed by the military departments on the use of such nurses;

(B) a comparison of such restrictions with restrictions imposed by other entities on the use of such nurses;

(C) a description of the number of persons who annually receive training by the military departments to be certified registered nurse anesthetists; and

(D) the desirability and cost of expanding the capability of the military departments to provide such training.

(2) The report required by paragraph (1) shall be submitted not later than March 1, 1990.

SEC. 707. NURSE OFFICER CANDIDATE ACCESSION BONUS

(a) **BONUS AUTHORIZED.**—Chapter 105 of title 10, United States Code, is amended by adding at the end the following new subchapter:

**“SUBCHAPTER III—NURSE OFFICER CANDIDATE
ACCESSION PROGRAM**

“Sec.

“2130a. Financial assistance: nurse officer candidates.

“§ 2130a. Financial assistance: nurse officer candidates

“(a) **BONUS AUTHORIZED.**—(1) A person described in subsection (b) who, during the period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Years 1990 and 1991 and ending on September 30, 1991, executes a written agreement in accordance with subsection (c) to accept an appointment as a nurse officer may, upon the acceptance of the agreement by the Secretary concerned, be paid an accession bonus of not more than \$5,000. The bonus shall be paid in periodic installments, as determined by the Secretary concerned at the time the agreement is accepted, except that the first installment may not exceed \$2,500.

“(2) In addition to the accession bonus payable under paragraph (1), a person selected under such paragraph shall be entitled to a monthly stipend of not more than \$500 for each month the individual is enrolled as a full-time student in an accredited baccalaureate degree program in nursing at a civilian educational institution that does not have a Senior Reserve Officers' Training Program established under section 2102 of this title. The continuation bonus may be paid for not more than 24 months.

“(b) **ELIGIBLE STUDENTS.**—A person eligible to enter into an agreement under subsection (a) is a person who—

“(1) is enrolled as a full-time student in an accredited baccalaureate degree program in nursing at a civilian educational institution that does not have a Senior Reserve Officers' Training Program established under section 2102 of this title;

“(2) has completed the second year of an accredited baccalaureate degree program in nursing and has more than 6 months of academic work remaining before graduation; and

“(3) meets the qualifications for appointment as an officer of a reserve component of the Army, Navy, or Air Force as set forth in section 591 of this title or, in the case of the Public Health

Service, section 207 of the Public Health Service Act (42 U.S.C. 209) and the regulations of the Secretary concerned.

“(c) **REQUIRED AGREEMENT.**—The agreement referred to in subsection (a) shall provide that the person executing the agreement agrees to the following:

“(1) That the person will complete the nursing degree program described in subsection (b)(1).

“(2) That, upon acceptance of the agreement by the Secretary concerned, the person will enlist in a reserve component of an armed force.

“(3) That the person will accept an appointment as an officer in the Nurse Corps of the Army or the Navy or as an officer designated as a nurse officer in the Air Force or commissioned corps of the Public Health Service, as the case may be, upon graduation from the nursing degree program.

“(4) That the person will serve on active duty as such an officer—

“(A) for a period of 4 years in the case of a person whose agreement was accepted by the Secretary concerned during that person’s fourth year of the nursing degree program; or

“(B) for a period of 5 years in the case of a person whose agreement was accepted by the Secretary concerned during that person’s third year of the nursing degree program.

“(d) **REFUND OF PAYMENTS.**—(1) A person shall refund any bonus or stipend paid under subsection (a) if the person—

“(A) fails to complete a nursing degree program in which the person is enrolled in accordance with the agreement entered into under such subsection;

“(B) having completed the nursing degree program, fails to accept an appointment, if tendered, as an officer of the Nurse Corps of the Army or the Navy or as an officer designated as a nurse officer of the Air Force or commissioned corps of the Public Health Service; or

“(C) fails to complete the period of obligated active service required under the agreement.

“(2) An obligation to reimburse the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

“(3) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of an agreement under this section does not discharge the person signing such agreement from a debt arising under such agreement or this subsection. This paragraph applies to any case commenced under title 11 after the date of the enactment of the National Defense Authorization Act for Fiscal Years 1990 and 1991.”

“(e) **REGULATIONS.**—The Secretaries concerned shall prescribe regulations to carry out this section.”

(b) **CLERICAL AMENDMENT.**—The table of subchapters at the beginning of chapter 105 of such title is amended by adding at the end the following new item:

“III. Nurse Officer Candidate Accession Program 2130a”.

SEC. 708. PROGRAM TO INCREASE USE OF CERTAIN NURSES BY THE MILITARY DEPARTMENTS

10 USC 531 note.

(a) **PROGRAM REQUIRED.**—(1) Not later than September 30, 1991, the Secretary of each military department shall implement a program to appoint persons who have an associate degree or diploma in

nursing (but have not received a baccalaureate degree in nursing) as officers and to assign such officers to duty as nurses.

(2) An officer appointed pursuant to the program required by subsection (a) shall be appointed in a warrant officer grade or in a commissioned grade not higher than O-3. Such officer may not be promoted above the grade of O-3 unless the officer receives a baccalaureate degree in nursing.

(b) **REPORT ON IMPLEMENTATION.**—Not later than April 1, 1990, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the actions taken by the Secretaries of the military departments to implement the program required by this section.

SEC. 709. AUTHORITY TO DEFER MANDATORY RETIREMENT FOR AGE OF REGULAR OFFICERS IN A HEALTH-RELATED PROFESSION

Section 1251(c)(2) of title 10, United States Code, is amended—

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

“(A) Except as provided in subparagraph (B), a deferment”;

(2) by striking out “67 years of age” and inserting in lieu thereof “68 years of age”; and

(3) by adding at the end the following new subparagraph:

“(B) The Secretary concerned may extend a deferment under this subsection beyond the day referred to in subparagraph (A) if the Secretary determines that extension of the deferment is necessary for the needs of the military department concerned. Such an extension shall be made on a case-by-case basis and shall be for such period as the Secretary considers appropriate.”

SEC. 710. RETENTION IN ACTIVE SERVICE OF RESERVE OFFICERS IN A HEALTH-RELATED PROFESSION

(a) **ARMY.**—(1) Subsection (c) of section 3855 of title 10, United States Code, is amended—

(A) by striking out “An officer” and inserting in lieu thereof

“(1) Except as provided in paragraph (2), an officer”;

(B) by striking out “67 years of age” and inserting in lieu thereof “68 years of age”; and

(C) by adding at the end the following new paragraph:

“(2) The Secretary of the Army may retain an officer (other than an officer in the Chaplains) in an active status under this section after the date on which the officer becomes 68 years of age if the Secretary determines that continued retention is necessary for the needs of the Army.”

(2) Such section is further amended by adding at the end the following new subsection:

“(d) Subsection (a)(1) of section 324 of title 32 shall not apply to an officer during any period in which the officer is retained in an active status under this section.”

(b) **NAVY.**—Subsection (c) of section 6392 of such title is amended—

(1) by striking out “An officer” and inserting in lieu thereof

“(1) Except as provided in paragraph (2), an officer”;

(2) by striking out “67 years of age” and inserting in lieu thereof “68 years of age”; and

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

“(2) The Secretary of the Navy may retain an officer (other than an officer in the Chaplain Corps) in an active status under this section after the date on which the officer becomes 68 years of age if

the Secretary determines that continued retention is necessary for the needs of the Navy.”

(c) AIR FORCE.—(1) Subsection (c) of section 8855 of such title is amended—

(A) by striking out “An officer” and inserting in lieu thereof “(1) Except as provided in paragraph (2), an officer”;

(B) by striking out “67 years of age” and inserting in lieu thereof “68 years of age”; and

(C) by adding at the end the following new paragraph:

“(2) The Secretary of the Air Force may retain an officer (other than an officer who is designated as a chaplain) in an active status under this section after the date on which the officer becomes 68 years of age if the Secretary determines that continued retention is necessary for the needs of the Air Force.”

(2) Such section is further amended by adding at the end the following new subsection:

“(d) Subsection (a)(1) of section 324 of title 32 shall not apply to an officer during any period in which the officer is retained in an active status under this section.”

SEC. 711. RETENTION OF CERTAIN RESERVE PSYCHOLOGISTS IN ACTIVE STATUS

(a) ARMY.—Section 3855(a) of title 10, United States Code, is amended by striking out “the podiatry specialty in the Medical Allied Sciences Section of the Medical Service Corps, the Optometry Section of the Medical Service Corps,” and inserting in lieu thereof the following “the Medical Service Corps (if the officer has been designated as an allied health officer or biomedical sciences officer in that Corps),”.

(b) NAVY.—Section 6392(a) of such title is amended by inserting “allied health officer,” before “or biomedical sciences officer”.

SEC. 712. REALLOCATION OF NAVAL RESERVE REAR ADMIRAL POSITIONS AUTHORIZED FOR HEALTH PROFESSIONS

Effective on October 1, 1990, section 5457(a) of title 10, United States Code, is amended—

(1) by striking out “Medical Corps—7” and inserting in lieu thereof “Medical Corps—5”; and

(2) by inserting after and below paragraph (7) the following:

“(8) Nurse Corps—1.

“(9) Medical Service Corps—1.”

PART B—HEALTH CARE MANAGEMENT

SEC. 721. PROHIBITION ON CHARGES FOR OUTPATIENT MEDICAL AND DENTAL CARE

During fiscal years 1990 and 1991, the Secretary of Defense may not impose a charge for the receipt of outpatient medical or dental care at a military medical treatment facility.

SEC. 722. SHARING OF HEALTH-CARE RESOURCES WITH THE DEPARTMENT OF VETERANS AFFAIRS

(a) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by adding at the end the following new section:

Effective date.

10 USC 1074 note.

“§ 1104. Sharing of health-care resources with the Department of Veterans Affairs

“(a) **SHARING OF HEALTH-CARE RESOURCES.**—Health-care resources of the Department of Defense may be shared with health-care resources of the Department of Veterans Affairs in accordance with section 5011 of title 38 or under section 1535 of title 31.

“(b) **REIMBURSEMENT FROM CHAMPUS FUNDS.**—Pursuant to an agreement entered into under section 5011 of title 38 or section 1535 of title 31, the Secretary of a military department may reimburse the Secretary of Veterans Affairs from funds available for that military department for the payment of medical care provided under section 1079 or 1086 of this title.

“(c) **CHARGES.**—The Secretary of Defense may prescribe by regulation a premium, deductible, copayment, or other charge for health care provided to covered beneficiaries under this chapter pursuant to an agreement entered into by the Secretary of a military department under section 5011 of title 38 or section 1535 of title 31.

“(d) **PROVISION OF SERVICES DURING WAR OR NATIONAL EMERGENCY.**—Members of the armed forces on active duty during and immediately following a period of war, or during and immediately following a national emergency involving the use of the armed forces in armed conflict, may be provided health-care services by the Department of Veterans Affairs in accordance with section 5011A of title 38.”

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

“1104. Sharing of health-care resources with the Department of Veterans Affairs.”

10 USC 2687
note.

SEC. 723. PROHIBITION ON REDUCING END STRENGTH LEVELS FOR MEDICAL PERSONNEL AS A RESULT OF BASE CLOSURES AND REALIGNMENTS

(a) **PROHIBITION.**—The end strength levels for medical personnel for each component of the Armed Forces, and the number of civilian personnel of the Department of Defense assigned to military medical facilities, may not be reduced as a result of the closure or realignment of a military installation under section 2687 of title 10, United States Code, or title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

(b) **MEDICAL PERSONNEL DEFINED.**—For purposes of subsection (a), the term “medical personnel” has the meaning given that term in subparagraph (D) of section 115(b)(1) of title 10, United States Code.

Regulations.
10 USC 1101
note.

SEC. 724. REVISED DEADLINE FOR THE USE OF DIAGNOSIS-RELATED GROUPS FOR OUTPATIENT TREATMENT

The regulations required by section 1101(a) of title 10, United States Code, to establish the use of diagnosis-related groups as the primary criteria for the allocation of resources to health care facilities of the uniformed services shall be prescribed to take effect not later than October 1, 1991, in the case of outpatient treatments.

SEC. 725. ARMED FORCES HEALTH PROFESSIONS SCHOLARSHIP PROGRAM

(a) **SPECIALIZED TRAINING DEFINED.**—Section 2120 of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(4) The term 'specialized training' means advanced training in a health professions specialty received in an accredited program that is beyond the basic education required for appointment as a commissioned officer with a designation as a health professional."

(b) **EXPANSION OF PROGRAM.**—Section 2121 of such title is amended—

(1) in subsection (a), by striking out "health professions scholarship program" and inserting in lieu thereof "health professions scholarship and financial assistance program";

(2) in subsection (b), by inserting "and specialized training" after "study"; and

(3) in subsection (c)—

(A) by striking out "of the program" in the second sentence and inserting in lieu thereof "pursuing a course of study"; and

(B) by inserting after the second sentence the following new sentence: "Members pursuing specialized training shall serve on active duty in a pay grade commensurate with their educational level, as determined by appointment under sections 3353, 5600, or 8353 of this title, with full pay and allowances of that grade for a period of 14 days during each year of participation in the program."

(c) **ELIGIBILITY.**—Paragraph (1) of section 2122(a) of such title is amended by striking out "in a course of study" and all that follows through the semicolon and inserting in lieu thereof "in a course of study or selected to receive specialized training;"

(d) **FINANCIAL ASSISTANCE.**—(1) Section 2127 of such title is amended by adding at the end the following new subsection:

"(e) A person participating as a member of the program in specialized training shall be paid an annual grant of \$15,000 in addition to the stipend under section 2121(d) of this title. The amount of the grant shall be increased annually by the Secretary of Defense, effective July 1 of each year, in the same manner as provided for stipends."

Grants.

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

"§ 2127. Scholarships and financial assistance: payments".

(3) The item relating to such section in the table of sections at the beginning of subchapter I of chapter 105 of such title is amended to read as follows:

"2127. Scholarships and financial assistance: payments."

(e) **REPORT ON IMPLEMENTATION.**—Not later than March 1, 1990, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report describing the manner in which the new authority provided by this section is implemented.

10 USC 2127
note.

(f) **REPORT ON SUCCESS OF FINANCIAL ASSISTANCE PROGRAM.**—(1) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report—

(A) evaluating the success of the financial assistance program established by this section; and

(B) describing the number of participants in the program receiving specialized training payments under subsection (e) of section 2127 of title 10, United States Code (as added by subsection (d)) and the projected number of officers to be gained, by

specialty, as a result of the program for each military department.

(2) The report required by paragraph (1) shall be submitted not later than March 1, 1991.

(g) **DELAY IN TARGETING SCHOLARSHIPS FOR CRITICALLY NEEDED WARTIME SKILLS.**—Paragraph (2) of section 2124 of such title is amended by inserting “after September 30, 1991,” after “(2)”.

(h) **CLERICAL AMENDMENTS.**—(1) Section 2120 of title 10, United States Code, is amended by striking out “the Armed Forces Health Professions Scholarship program” each place it appears and inserting in lieu thereof “the Armed Forces Health Professions Scholarship and Financial Assistance program”.

(2) The subchapter heading of subchapter I of chapter 105 of such title is amended to read as follows:

“SUBCHAPTER I—HEALTH PROFESSIONS SCHOLARSHIP AND FINANCIAL ASSISTANCE PROGRAM FOR ACTIVE SERVICE”.

(3) The item relating to such subchapter in the table of subchapters at the beginning of such chapter is amended to read as follows:

“I. Health Professions Scholarship and Financial Assistance Program for Active Service 2120”.

SEC. 726. UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES AND HENRY M. JACKSON FOUNDATION FOR THE ADVANCEMENT OF MILITARY MEDICINE

(a) **INCREASED NUMBER OF EXEMPTIONS FROM DUAL-PAY PROVISION.**—Subsection (f)(2) of section 2113 of title 10, United States Code, is amended by striking out “two exemptions” in the last sentence and inserting in lieu thereof “five exemptions”.

(b) **GRANT AUTHORITY.**—(1) Subsection (j)(1)(A) of such section is amended—

(A) by inserting “, accept grants from, and make grants to” after “contracts with”; and

(B) by striking out “or with” and inserting in lieu thereof “or”.

(2) Subsection (g)(1) of section 178 of such title is amended by inserting “, accept grants from, and make grants to” after “contracts with”.

SEC. 727. RETENTION OF FUNDS COLLECTED FROM THIRD-PARTY PAYERS OF INPATIENT CARE FURNISHED AT FACILITIES OF THE UNIFORMED SERVICES

(a) **RETENTION AUTHORIZED.**—Section 1095 of title 10, United States Code, is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following new subsection (g):

“(g) Amounts collected under this section from a third-party payer for the costs of inpatient hospital care provided at a facility of the uniformed services shall be credited to the appropriation supporting the maintenance and operation of the facility.”

(b) **EFFECTIVE DATE.**—The amendment made by this section shall take effect on October 1, 1989, and shall apply to amounts collected

under section 1095 of title 10, United States Code, on or after that date.

SEC. 728. REALLOCATION OF CERTAIN CIVILIAN PERSONNEL POSITIONS TO MEDICAL SUPPORT

(a) **REALLOCATION OF POSITIONS REQUIRED.**—In implementing the report of the Deputy Inspector General of the Department of Defense entitled "Review of Unified and Specified Command Headquarters" (completed in February 1988), the Secretary of the Army and the Secretary of the Navy shall reallocate to medical support positions the 939 civilian positions selected for elimination.

(b) **REPORT ON REALLOCATION.**—(1) The Secretary of the Army and the Secretary of the Navy shall jointly submit to the Committees on Armed Services of the Senate and House of Representatives a report describing, as of the date such report is submitted—

(A) the medical support positions created pursuant to subsection (a);

(B) the location of such positions; and

(C) the duties of the civilian personnel in such positions.

(2) The report required by paragraph (1) shall be submitted not later than March 1, 1990.

SEC. 729. CODIFICATION OF APPROPRIATION PROVISION RELATING TO CHAMPUS

Subsection (c) of section 1074 of title 10, United States Code, is amended by adding at the end the following new sentence: "If a private facility or health care provider providing care under this subsection is a health care provider under the Civilian Health and Medical Program of the Uniformed Services, the Secretary of Defense, after consultation with the other administering Secretaries, may by regulation require the private facility or health care provider to provide such care in accordance with the same payment rules (subject to any modifications considered appropriate by the Secretary) as apply under that program."

SEC. 730. LIMITATION ON CHAMPUS PAYMENTS TO NONINSTITUTIONAL HEALTH-CARE PROVIDERS

(a) **CHANGE IN LIMITATION.**—Subsection (h) of section 1079 of title 10, United States Code, is amended by striking out "90th percentile" both places it appears and inserting in lieu thereof "80th percentile".

(b) **APPLICABILITY.**—The amendment made by subsection (a) shall apply to services provided on or after October 1, 1989.

10 USC 1079
note.

SEC. 731. CLARIFICATION AND CORRECTION OF PROVISIONS RELATING TO HEALTH BENEFITS FOR CERTAIN FORMER SPOUSES

(a) **ELIGIBILITY OF CERTAIN FORMER SPOUSES.**—Section 1072(2) of title 10, United States Code, is amended—

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

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

(3) by adding at the end the following new clause:

"(H) a person who would qualify as a dependent under clause (G) but for the fact that the date of the final decree of divorce, dissolution, or annulment of the person is on or after April 1, 1985, except that the term does not include the person after the

end of the one-year period beginning on the date of that final decree.”

(b) AVAILABILITY OF CONVERSION HEALTH POLICIES AND EXTENSION OF ELIGIBILITY FOR MEDICAL AND DENTAL CARE.—(1) Chapter 55 of such title is amended by inserting after section 1086 the following new section:

“§ 1086a. Certain former spouses: extension of period of eligibility for health benefits

“(a) AVAILABILITY OF CONVERSION HEALTH POLICIES.—The Secretary of Defense shall inform each person who has been a dependent for a period of one year or more under section 1072(2)(H) of this title of the availability of a conversion health policy for purchase by the person.

“(b) EFFECT OF PURCHASE.—(1) Subject to paragraph (2), if a person who is a dependent for a one-year period under section 1072(2)(H) of this title purchases a conversion health policy within that period (or within a reasonable time after that period as prescribed by the Secretary of Defense), the person shall continue to be eligible for medical and dental care in the manner described in section 1076 of this title and health benefits under section 1086 of this title until the end of the one-year period beginning on the later of—

“(A) the date the person is no longer a dependent under section 1072(2)(H) of this title; and

“(B) the date of the purchase of the policy.

“(2) The extended period of eligibility provided under paragraph (1) shall apply only with regard to a condition of the person that—

“(A) exists on the date on which coverage under the conversion health policy begins; and

“(B) for which care is not provided under the policy solely on the grounds that the condition is a preexisting condition.

“(c) CONVERSION HEALTH POLICY DEFINED.—In this section, the term ‘conversion health policy’ means a health insurance policy with a private insurer, developed through negotiations between the Secretary of Defense and the private insurer, that is available for purchase by or for the use of a person who is a dependent for a one-year period under section 1072(2)(H) of this title.”

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1086 the following new item:

“1086a. Certain former spouses: extension of period of eligibility for health benefits.”

(c) CONFORMING AMENDMENTS.—(1) Subsection (f) of section 1076 of such title is repealed.

(2) Paragraph (3) of section 1086(c) of such title is amended to read as follows:

“(3) A dependent covered by clause (F), (G), or (H) of section 1072(2) of this title who is not eligible under paragraph (1).”

(d) EFFECTIVE DATE; APPLICATION OF AMENDMENTS.—(1) The amendments made by this section apply to a person referred to in section 1072(2)(H) of title 10, United States Code (as added by subsection (a)), whose decree of divorce, dissolution, or annulment becomes final on or after the date of the enactment of this Act.

(2) The amendments made by this section shall also apply to a person referred to in such section whose decree of divorce, dissolution, or annulment became final during the period beginning on

September 29, 1988, and ending on the day before the date of the enactment of this Act, as if the amendments had become effective on September 29, 1988.

(e) **TRANSITION.**—(1) In the case of a person who qualified as a dependent under section 645(c) of the Department of Defense Authorization Act, 1985 (Public Law 98-525; 98 Stat. 2549), on September 28, 1988, the Secretary of Defense shall make a conversion health policy available for purchase by the person during the remaining period the person is considered to be a dependent under that section (or within a reasonable time after that period as prescribed by the Secretary of Defense).

10 USC 1072
note.

(2) Purchase of a conversion health policy under paragraph (1) by a person shall entitle the person to health care for preexisting conditions in the same manner and to the same extent as provided by section 1086a(b) of title 10, United States Code (as added by subsection (b)), until the end of the one-year period beginning on the later of—

(A) the date the person is no longer qualified as a dependent under section 645(c) of the Department of Defense Authorization Act, 1985; and

(B) the date of the purchase of the policy.

(3) For purposes of this subsection, the term "conversion health policy" has the meaning given that term in section 1086a(c) of title 10, United States Code (as added by subsection (b)).

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

PART A—PROCEDURES FOR MAJOR DEFENSE ACQUISITION PROGRAMS

SEC. 801. ASSESSMENT OF RISK IN CONCURRENT DEVELOPMENT OF MAJOR DEFENSE ACQUISITION SYSTEMS

10 USC 2399
note.

(a) **ESTABLISHMENT OF POLICY.**—The Secretary of Defense shall establish guidelines for—

(1) determining the degree of concurrency that is appropriate for the development of major defense acquisition systems; and

(2) assessing the degree of risk associated with various degrees of concurrency.

(b) **REPORT ON GUIDELINES.**—The Secretary shall submit to Congress a report that describes the guidelines established under subsection (a) and the method used for assessing risk associated with concurrency.

(c) **REPORT ON CONCURRENCY IN MAJOR ACQUISITION PROGRAMS.**—

(1) The Secretary shall also submit to Congress a report outlining the risk associated with concurrency for each major defense acquisition program that is in either full-scale development or low-rate initial production as of January 1, 1990.

(2) The report shall include consideration of the following matters with respect to each such program:

(A) The degree of confidence in the enemy threat assessment for establishing the system's requirements.

(B) The type of contract involved.

(C) The degree of stability in program funding.

(D) The level of maturity of technology involved in the system.

(E) The availability of adequate test assets, including facilities and ranges.

(F) The plans for transition from development to production.

(d) **SUBMISSION OF REPORTS.**—The reports under subsections (b) and (c) shall be submitted to Congress not later than March 1, 1990.

(e) **DEFINITION.**—For purposes of this section, the term “concurrency” means the degree of overlap between the development and production processes of an acquisition program.

SEC. 802. OPERATIONAL TEST AND EVALUATION

(a) **IN GENERAL.**—(1) Chapter 141 of title 10, United States Code, is amended by inserting after section 2398 the following new section:

“§ 2399. Operational test and evaluation of defense acquisition programs

“(a) CONDITION FOR PROCEEDING BEYOND LOW-RATE INITIAL PRODUCTION.—(1) The Secretary of Defense shall provide that a major defense acquisition program may not proceed beyond low-rate initial production until initial operational test and evaluation of the program is completed.

“(2) In this subsection, the term “major defense acquisition program” means—

“(A) a conventional weapons system that is a major system within the meaning of that term in section 2302(5) of this title; and

“(B) is designed for use in combat.

“(b) OPERATIONAL TEST AND EVALUATION.—(1) Operational testing of a major defense acquisition program may not be conducted until the Director of Operational Test and Evaluation of the Department of Defense approves (in writing) the adequacy of the plans (including the projected level of funding) for operational test and evaluation to be conducted in connection with that program.

“(2) The Director shall analyze the results of the operational test and evaluation conducted for each major defense acquisition program. At the conclusion of such testing, the Director shall prepare a report stating the opinion of the Director as to—

“(A) whether the test and evaluation performed were adequate; and

“(B) whether the results of such test and evaluation confirm that the items or components actually tested are effective and suitable for combat.

“(3) The Director shall submit each report under paragraph (2) to the Secretary of Defense, the Under Secretary of Defense for Acquisition, and the congressional defense committees. Each such report shall be submitted to those committees in precisely the same form and with precisely the same content as the report originally was submitted to the Secretary and Under Secretary and shall be accompanied by such comments as the Secretary may wish to make on the report.

“(4) A final decision within the Department of Defense to proceed with a major defense acquisition program beyond low-rate initial production may not be made until the Director has submitted to the Secretary of Defense the report with respect to that program under paragraph (2) and the congressional defense committees have received that report.

Reports.

“(5) In this subsection, the term “major defense acquisition program” has the meaning given that term in section 138(a)(2)(B) of this title.

“(c) DETERMINATION OF QUANTITY OF ARTICLES REQUIRED FOR OPERATIONAL TESTING.—The quantity of articles of a new system that are to be procured for operational testing shall be determined by—

“(1) the Director of Operational Test and Evaluation of the Department of Defense, in the case of a new system that is a major defense acquisition program (as defined in section 138(a)(2)(B) of this title); or

“(2) the operational test and evaluation agency of the military department concerned, in the case of a new system that is not a major defense acquisition program.

“(d) IMPARTIALITY OF CONTRACTOR TESTING PERSONNEL.—In the case of a major defense acquisition program (as defined in subsection (a)(2)), no person employed by the contractor for the system being tested may be involved in the conduct of the operational test and evaluation required under subsection (a). The limitation in the preceding sentence does not apply to the extent that the Secretary of Defense plans for persons employed by that contractor to be involved in the operation, maintenance, and support of the system being tested when the system is deployed in combat.

“(e) IMPARTIAL CONTRACTED ADVISORY AND ASSISTANCE SERVICES.—

(1) The Director may not contract with any person for advisory and assistance services with regard to the test and evaluation of a system if that person participated in (or is participating in) the development, production, or testing of such system for a military department or Defense Agency (or for another contractor of the Department of Defense).

“(2) The Director may waive the limitation under paragraph (1) in any case if the Director determines in writing that sufficient steps have been taken to ensure the impartiality of the contractor in providing the services. The Inspector General of the Department of Defense shall review each such waiver and shall include in the Inspector General’s semi-annual report an assessment of those waivers made since the last such report.

“(3) A contractor that has participated in (or is participating in) the development, production, or testing of a system for a military department or Defense Agency (or for another contractor of the Department of Defense) may not be involved (in any way) in the establishment of criteria for data collection, performance assessment, or evaluation activities for the operational test and evaluation.

“(f) SOURCE OF FUNDS FOR TESTING.—The costs for all tests required under subsection (a) shall be paid from funds available for the system being tested.

“(g) DIRECTOR’S ANNUAL REPORT.—As part of the annual report of the Director under section 138 of this title, the Director shall describe for each program covered in the report the status of test and evaluation activities in comparison with the test and evaluation master plan for that program, as approved by the Director. The Director shall include in such annual report a description of each waiver granted under subsection (e)(2) since the last such report.

“(h) DEFINITIONS.—In this section:

“(1) The term ‘operational test and evaluation’ has the meaning given that term in section 138(a)(2)(A) of this title. For

Reports.

purposes of subsection (a), that term does not include an operational assessment based exclusively on—

“(A) computer modeling;

“(B) simulation; or

“(C) an analysis of system requirements, engineering proposals, design specifications, or any other information contained in program documents.

“(2) The term ‘congressional defense committees’ means the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives.”

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2398 the following new item:

“2399. Operational test and evaluation of defense acquisition programs.”

(b) CONFORMING AMENDMENTS TO SECTION 138.—Section 138 of such title is amended—

(1) in subsection (b)—

(A) by inserting “and” at the end of paragraph (4);

(B) by striking out paragraph (5); and

(C) by redesignating paragraph (6) as paragraph (5);

(2) by striking out subsection (c);

(3) by striking out “(d)(1)” and inserting in lieu thereof “(c)”;

(4) by striking out “(2) The Director may not” and inserting in lieu thereof “(d) The Director may not”;

(5) by striking out subsection (f);

(6) by striking out “(g)(1)” and inserting in lieu thereof “(f)”;

(7) by striking out “this paragraph” in the last sentence of subsection (f), as designated by paragraph (6), and inserting in lieu thereof “this subsection”; and

(8) by striking out “(2) The Director shall” and inserting in lieu thereof “(g) The Director shall”.

(c) CONFORMING AMENDMENTS TO SECTION 2366.—(1) Subsection (a)(1) of section 2366 of such title is amended—

(A) by inserting “and” at the end of subparagraph (A);

(B) by striking out “; and” at the end of subparagraph (B) and inserting in lieu thereof a period; and

(C) by striking out subparagraph (C).

(2) Subsection (b) of such section is amended—

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

(B) by redesignating paragraph (3) as paragraph (2).

(3) Subsection (e) of such section is amended—

(A) by striking out paragraphs (3) and (7); and

(B) by redesignating paragraphs (4), (5), (6), and (8) as paragraphs (3), (4), (5), and (6), respectively.

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

“§ 2366. Major systems and munitions programs: survivability testing and lethality testing required before full-scale production”.

(B) The item relating to such section in the table of sections at the beginning of chapter 139 of such title is amended to read as follows:

“2366. Major systems and munitions programs: survivability testing and lethality testing required before full-scale production”.

SEC. 803. LOW-RATE INITIAL PRODUCTION

(a) IN GENERAL.—Chapter 141 of title 10, United States Code, is amended by inserting after section 2399 (as added by section 802) the following new section:

"§ 2400. Low-rate initial production of new systems

"(a) DETERMINATION OF QUANTITIES TO BE PROCURED FOR LOW-RATE INITIAL PRODUCTION.—(1) In the course of the development of a major system, the determination of what quantity of articles of that system should be procured for low-rate initial production (including the quantity to be procured for preproduction verification articles) shall be made—

"(A) when the milestone II decision with respect to that system is made; and

"(B) by the official of the Department of Defense who makes that decision.

"(2) In paragraph (1), the term 'milestone II decision' means the decision to approve the full-scale engineering development of a major system by the official of the Department of Defense designated to have the authority to make that decision.

"(3) Any increase from a quantity determined under paragraph (1) may only be made with the approval of the official making the determination.

"(4) The Secretary of Defense shall include a statement of the quantity determined under paragraph (1) in the first SAR submitted with respect to the program concerned after that quantity is determined. For purposes of the preceding sentence, the term 'SAR' means a Selected Acquisition Report submitted under section 2432 of this title.

"(b) LOW-RATE INITIAL PRODUCTION OF WEAPON SYSTEMS.—Except as provided in subsection (c), low-rate initial production with respect to a new system is production of the system in the minimum quantity necessary—

"(1) to provide production-configured or representative articles for operational tests pursuant to section 2399 of this title;

"(2) to establish an initial production base for the system; and

"(3) to permit an orderly increase in the production rate for the system sufficient to lead to full-rate production upon the successful completion of operational testing.

"(c) LOW-RATE INITIAL PRODUCTION OF NAVAL VESSEL AND SATELLITE PROGRAMS.—(1) With respect to naval vessel programs and military satellite programs, low-rate initial production is production of items at the minimum quantity and rate that (A) preserves the mobilization production base for that system, and (B) is feasible, as determined pursuant to regulations prescribed by the Secretary of Defense.

"(2) For each naval vessel program and military satellite program, the Secretary of Defense shall submit to Congress a report providing—

"(A) an explanation of the rate and quantity prescribed for low-rate initial production and the considerations in establishing that rate and quantity;

"(B) a test and evaluation master plan for that program; and

"(C) an acquisition strategy for that program that has been approved by the Secretary, to include the procurement objec-

Reports.

tives in terms of total quantity of articles to be procured and annual production rates.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2399 (as added by section 802) the following new item: “2400. Low-rate initial production of new systems.”.

SEC. 804. MODIFICATIONS WITH RESPECT TO REPORTS ON LIVE-FIRE TESTING PROGRAMS

(a) **TESTING REPORT TO BE SUBMITTED BEFORE PRODUCTION.**—Subsection (a)(1) of section 2366 of title 10, United States Code (as amended by section 842), is amended by inserting “and the report required by subsection (d) with respect to that testing is submitted in accordance with that subsection” after “this section” in subparagraphs (A) and (B).

(b) **CONTENT OF TESTING REPORT.**—Subsection (d) of such section is amended by adding at the end the following: “Each such report shall describe the results of the survivability or lethality testing and shall give the Secretary’s overall assessment of the testing.”.

SEC. 805. PROCEDURES APPLICABLE TO MULTIYEAR PROCUREMENT CONTRACTS

(a) **ADDITIONAL REQUIREMENTS.**—Section 2306(h) of title 10, United States Code, is amended by adding at the end the following new paragraphs:

“(9) A multiyear contract may not be entered into for any fiscal year under this subsection unless each of the following conditions is satisfied:

“(A) The Secretary of Defense certifies to Congress that the current five-year defense program fully funds the support costs associated with the multiyear program.

“(B) The proposed multiyear contract provides for production at not less than minimum economic rates given the existing tooling and facilities.

“(C) The proposed multiyear contract—

“(i) achieves a 10 percent savings as compared to the cost of current negotiated contracts, adjusted for changes in quantity and for inflation; or

“(ii) achieves a 10 percent savings as compared to annual contracts if no recent contract experience exists.

“(10) The Secretary of Defense may instruct the Secretary of the military department concerned to incorporate into a proposed multiyear contract negotiated priced options for varying the quantities of end items to be procured over the period of the contract.

“(11) If for any fiscal year a multiyear contract to be entered into under this subsection is authorized by law for a particular procurement program and that authorization is subject to certain conditions established by law (including a condition as to cost savings to be achieved under the multiyear contract in comparison to specified other contracts) and if it appears (after negotiations with contractors) that such savings cannot be achieved, but that substantial savings could nevertheless be achieved through the use of a multiyear contract rather than specified other contracts, the President may submit to Congress a request for relief from the specified cost savings that must be achieved through multiyear contracting for that program. Any such request by the President shall include

details about the request for a multiyear contract, including details about the negotiated contract terms and conditions.”

(b) **CONFORMING REPEAL.**—Section 104 of Public Law 100-526 (102 Stat. 2624) is repealed.

10 USC 2306
note.
10 USC 2306
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(c) **TRANSITION.**—Subparagraph (C) of paragraph (9) of section 2306(h) of title 10, United States Code, as added by subsection (a), does not apply to programs that are under a multiyear contract on the date of the enactment of this Act.

SEC. 806. REVISION OF LIMITATION ON TRANSFER OF CERTAIN TECHNICAL DATA PACKAGES TO FOREIGN COUNTRIES

(a) **COUNTRIES TO WHICH TRANSFERS MAY BE MADE.**—Subsection

(b) of section 4542 of title 10, United States Code, is amended—

(1) in paragraph (1), by striking out “a friendly foreign country” and inserting in lieu thereof “a member nation of the North Atlantic Treaty Organization or a country designated as a major non-NATO ally”;

(2) in paragraph (2)(B), by inserting “, except as provided in subsection (e)” before the semicolon at the end; and

(3) in paragraph (3), by inserting “or (d)” after “subsection (c)”.

(b) **COOPERATIVE PROJECT AGREEMENTS.**—Such section is further amended—

(1) by redesignating subsections (d), (e), and (f) as subsections (f), (g), and (h), respectively; and

(2) by inserting after subsection (c) the following new subsections:

“(d) **COOPERATIVE PROJECT AGREEMENTS.**—An agreement under this subsection is a cooperative project agreement under section 27 of the Arms Export Control Act (22 U.S.C. 2767) which includes provisions that—

“(1) for development phases describe the technical data to be transferred and for the production phase prescribe the content of the technical data package or assistance to be transferred to the foreign country participating in the agreement;

“(2) require that at least the United States production of the defense item to which the technical data package or assistance relates be carried out by the arsenal concerned; and

“(3) require the Secretary of Defense to monitor compliance with the agreement.

“(e) **LICENSING FEES AND ROYALTIES.**—The limitation in subsection (b)(2)(B) shall not apply if the technology (or production technique) transferred is subject to nonexclusive license and payment of any negotiated licensing fee or royalty that reflects the cost of development, implementation, and prove-out of the technology or production technique. Any negotiated license fee or royalty shall be placed in the operating fund of the arsenal concerned for the purpose of capital investment and technology development at that arsenal.”

(c) **CONFORMING AMENDMENT.**—Subsection (f) of such section (as redesignated by subsection (b)(1)) is amended by inserting “or a cooperative project” in paragraph (1) after “cooperative research and development program”.

PART B—CHANGES TO ACQUISITION STATUTES

SEC. 811. ACQUISITION REPORT STREAMLINING

(a) UNIT COST REPORTS.—(1) Subsection (a) of section 2433 of title 10, United States Code, is amended—

(A) in paragraph (2), by inserting “the service acquisition executive designated by” before “the Secretary concerned”; and

(B) in paragraph (4)—

(i) by inserting “the service acquisition executive designated by” before “the Secretary concerned”;

(ii) in clause (A), by striking out “unit cost report submitted under subsection (e)(2)(B)(ii) with respect to” and inserting in lieu thereof “Selected Acquisition Report submitted under subsection (e)(2)(B) that includes information on”; and

(iii) in clause (B), by striking out “subsection (e)(2)(B)(ii) with respect to the program during that three-quarter period, the most recent unit cost report submitted under subsection (e)(1) with respect to the program” and inserting in lieu thereof “subsection (e)(2)(B) with respect to the program during that three-quarter period, the most recent Selected Acquisition Report submitted under subsection (e)(1) that includes information on the program”.

(2) Subsection (b) of section 2433 of such title is amended—

(A) by striking out “(b) The program manager” and all that follows through the colon preceding paragraph (1) and inserting in lieu thereof the following:

“(b) The program manager for a major defense acquisition program (other than a program not required to be included in the Selected Acquisition Report for that quarter under section 2432(b)(3) of this title) shall, on a quarterly basis, submit to the service acquisition executive designated by the Secretary concerned a written report on the unit costs of the program. Each report shall be submitted not more than 7 days (excluding Saturdays, Sundays, and legal public holidays) after the end of that quarter. The program manager shall include in each such unit cost report the following information with respect to the program (as of the last day of the quarter for which the report is made):”; and

(B) in paragraph (4), by striking out “Selected Acquisition Report” and inserting in lieu thereof “description established under section 2435 of this title”.

(3) Subsection (c) of section 2433 of such title is amended—

(A) in paragraph (1)—

(i) by striking out “fiscal-year” in the matter above clause (A); and

(ii) in the matter following clause (C)—

(I) by inserting “the service acquisition executive designated by” before “the Secretary concerned” the first place it appears;

(II) by striking out “(other than the unit cost report under subsection (b) for the last quarter of the preceding fiscal year)” and inserting in lieu thereof “(other than the last quarterly unit cost report under subsection (b) for the preceding fiscal year)”; and

(III) by striking out "Secretary concerned" the second place it appears and inserting in lieu thereof "such service acquisition executive"; and

(B) in paragraph (2)—

(i) in the matter above clause (A)—

(I) by inserting "the service acquisition executive designated by" before "the Secretary concerned" the first place it appears; and

(II) by striking out "(other than the unit cost report under subsection (b) for the last quarter of the preceding fiscal year)" and inserting in lieu thereof "(other than the last quarterly unit cost report under subsection (b) for the preceding fiscal year)"; and

(ii) by striking out "Secretary concerned" each place it appears in clauses (A), (B), and (C) and in the matter following clause (C) and inserting in lieu thereof "such service acquisition executive".

(4) Subsection (d) of section 2433 of such title is amended—

(A) in paragraph (1)—

(i) by inserting "the service acquisition executive designated by" before "the Secretary concerned" the first place it appears; and

(ii) by striking out "Secretary shall determine" and inserting in lieu thereof "service acquisition executive shall determine";

(B) in paragraph (2)—

(i) by inserting "the service acquisition executive designated by" before "the Secretary concerned" the first place it appears; and

(ii) by striking out "Secretary concerned shall, in addition to the determination under paragraph (1), determine" and inserting in lieu thereof "service acquisition executive, in addition to the determination under paragraph (1), shall determine"; and

(C) by striking out paragraph (3) and inserting in lieu thereof the following:

"(3) If, based upon the service acquisition executive's determination, the Secretary concerned determines (for the first time since the beginning of the current fiscal year) that the current program acquisition unit cost has increased by more than 15 percent, or by more than 25 percent, as determined under paragraph (1) or that the current procurement unit cost has increased by more than 15 percent, or by more than 25 percent, as determined under paragraph (2), the Secretary shall notify Congress in writing of such determination and of the increase with respect to such program within 30 days after the date on which the service acquisition executive reports his determination of such increase in such unit cost to the Secretary and shall include in such notification the date on which the determination was made."

(5) Subsection (e) of section 2433 of such title is amended—

(A) by striking out "(e)(1)" and all that follows through the end of paragraph (2) and inserting in lieu thereof the following:

"(e)(1)(A) Except as provided in subparagraph (B), whenever the Secretary concerned determines under subsection (d) that the current program acquisition cost of a major defense acquisition program has increased by more than 15 percent, a Selected Acquisition Report shall be submitted to Congress for the first fiscal-year quar-

ter ending on or after the date of the determination and such report shall include the information described in section 2432(e) of this title. The report shall be submitted within 45 days after the end of that quarter.

“(B) Whenever the Secretary makes a determination referred to in subparagraph (A) in the case of a major defense acquisition program during the second quarter of a fiscal year and before the date on which the President transmits the budget for the following fiscal year to Congress pursuant to section 1105 of title 31, the Secretary is not required to file a Selected Acquisition Report under subparagraph (A) but shall include the information described in subsection (g) regarding that program in the comprehensive annual Selected Acquisition Report submitted in that quarter.

“(2) If the percentage increase in the current program acquisition cost of a major defense acquisition program (as determined by the Secretary under subsection (d)) exceeds 25 percent, the Secretary of Defense shall submit to Congress, before the end of the 30-day period beginning on the day the Selected Acquisition Report containing the information described in subsection (g) is required to be submitted under section 2432(f) of this title—

“(A) a written certification, stating that—

“(i) such acquisition program is essential to the national security;

“(ii) there are no alternatives to such acquisition program which will provide equal or greater military capability at less cost;

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

“(iv) the management structure for the acquisition program is adequate to manage and control program acquisition unit cost or procurement unit cost; and

“(B) if a report under paragraph (1) has been previously submitted to Congress with respect to such program for the current fiscal year but was based upon a different unit cost report from the program manager to the service acquisition executive designated by the Secretary concerned, a further report containing the information described in subsection (g), determined from the time of the previous report to the time of the current report.”; and

(B) in paragraph (3)—

(i) by striking out “(3)” and inserting in lieu thereof the following: “(3) If a determination of a more than 15 percent increase is made by the Secretary under subsection (d) and a Selected Acquisition Report containing the information described in subsection (g) is not submitted to Congress under paragraph (1), or if a determination of a more than 25 percent increase is made by the Secretary under subsection (d) and the certification of the Secretary of Defense is not submitted to Congress under paragraph (2), funds appropriated for military construction, for research, development, test, and evaluation, and for procurement may not be obligated for a major contract under the program.”;

(ii) by striking out “in subsection (d)(3)(B)”;

(iii) in clause (A)—

(I) by striking out “report of the Secretary concerned” and inserting in lieu thereof “Selected Acquisition Report”; and

(II) by striking out “(2)(B)(ii)” and inserting in lieu thereof “(2)(B)”; and

(iv) in clause (B)—

(I) by striking out “report of the Secretary concerned” and inserting in lieu thereof “Selected Acquisition Report”;

(II) by striking out “(2)(B)(ii)” and inserting in lieu thereof “(2)(B)”; and

(III) by striking out “(2)(B)(i)” and inserting in lieu thereof “(2)(A)”.

(6) Subsection (g)(2) of section 2433 of such title is amended by adding at the end the following new sentence: “The certification of the Secretary of Defense under subsection (e) is not required to be submitted for termination or cancellation of a program.”.

(b) ENHANCED PROGRAM STABILITY.—Section 2435 of title 10, United States Code, is amended—

(1) in subsection (a)(2)(B)(iv), by striking out “development” and inserting in lieu thereof “production”; and

(2) in subsection (b)—

(A) by striking out “senior procurement executive of such military department (designated pursuant to section 16(3) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(3))” in paragraph (1) and inserting in lieu thereof “service acquisition executive designated by such Secretary”; and

(B) by striking out “90 days—” in paragraph (2) and inserting in lieu thereof “180 days—”.

(c) SELECTED ACQUISITION REPORTS.—Section 2432(b)(2)(A) of title 10, United States Code, is amended by striking out “5 percent change in total program cost” and inserting in lieu thereof “15 percent increase in program acquisition unit cost and current procurement unit cost”.

SEC. 812. THREE-YEAR PROGRAM FOR USE OF MASTER AGREEMENTS FOR PROCUREMENT OF ADVISORY AND ASSISTANCE SERVICES

Section 2304 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(j)(1) The Secretary of Defense may enter into agreements (known as ‘master agreements’) with responsible sources under which the Secretary may issue orders for the performance of specific advisory and assistance services. Any such agreement shall specify terms and conditions for the subsequent procurement of advisory and assistance services from the sources. The period covered by any such agreement may not exceed two years. Any such agreement may only be entered into using procedures that, in the case of the award of a contract, would be competitive procedures. Any such agreement shall be entered into with at least three of the sources that submit offers for the master agreement.

“(2) Following the establishment of sources for advisory and assistance services through the use of a master agreement described in paragraph (1), the Secretary of Defense (A) may request offers from all sources with master agreements for the services for which offers are being requested if the contracting officer determines that there is a reasonable expectation that offers will be obtained from at least two sources, and (B) may issue orders (known as ‘task orders’) pursuant to the request for offers to such sources for the perform-

ance of specific advisory and assistance services, subject to the requirements of this subsection. Any such request for offers shall contain a statement of work clearly specifying all tasks to be performed under the order. Upon evaluation of an offer or offers resulting from a request, the task order shall be issued to the source submitting the offer that the Secretary of Defense determines to be the most advantageous to the United States, considering only cost or price and other factors included in the request for offers.

“(3)(A) The requirements for the giving of notice of certain solicitations that are prescribed in section 18 of the Office of Federal Procurement Policy Act (41 U.S.C. 416) and section 8(e) of the Small Business Act (15 U.S.C. 637(e)) shall apply to solicitations for offers for a master agreement under this subsection in the same manner and to the same extent as those requirements apply to solicitations for proposals for a contract for services for a price expected to exceed \$25,000.

“(B) Such requirements for the giving of notice shall not apply to the issuance of orders under a master agreement entered into pursuant to the procedures established under this section, except that the Secretary of Defense shall furnish for publication by the Secretary of Commerce a notice announcing the order.

“(4) The total value of task orders issued under master agreements by any contracting activity in a fiscal year may not exceed the amount equal to 30 percent of the value of all contracts for advisory and assistance services awarded by that contracting activity during fiscal year 1989.

“(5) The authority provided by this subsection to enter into master agreements shall terminate at the end of the three-year period beginning on the date on which final regulations prescribed to carry out this subsection take effect.”

SEC. 813. AVAILABILITY OF FUNDS FOR OBLIGATION FOLLOWING THE RESOLUTION OF A PROTEST

(a) **IN GENERAL.**—Subchapter IV of chapter 15 of title 31, United States Code, is amended by adding at the end the following new section:

“§ 1558. Availability of funds following resolution of a protest

“(a) Notwithstanding section 1552 of this title or any other provision of law, funds available to an agency for obligation for a contract at the time a protest is filed in connection with a solicitation for, proposed award of, or award of such contract shall remain available for obligation for 90 working days after the date on which the final ruling is made on the protest. A ruling is considered final on the date on which the time allowed for filing an appeal or request for reconsideration has expired, or the date on which a decision is rendered on such an appeal or request, whichever is later.

“(b) Subsection (a) applies with respect to any protest filed under subchapter V of chapter 35 of this title or under section 111(f) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(f)).”

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

“1558. Availability of funds following resolution of a protest.”

SEC. 814. POST-EMPLOYMENT RESTRICTIONS

(a) **CLARIFICATION.**—(1) Section 27 of the Office of Federal Procurement Policy Act (41 U.S.C. 423) is amended—

(A) by inserting “, except as provided in subsection (c)” in subsections (a)(1) and (b)(1) before the semicolon;

(B)(i) by redesignating subsections (j) through (n) as subsections (l) through (p), respectively; and

(ii) by redesignating subsections (c) through (i) as subsections (d) through (j), respectively; and

(C) by inserting after subsection (b) the following new subsection (c):

“(c) **RECUSAL.**—(1) A procurement official may engage in a discussion with a competing contractor that is otherwise prohibited by subsection (b)(1) if, before engaging in such discussion—

“(A) the procurement official proposes in writing to disqualify himself from the conduct of any procurement relating to the competing contractor (i) for any period during which future employment or business opportunities for such procurement official with such competing contractor have not been rejected by either the procurement official or the competing contractor, and (ii) if determined to be necessary by the head of such procuring official’s procuring activity (or his designee) in accordance with criteria prescribed in implementing regulations, for a reasonable period thereafter; and

“(B) the head of that procuring activity of such procurement official (or his designee), after consultation with the appropriate designated agency ethics official, approves in writing the recusal of the procurement official.

“(2) A procurement official who, during the period beginning with the issuance of a procurement solicitation and ending with the award of a contract, has participated personally and substantially in the evaluation of bids or proposals, selection of sources, or conduct of negotiations in connection with such solicitation and contract may not be approved for a recusal under paragraph (1) during such period with respect to such procurement.

“(3) A procurement official who, during the period beginning with the negotiation of a modification or extension of a contract and ending with—

“(A) an agreement to modify or extend the contract, or

“(B) a decision not to modify or extend the contract,

has participated personally and substantially in the evaluation of a proposed modification or extension or the conduct of negotiations may not be approved for a recusal under paragraph (1) during such period with respect to such procurement.

“(4) A competing contractor may engage in a discussion with a procurement official that is otherwise prohibited by subsection (a)(1) if, before engaging in such discussion, the procurement official has been recused in accordance with this subsection.

“(5) Regulations implementing this subsection shall include specific criteria to be used in making determinations and approving recusals under paragraph (1).”

(2) Subsection (f) of such section (as redesignated by paragraph (1)(B)) is amended—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(B) by striking out "RESTRICTIONS ON GOVERNMENTAL OFFICIALS AND EMPLOYEES.—No" and all that follows through "shall—" and inserting in lieu thereof "RESTRICTIONS RESULTING FROM PROCUREMENT ACTIVITIES OF PROCUREMENT OFFICIALS.—(1) No individual who, while serving as an officer or employee of the Government or member of the Armed Forces, was a procurement official with respect to a particular procurement may knowingly—"; and

(C) by adding at the end the following new paragraph:

"(2) This subsection does not apply to any participation referred to in paragraph (1)(A) or (1)(B) with respect to a subcontractor who is a competing contractor unless—

"(A) the subcontractor is a first or second tier subcontractor and the subcontract is for an amount that is in excess of \$100,000;

"(B) the subcontractor significantly assisted the prime contractor with respect to negotiation of the prime contract;

"(C) the procurement official involved in the award, modification, or extension of the prime contract personally directed or recommended the particular subcontractor to the prime contractor as a source for the subcontract; or

"(D) the procurement official personally reviewed and approved the award, modification, or extension of the subcontract."

(3) Such section is further amended by inserting after subsection (j) (as redesignated by paragraph (1)(B)) the following new subsection (k):

"(k) ETHICS ADVICE.—(1) Regulations implementing this section shall include procedures for a procurement official or former procurement official of a Federal agency to request advice from the appropriate designated agency ethics official regarding whether such procurement official or former procurement official is or would be precluded by this section from engaging in a specified activity.

"(2) A procurement official or former procurement official of an agency who requests advice from a designated agency ethics official pursuant to paragraph (1) shall provide the agency ethics official with all information reasonably available to the procurement official or former procurement official that is relevant to a determination regarding such request.

"(3) Not later than 30 days after the date on which the appropriate designated agency ethics official receives a request for advice pursuant to paragraph (1) accompanied by the information required by paragraph (2), or as soon thereafter as practicable, the official shall issue a written opinion regarding whether the requesting procurement official or former procurement official is precluded by this section from engaging in the specified activity."

(4) Subsection (o) of such section (as redesignated by paragraph (1)(B)) is amended to read as follows:

"(o) IMPLEMENTING REGULATIONS AND GUIDELINES.—(1) Government-wide regulations and guidelines appropriate to carry out this section shall be included in the Federal Acquisition Regulation.

"(2) Regulations implementing this section shall—

"(A) define the term 'thing of value' for the purposes of this section and shall include a single uniform Government-wide exclusion at a specific minimal dollar amount; and

"(B) authorize the delegation of the functions assigned to designated agency ethics officials under this section.

“(3) Notwithstanding sections 6 and 25 of this Act, on and after June 1, 1990, the Director of the Office of Government Ethics shall have the responsibility for issuance, modification, or termination of Government-wide regulations implementing paragraphs (1) and (2) of subsection (a), paragraphs (1) and (2) of subsection (b), subsections (c), (f), and (k), and paragraph (2) of this subsection. The Director shall exercise such responsibility in coordination with the Federal Acquisition Regulatory Council.”

(b) **DEFINITIONS.**—Subsection (p) of section 27 of such Act (as redesignated by subsection (a)(1)(B)) is amended—

(1) in paragraph (1), by striking out “with the development, preparation, and issuance of a procurement solicitation,” and inserting in lieu thereof “on the earliest specific date, as determined under implementing regulations, on which an authorized official orders or requests an action described in clauses (i)–(viii) of paragraph (3)(A),”;

(2) in paragraph (3), by striking out subparagraph (A) and inserting in lieu thereof the following:

“(A) The term ‘procurement official’ means, with respect to any procurement (including the modification or extension of a contract), any civilian or military official or employee of an agency who has participated personally and substantially in any of the following, as defined in implementing regulations:

“(i) The drafting of a specification developed for that procurement.

“(ii) The review and approval of a specification developed for that procurement.

“(iii) The preparation or issuance of a procurement solicitation in that procurement.

“(iv) The evaluation of bids or proposals for that procurement.

“(v) The selection of sources for that procurement.

“(vi) The conduct of negotiations in the procurement.

“(vii) The review and approval of the award, modification, or extension of a contract in that procurement.

“(viii) Such other specific procurement actions as may be specified in implementing regulations.”; and

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

“(8) The term ‘designated agency ethics official’ has the same meaning as the term ‘designated agency official’ in section 209(10) of the Ethics in Government Act of 1978 (92 Stat. 1850; 5 U.S.C. App.).”

(c) **TECHNICAL AND CONFORMING AMENDMENTS.**—Such section is further amended—

(1) in subsection (e) (as redesignated by subsection (a)(1)(B))—

(A) by striking out “(c), or (e)” in paragraph (1)(A)(i) and inserting in lieu thereof “(d), or (f)”;

(B) by striking out “(c), or (e)” in paragraph (1)(B)(ii) and inserting in lieu thereof “(d), or (f)”;

(C) by striking out “(c), or (e)” in paragraph (2)(A) and inserting in lieu thereof “(d), or (f)”;

(D) by striking out “(c), or (e)” in paragraph (3)(A) and inserting in lieu thereof “(d), or (f)”;

(E) by striking out “subsection (m)” in paragraph (7)(B)(ii), and inserting in lieu thereof “subsection (o)”;

(2) in paragraph (1) of subsection (g) (as redesignated by subsection (a)(1)(B)), by striking out "subsection (m)" and inserting in lieu thereof "subsection (o)";

(3) in subsection (h) (as redesignated by subsection (a)(1)(B))—
 (A) by striking out "subsection (d)" in paragraph (1) and inserting in lieu thereof "subsection (e)";

(B) by striking out "(b) or (c)" in paragraph (2) and inserting in lieu thereof "(b) or (d)"; and

(C) by striking out "(h) and (i)" in paragraph (3) and inserting in lieu thereof "(i) and (j)";

(4) in subsection (i) (as redesignated by subsection (a)(1)(B)), by striking out "(c), or (e)" and inserting in lieu thereof "(d), or (f)";

(5) in paragraph (1) of subsection (j) (as redesignated by subsection (a)(1)(B))—

(A) by striking out "subsection (n)" and inserting in lieu thereof "subsection (p)"; and

(B) by striking out "subsection (m)" and inserting in lieu thereof "subsection (o)"; and

(6) in subsection (l) (as redesignated by subsection (a)(1)(B))—

(A) by striking out "subsection (b)" in paragraph (1) and inserting in lieu thereof "subsections (b), (c), and (e)"; and

(B) in paragraph (2)—

(i) by striking out "subsection (b)" and inserting in lieu thereof "subsections (b), (c), and (e)"; and

(ii) by striking out "(c), or (e)" and inserting in lieu thereof "(d), or (f)".

(d) **WAIVER OF CERTAIN RESTRICTIONS ON FORMER GOVERNMENT PERSONNEL.**—(1) Subsection (f) of section 27 of the Office of Federal Procurement Policy Act, as redesignated and amended by subsection (a), is further amended by adding at the end the following:

"(3)(A)(i) The President may grant a waiver of a restriction imposed by paragraph (1) (relating to post-Government service employment) to an officer or employee described in subparagraph (B) if the President determines and certifies in writing that it is in the public interest to grant the waiver and that the services of the officer or employee are critically needed for the benefit of the Federal Government. Not more than 25 officers and employees currently employed by the Government at any one time may hold waivers under this subparagraph.

"(ii) A waiver granted under this subparagraph to any person shall apply only with respect to activities engaged in by that person after that person's Government employment is terminated and only to that person's employment at a Government-owned, contractor operated entity with which the person served as an officer or employee immediately before the person's Government employment began.

"(B) Waivers under subparagraph (A) may be granted only to civilian officers and employees of the executive branch, other than officers and employees in the Executive Office of the President.

"(C) A certification under subparagraph (A) shall take effect upon its publication in the Federal Register and shall identify—

"(i) the officer or employee covered by the waiver by name and by position, and

"(ii) the reasons for granting the waiver.

A copy of the certification shall also be provided to the Director of the Office of Government Ethics.

“(D) The President may not delegate the authority provided by this paragraph.

“(E)(i) Each person granted a waiver under this paragraph shall prepare reports, in accordance with clause (ii), stating whether the person has engaged in activities otherwise prohibited by this section for each six-month period described in clause (ii), and if so, what those activities were.

Reports.

“(ii) A report under clause (i) shall cover each six-month period beginning on the date of the termination of the person’s Government employment (with respect to which the waiver under this paragraph was granted) and ending two years after that date. Such report shall be filed with the President and the Director of the Office of Government Ethics not later than 60 days after the end of the six-month period covered by the report. All reports filed with the Director under this subparagraph shall be made available for public inspection and copying.

Public information.

“(iii) If a person fails to file any report in accordance with clauses (i) and (ii), the President shall revoke the waiver and notify the person of the revocation. The revocation shall take effect upon the person’s receipt of the notification and shall remain in effect until the report is filed.

President of U.S.

“(iv) Any person who is granted a waiver under this paragraph shall be ineligible for appointment in the civil service unless all reports required of such person by clauses (i) and (ii) have been filed.

“(D) As used in this paragraph, the term ‘civil service’ has the meaning given that term in section 2101 of title 5, United States Code.”

(2) Section 207 of title 18, United States Code, is amended by adding at the end the following:

“(k)(1)(A) The President may grant a waiver of a restriction imposed by this section to any officer or employee described in paragraph (2) if the President determines and certifies in writing that it is in the public interest to grant the waiver and that the services of the officer or employee are critically needed for the benefit of the Federal Government. Not more than 25 officers and employees currently employed by the Federal Government at any one time may have been granted waivers under this paragraph.

“(B) A waiver granted under this paragraph to any person shall apply only with respect to activities engaged in by that person after that person’s Federal Government employment is terminated and only to that person’s employment at a Government-owned, contractor operated entity with which the person served as an officer or employee immediately before the person’s Federal Government employment began.

“(2) Waivers under paragraph (1) may be granted only to civilian officers and employees of the executive branch, other than officers and employees in the Executive Office of the President.

“(3) A certification under paragraph (1) shall take effect upon its publication in the Federal Register and shall identify—

Effective date.
Federal Register,
publication.

“(A) the officer or employee covered by the waiver by name and by position, and

“(B) the reasons for granting the waiver.

A copy of the certification shall also be provided to the Director of the Office of Government Ethics.

“(4) The President may not delegate the authority provided by this subsection.

Reports.

"(5)(A) Each person granted a waiver under this subsection shall prepare reports, in accordance with subparagraph (B), stating whether the person has engaged in activities otherwise prohibited by this section for each six-month period described in subparagraph (B), and if so, what those activities were.

Public information.

"(B) A report under subparagraph (A) shall cover each six-month period beginning on the date of the termination of the person's Federal Government employment (with respect to which the waiver under this subsection was granted) and ending two years after that date. Such report shall be filed with the President and the Director of the Office of Government Ethics not later than 60 days after the end of the six-month period covered by the report. All reports filed with the Director under this paragraph shall be made available for public inspection and copying.

President of U.S.

"(C) If a person fails to file any report in accordance with subparagraphs (A) and (B), the President shall revoke the waiver and shall notify the person of the revocation. The revocation shall take effect upon the person's receipt of the notification and shall remain in effect until the report is filed.

"(D) Any person who is granted a waiver under this subsection shall be ineligible for appointment in the civil service unless all reports required of such person by subparagraphs (A) and (B) have been filed.

"(E) As used in this subsection, the term 'civil service' has the meaning given that term in section 2101 of title 5."

41 USC 423 note.

(e) **IMPLEMENTING REGULATIONS.**—Not later than 90 days after the date of the enactment of this section, regulations implementing the amendments made by this section to the provisions of section 27 of the Office of Federal Procurement Policy Act (41 U.S.C. 423) shall be issued in accordance with sections 6 and 25 of such Act (41 U.S.C. 405, 421), after coordination with the Director of the Office of Government Ethics.

SEC. 815. DEFENSE MEMORANDA OF UNDERSTANDING AND RELATED AGREEMENTS

(a) **CONSIDERATION OF MATTERS AFFECTING UNITED STATES INDUSTRY.**—Section 2504 of title 10, United States Code, is amended to read as follows:

"§ 2504. Defense memoranda of understanding and related agreements

Research and development.

"(a) **CONSIDERATIONS IN MAKING AND IMPLEMENTING MOUS AND RELATED AGREEMENTS.**—In the negotiation, renegotiation, and implementation of any existing or proposed memorandum of understanding, or any existing or proposed agreement related to a memorandum of understanding, between the Secretary of Defense, acting on behalf of the United States, and one or more foreign countries (or any instrumentality of a foreign country) relating to research, development, or production of defense equipment, the Secretary of Defense shall—

"(1) consider the effects of such existing or proposed memorandum of understanding or related agreement on the defense industrial base of the United States; and

"(2) regularly solicit and consider comments and recommendations from the Secretary of Commerce with respect to the commercial implications of such memorandum of understanding or related agreement and the potential effects of such

memorandum of understanding or related agreement on the international competitive position of United States industry.

“(b) INTER-AGENCY REVIEW OF EFFECTS ON UNITED STATES INDUSTRY.—Whenever the Secretary of Commerce has reason to believe that an existing or proposed memorandum of understanding or related agreement has, or threatens to have, a significant adverse effect on the international competitive position of United States industry, the Secretary may request an inter-agency review of the memorandum of understanding or related agreement. If, as a result of the review, the Secretary determines that the commercial interests of the United States are not being served or would not be served by adhering to the terms of such existing memorandum or related agreement or agreeing to such proposed memorandum or related agreement, as the case may be, the Secretary shall recommend to the President the renegotiation of the existing memorandum or related agreement or any modification to the proposed memorandum of understanding or related agreement that he considers necessary to ensure an appropriate balance of interests.

“(c) LIMITATION ON ENTERING INTO MOUS AND RELATED AGREEMENTS.—A memorandum of understanding or related agreement referred to in subsection (a) may not be entered into or implemented if the President, taking into consideration the results of the inter-agency review, determines that such memorandum of understanding or related agreement has or is likely to have a significant adverse effect on United States industry that outweighs the benefits of entering into or implementing such memorandum or agreement.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 148 of such title is amended by striking out the item relating to section 2504 and inserting in lieu thereof the following: “2504. Defense memoranda of understanding and related agreements.”

SEC. 816. OFFSETS IN RECIPROCAL DEFENSE PROCUREMENT AGREEMENTS

Section 825(c) of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 102 Stat. 2021) is amended—

(1) by transferring the text of paragraph (2) to the end of paragraph (1) and in that text striking out “the date of the enactment of this Act” and inserting in lieu thereof “September 29, 1988”; and

(2) by inserting the following after “(2)”: “In the negotiation or renegotiation of any memorandum of understanding between the United States and one or more foreign countries relating to the reciprocal procurement of defense equipment and supplies or research and development, the President shall make every effort to achieve an agreement with the country or countries concerned that would limit the adverse effects that offset arrangements have on the defense industrial base of the United States.”

10 USC 2505
note.

President of U.S.

SEC. 817. SIMPLIFIED APPROVAL OF CONTRACTS IMPLEMENTING CERTAIN INTERNATIONAL AGREEMENTS

(a) EXCEPTION.—Paragraph (2) of section 2304(f) of title 10, United States Code, is amended—

(1) by striking out “or” at the end of subparagraph (C);
(2) by striking out the period at the end of subparagraph (D) and inserting in lieu thereof “; or”; and

(3) by adding at the end the following new subparagraph:
 “(E) in the case of a procurement permitted by subsection (c)(4), but only if the head of the contracting activity prepares a document in connection with such procurement that describes the terms of an agreement or treaty, or the written directions, referred to in that subsection that have the effect of requiring the use of procedures other than competitive procedures and such document is approved by the competition advocate for the procuring activity.”.

(b) **PUBLIC INSPECTION.**—Paragraph (4) of such section is amended by inserting after “any related information” the following: “, and any document prepared pursuant to paragraph (2)(E),”.

SEC. 818. DELEGATION OF APPROVAL AUTHORITY FOR CERTAIN CONTRACT ACTIONS

(a) **APPROVAL AUTHORITY.**—Section 2304(f) of title 10, United States Code, is amended in paragraph (1)(B)—

(1) by striking out “or” after the semicolon in clause (ii);

(2) by redesignating clause (iii) as clause (iv) and striking out “\$10,000,000” in such clause and inserting in lieu thereof “\$50,000,000”; and

(3) by inserting after clause (ii) the following new clause (iii):
 “(iii) in the case of a contract for an amount exceeding \$10,000,000 (but equal to or less than \$50,000,000), by the senior procurement executive of the agency designated pursuant to section 16(3) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(3)) or the senior procurement executive’s delegate designated pursuant to paragraph (6)(B), or in the case of the Under Secretary of Defense for Acquisition, acting in his capacity as the senior procurement executive for the Department of Defense, the Under Secretary’s delegate designated pursuant to paragraph (6)(C); or”.

(b) **DELEGATION.**—Such section is amended in paragraph (6)—

(1) by redesignating subparagraph (B) as subparagraph (C); and

(2) by inserting after subparagraph (A) the following new subparagraph (B):

“(B) The authority of the senior procurement executive under paragraph (1)(B)(iii) may be delegated only to an officer or employee within the senior procurement executive’s organization who—

“(i) if a member of the armed forces, is a general or flag officer; or

“(ii) if a civilian, is serving in a position in grade GS-16 or above (or in a comparable or higher position under any other schedule for civilian officers or employees).”.

(c) **CONFORMING AMENDMENTS.**—(1) Clause (iv) of section 2304(f)(1)(B) of such title (as designated) is amended by striking out “paragraph (6)(B)” and inserting in lieu thereof “paragraph (6)(C)”.

(2) Subparagraph (C) of section 2304(f)(6) of such title (as redesignated) is amended by striking out “paragraph (1)(B)(iii)” and inserting in lieu thereof “paragraph (1)(B)(iv)”.

SEC. 819. PROCUREMENT TECHNICAL ASSISTANCE COOPERATIVE AGREEMENT PROGRAM

(a) **FUNDING.**—Of the amounts authorized to be appropriated pursuant to section 301 for Defense Agencies for fiscal years 1990

and 1991 for operation and maintenance, \$9,000,000 shall be available for each of such fiscal years only for the purpose of carrying out cooperative agreements under chapter 142 of title 10, United States Code.

(b) **SET-ASIDE.**—Of the amounts provided for in subsection (a), \$600,000 shall be available for each of the fiscal years 1990 and 1991 for the purpose of carrying out programs sponsored by eligible entities named in subparagraph (D) of section 2411(1) of title 10, United States Code, that provide procurement technical assistance in distressed areas (as defined in subparagraph (B) of section 2411(2) of such title). If there is an insufficient number of satisfactory proposals for cooperative agreements in such distressed areas to allow for effective use of the funds authorized under this subsection in such areas, the funds shall be allocated among the Defense Contract Administration Services regions in accordance with section 2415 of such title.

(c) **ASSISTANCE FURNISHED TO CERTAIN INDIAN ORGANIZATIONS.**—(1) Subsection (a) of section 2414 of title 10, United States Code, is amended by striking out paragraphs (1) and (2) and inserting in lieu thereof the following:

“(1) in the case of a program operating on a Statewide basis, other than a program referred to in clause (3) or (4), \$300,000;

“(2) in the case of a program operating on less than a Statewide basis, other than a program referred to in clause (3) or (4), \$150,000;

“(3) in the case of a program operated wholly within one service area of the Bureau of Indian Affairs by an eligible entity referred to in section 2411(1)(D) of this title, \$150,000; or

“(4) in the case of a program operated wholly within more than one service area of the Bureau of Indian Affairs by an eligible entity referred to in section 2411(1)(D) of this title, \$300,000.”

(2) Subsection (b) of such section is amended by inserting “or is operated wholly within one or more service areas of the Bureau of Indian Affairs by an eligible entity referred to in section 2411(a)(1)(D) of this title” after “or on less than a Statewide basis”.

PART C—OTHER ACQUISITION POLICY MATTERS

SEC. 821. REQUIREMENT FOR CERTIFICATE OF INDEPENDENT PRICE DETERMINATION IN CERTAIN DEPARTMENT OF DEFENSE CONTRACT SOLICITATIONS

The Secretary of Defense shall propose a revision to the Federal Acquisition Regulation to provide that the exception contained in part 3.103-1 of the Federal Acquisition Regulation for work performed by foreign suppliers outside the United States, its possessions, and Puerto Rico be repealed.

Regulations.
Territories, U.S.

SEC. 822. UNIFORM RULES ON DISSEMINATION OF ACQUISITION INFORMATION

Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe in the Department of Defense Supplement to the Federal Acquisition Regulation a single, uniform regulation for the Department of Defense regarding dissemination of, and access to, acquisition information.

Regulations.

SEC. 823. LIMITATION ON AUTHORITY TO WAIVE BUY AMERICAN ACT REQUIREMENT

41 USC 10b-2.

(a) **DETERMINATION BY SECRETARY OF DEFENSE.**—(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of that agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary's blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

(2) An agreement referred to in paragraph (1) is any agreement, including any reciprocal defense procurement memorandum of understanding, between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products produced in that country.

(b) **REPORT TO CONGRESS.**—The Secretary of Defense shall submit to Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal years 1990 and 1991. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreements Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

(c) **BUY AMERICAN ACT DEFINED.**—For purposes of this section, the term "Buy American Act" means title III of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933 (41 U.S.C. 10a et seq.).

10 USC 2325
note.**SEC. 824. ACQUISITION OF COMMERCIAL AND NONDEVELOPMENTAL ITEMS**

(a) **IN GENERAL.**—The Secretary of Defense shall—

- (1) prescribe regulations as provided in subsection (b); and
- (2) conduct an analysis as provided in subsection (c).

(b) **REGULATIONS.**—(1) Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall publish for public comment new regulations to carry out the requirements in this subsection and rescind any regulations that are inconsistent with the requirements of this subsection. The Secretary shall promulgate final regulations to carry out such requirements not later than 270 days after the date of the enactment of this Act.

(2) The Secretary of Defense shall develop a simplified uniform contract for the acquisition of commercial items by the Department of Defense and shall require that such simplified uniform contract be used for the acquisition of commercial items to the maximum extent practicable. The uniform contract shall include only—

- (A) those contract clauses that are required to implement provisions of law applicable to such an acquisition; and
- (B) those contract clauses that are appropriate, as determined by the Secretary of Defense, for a contract for such an acquisition.

In addition to the clauses described in subparagraphs (A) and (B), a contract for the acquisition of commercial items may include only such clauses as are essential for the protection of the Federal

Government's interest in the particular contract, as determined in writing by the contracting officer for such contract.

(3) The Secretary of Defense shall require that a prime contractor under a Department of Defense contract for the acquisition of commercial items be required to include in subcontracts under such contract only—

(A) those contract clauses that are required to implement provisions of law applicable to such subcontracts; and

(B) those contract clauses that are appropriate, as determined by the Secretary of Defense, for such a subcontract.

In addition to the clauses described in subparagraphs (A) and (B), a contractor under a Department of Defense contract for the acquisition of commercial items may be required to include in a subcontract under such contract only such clauses as are essential for the protection of the Federal Government's interest in the particular subcontract, as determined in writing by the contracting officer for such contract.

(4) The Secretary of Defense shall require the use, in appropriate circumstances, of a modified inspection clause with streamlined inspection procedures in each Department of Defense contract for the acquisition of commercial items awarded to a contractor that (A) has a proven record of high quality production, and (B) offers an appropriate warranty to protect the Federal Government's interest in acquiring a high quality product.

(5) The Secretary of Defense shall require the use, in appropriate circumstances, of standard commercial warranties in each Department of Defense contract for the acquisition of commercial items.

(6) The Secretary of Defense shall revise the regulations governing the applicability of the exemption contained in section 2306a(b)(1)(B) of title 10, United States Code, consistent with the public interest. In revising such regulations, the Secretary (A) shall address the standards for applying such exemption to contracts and subcontracts for items which are modifications to commercial items, components of commercial items, spare parts for commercial items, new commercial items, or commercial items which are no longer sold to the public, and (B) shall ensure that cost or pricing data are not required in connection with contracts and subcontracts qualifying for an exemption under the regulations as revised under this paragraph.

(c) ANALYSIS.—(1) The Secretary of Defense shall conduct an analysis of impediments to the acquisition of nondevelopmental items by the Department of Defense. In conducting the analysis, the Secretary shall consider, at a minimum, the following:

(A) Whether to expand the regulations governing the acquisition and distribution of commercial products to address the procurement of nondevelopmental items.

(B) Whether revisions to the regulations governing specifications, standards, and other purchase descriptions are necessary to implement the statutory requirement that product specifications be stated in terms of functions to be performed, performance required, or essential physical characteristics, and to minimize the use of specifications unique to the Department of Defense.

(C) Whether to establish a presumption that the Department of Defense should not request technical data on commercial items.

(D) Whether the Secretary of Defense should make greater use of the authority granted the Secretary in law to exempt

defense contracts for commercial items from the application of various requirements.

(2) Not later than 270 days after the date of the enactment of this Act, the Secretary shall develop and submit to the Committees on Armed Services of the Senate and House of Representatives a plan of action for addressing any impediments identified in the analysis required by paragraph (1). The plan shall include a specific schedule for the following:

(A) Rescission of any regulations that are identified as impediments to the acquisition of nondevelopmental items.

(B) Publication for public comment of new regulations to carry out the plan.

(C) Submission to Congress of proposals for such legislative changes as may be needed to carry out the plan.

(d) TRAINING.—(1) The Secretary of Defense shall establish a program for training contracting officers, program managers, and other appropriate acquisition personnel in the acquisition of nondevelopmental items.

(2) The training program shall provide, at a minimum, for the following:

(A) Training in the requirements of the regulations promulgated pursuant to this section, the requirements of section 2325 of title 10, United States Code, and regulations prescribed pursuant to that section.

(B) Training of contracting officers in the fundamental principles of price analysis and other alternative means of determining price reasonableness.

(C) Training of appropriate acquisition personnel in market research techniques and in the drafting of functional and performance specifications.

(e) DEMONSTRATION PROGRAM FOR ITEMS ISSUED TO MEMBERS.—(1) The Secretary of Defense shall carry out a demonstration program in accordance with this subsection with respect to the procurement of individual items of clothing issued to members of the Armed Forces. Under the demonstration program, the Secretary shall—

(A) identify those items of clothing that are the same as, or similar to, clothing items produced by commercial sources for sale to consumers other than the Armed Forces; and

(B) designate for acquisition in accordance with this subsection certain of such items (hereinafter in this subsection referred to as "demonstration items") as the Secretary considers appropriate for acquisition under the demonstration program.

(2) With respect to a portion (determined by the Secretary) of the contracts for demonstration items entered into by the Department of Defense, the Secretary shall—

(A) include in the solicitations for such items a specification reflecting design and functional requirements that are comparable to those used in the award of commercial contracts;

(B) require each offeror to submit a sample article of the item;

(C) provide in the evaluation criteria included in the solicitation that award of the contract will be made to the proposal which is most advantageous to the United States, considering only cost or price and other factors included in the solicitation;

(D) evaluate competitive proposals, either with or without discussions, and the sample article received in response to a solicitation for such items and award a contract in accordance with the evaluation criteria included in the solicitation; and

(E) require each contractor awarded a contract for such items to produce items identical in all major characteristics (including quality) to the sample article submitted with the contractor's bid or proposal.

(3) The demonstration program required under this subsection shall apply with respect to solicitations for demonstration items covered by the program issued after the end of the 180-day period beginning on the date of the enactment of this Act and before October 1, 1993.

SEC. 825. STUDY AND REPORT ON DEFENSE EXPORT FINANCING

President of U.S.

(a) **STUDY.**—The President shall conduct a study of export financing of defense articles. In the course of the study, the President shall—

(1) examine the effect of export financing on the ability of United States industry to compete in the international market for defense products;

(2) determine the extent to which other countries support commercial financing for defense exports through official government credit programs;

(3) determine the extent to which United States private capital is used to support defense exports and the obstacles that United States lending institutions face in providing additional support; and

(4) determine the feasibility and desirability of using existing or new Government export guarantee programs to provide greater private capital support for United States defense exports.

(b) **REPORT.**—Not later than 120 days after the date of enactment of this Act, the President shall submit to Congress a report on the findings of the study under subsection (a).

PART D—PROVISIONS RELATING TO SMALL AND SMALL DISADVANTAGED BUSINESSES

SEC. 831. PROVISIONS RELATING TO SMALL DISADVANTAGED BUSINESSES

(a) **EXTENSION OF CONTRACT GOAL.**—Section 1207 of the National Defense Authorization Act for Fiscal Year 1987 (10 U.S.C. 2301 note) is amended by striking out “and 1990” in subsections (a) and (h) and inserting in lieu thereof “1990, 1991, 1992, and 1993”.

(b) **PRICE DIFFERENTIAL.**—Subsection (e) of such section is amended by adding at the end of paragraph (3) the following sentence: “The Secretary shall adjust the percentage specified in the preceding sentence for any industry category if available information clearly indicates that nondisadvantaged small business concerns in such industry category are generally being denied a reasonable opportunity to compete for contracts because of the use of that percentage in the application of this paragraph.”

(c) **REPORT DEADLINE.**—Subsection (g) of such section is amended—

(1) by striking out “Between May 1 and May 30” in paragraph (1) and inserting in lieu thereof “Not later than July 15”; and

(2) by striking out “Between October 1 and October 10” in paragraph (2) and inserting in lieu thereof “Not later than December 15”.

10 USC 2301
note.

**SEC. 832. CREDIT FOR INDIAN CONTRACTING IN MEETING CERTAIN
MINORITY SUBCONTRACTING GOALS**

(a) **REGULATIONS.**—Subject to subsections (b) and (c), in any case in which a subcontracting goal is specified in a Department of Defense contract in the implementation of section 1207 of the National Defense Authorization Act for Fiscal Year 1987 (10 U.S.C. 2301 note) and section 8(d) of the Small Business Act (15 U.S.C. 637(d)), credit toward meeting that subcontracting goal shall be given for—

(1) work performed in connection with that Department of Defense contract, and work performed in connection with any subcontract awarded under that Department of Defense contract, if such work is performed on any Indian lands and meets the requirements of paragraph (1) of subsection (b); or

(2) work performed in connection with that Department of Defense contract, and work performed in connection with any subcontract awarded under that Department of Defense contract, if the performance of such contract or subcontract is undertaken as a joint venture that meets the requirements of paragraph (2) of that subsection.

(b) **ELIGIBLE WORK.**—(1) Work performed on Indian lands meets the requirements of this paragraph if—

(A) not less than 40 percent of the workers directly engaged in the performance of the work are Indians; or

(B) the contractor or subcontractor has an agreement with the tribal government having jurisdiction over such Indian lands that provides goals for training and development of the Indian workforce and Indian management.

(2) A joint venture undertaking to perform a contract or subcontract meets the requirements of this paragraph if—

(A) an Indian tribe or tribally owned corporation owns at least 50 percent of the joint venture;

(B) the activities of the joint venture under the contract or subcontract provide employment opportunities for Indians either directly or through the purchase of products or services for the performance of such contract or subcontract; and

(C) the Indian tribe or tribally owned corporation manages the performance of such contract or subcontract.

(c) **EXTENT OF CREDIT.**—The amount of the credit given toward the attainment of any subcontracting goal under subsection (a) shall be—

(1) in the case of work performed as described in subsection (a)(1), the value of the work performed; and

(2) in the case of a contract or subcontract undertaken to be performed by a joint venture as described in subsection (a)(2), an amount equal to the amount of the contract or subcontract multiplied by the percentage of the tribe's or tribally owned corporation's ownership interest in the joint venture.

(d) **REGULATIONS.**—The Secretary of Defense shall prescribe regulations for the implementation of this section.

(e) **DEFINITIONS.**—In this section:

(1) The term "Indian lands" has the meaning given that term by section 4(4) of the Indian Gaming Regulatory Act (102 Stat. 2468; 25 U.S.C. 2703(4)).

(2) The term "Indian" has the meaning given that term by section 4(d) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(d)).

(3) The term "Indian tribe" has the meaning given that term by section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(4) The term "tribally owned corporation" means a corporation owned entirely by an Indian tribe.

SEC. 833. TEST PROGRAM FOR USE OF BOND WAIVER AUTHORITY UNDER SMALL BUSINESS ACT TO ASSIST CERTAIN SMALL DISADVANTAGED BUSINESS CONCERNS

15 USC 636 note.

The Secretary of Defense and the Small Business Administration shall establish a program for fiscal years 1990 and 1991 to test the use of the authority provided by section 7(j)(13)(D) of the Small Business Act (15 U.S.C. 636(j)(13)(D)). Under the test program, the Secretary of Defense shall make every reasonable effort during each such fiscal year to award not less than 30 contracts for construction projects (including repair and alteration of existing facilities) to participants in the Minority Small Business and Capital Ownership Development Program of the Small Business Administration who have been granted surety bond exemptions under the authority provided by section 7(j)(13)(D) of such Act.

SEC. 834. TEST PROGRAM FOR NEGOTIATION OF COMPREHENSIVE SMALL BUSINESS SUBCONTRACTING PLANS

15 USC 637 note.

(a) **TEST PROGRAM.**—(1) The Secretary of Defense shall establish a test program under which one contracting activity in each military department and Defense Agency is authorized to undertake one or more demonstration projects to determine whether the negotiation and administration of comprehensive small business subcontracting plans will result in an increase in opportunities provided for small business concerns under Department of Defense contracts.

(2) In developing the test program, the Secretary of Defense shall—

(A) consult with the Administrator of the Small Business Administration; and

(B) provide an opportunity for public comment on the test program.

(b) **COMPREHENSIVE SMALL BUSINESS SUBCONTRACTING PLAN.**—(1) In a demonstration project under the test program, the Secretary of a military department or head of a Defense Agency shall negotiate, monitor, and enforce compliance with a comprehensive subcontracting plan with a Department of Defense contractor described in paragraph (3).

(2) The comprehensive subcontracting plan—

(A) shall provide for small business concerns to participate as subcontractors in the contracts awarded by the Secretary or agency head to the contractor (or any division or operating element of the contractor) to which the subcontracting plan applies; and

(B) shall apply to the entire business organization of the contractor or to one or more of the contractor's divisions or operating elements, as specified in the subcontracting plan.

(3) A Department of Defense contractor referred to in paragraph (1) is, with respect to a comprehensive subcontracting plan, a business concern that, during the fiscal year ending on September 30, 1989—

(A) pursuant to at least five Department of Defense contracts, furnished supplies or services (including professional

services) to the Department of Defense, engaged in research and development for the Department, or performed construction for the Department; and

(B) was paid \$25,000,000 or more for such contract activities.

(c) **WAIVER OF CERTAIN SMALL BUSINESS ACT SUBCONTRACTING PLAN REQUIREMENTS.**—A Department of Defense contractor is not required to negotiate or submit a subcontracting plan under paragraph (4) or (5) of section 8(d) of the Small Business Act (15 U.S.C. 637(d)) with respect to a Department of Defense contract if—

(1) the contractor has negotiated a comprehensive subcontracting plan under the test program that includes the matters specified in section 8(d)(6) of the Small Business Act (15 U.S.C. 637(d)(6));

(2) such matters have been determined acceptable by the Secretary of the military department or head of a Defense Agency negotiating such comprehensive subcontracting plan; and

(3) the comprehensive subcontracting plan applies to the contract.

(d) **FAILURE TO MAKE A GOOD FAITH EFFORT TO COMPLY WITH A COMPANY-WIDE SUBCONTRACTING PLAN.**—A contractor that has negotiated a comprehensive subcontracting plan under the test program shall be subject to section 8(d)(4)(F) of the Small Business Act (15 U.S.C. 637(d)(4)(F)) regarding the assessment of liquidated damages for failure to make a good faith effort to comply with its company-wide plan and the goals specified in that plan.

(e) **TEST PROGRAM PERIOD.**—The test program authorized by subsection (a) shall begin on October 1, 1990, unless Congress adopts a resolution disapproving the test program. The test program shall terminate on September 30, 1993.

(f) **REPORT.**—(1) Not later than March 1, 1994, the Secretary of Defense shall submit a report on the results of the test program to the Committees on Armed Services and on Small Business of the Senate and the House of Representatives.

(2) Before submitting such report to the committees referred to in paragraph (1), the Secretary shall transmit the proposed report to the Administrator of the Small Business Administration. The report submitted to the committees shall include any comments and recommendations relating to the report that are transmitted to the Secretary by the Administrator before the date specified in such paragraph.

(g) **DEFINITIONS.**—As used in this section:

(1) The term “small business concern” shall have the same meaning as is provided in section 8(d)(3)(C) of the Small Business Act (15 U.S.C. 637(d)(3)(C)), and includes a small business concern owned and controlled by socially and economically disadvantaged individuals.

(2) The term “small business concern owned and controlled by socially and economically disadvantaged individuals” shall have the same meaning as is provided in section 8(d)(3)(C) of the Small Business Act (15 U.S.C. 637(d)(3)(C)).

PART E—DEFENSE INDUSTRIAL AND TECHNOLOGY BASE

SEC. 841. CRITICAL TECHNOLOGIES PLANNING

(a) NATIONAL CRITICAL TECHNOLOGIES PANEL.—(1) The National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 et seq.) is amended by adding at the end the following new title:

"TITLE VI—NATIONAL CRITICAL TECHNOLOGIES PANEL

"ESTABLISHMENT

"SEC. 601. The Director of the Office of Science and Technology Policy shall establish within that office a National Critical Technologies Panel (hereinafter in this title referred to as the 'panel'). The panel shall prepare the biennial national critical technologies report required by section 603.

42 USC 6681.

"MEMBERSHIP

"SEC. 602. (a) The panel shall consist of 13 members appointed from among persons who are experts in science and engineering as follows:

42 USC 6682.

"(1) The Director of the Office of Science and Technology Policy shall appoint nine members, of whom—

"(A) three shall be Federal Government officials; and

"(B) six shall be appointed from persons in private industry and higher education.

"(2) The Secretary of Defense shall appoint one member, who shall be an official of the Department of Defense.

"(3) The Secretary of Energy shall appoint one member, who shall be an official of the Department of Energy.

"(4) The Secretary of Commerce shall appoint one member, who shall be an official of the Department of Commerce.

"(5) The Administrator of the National Aeronautics and Space Administration shall appoint one member, who shall be an official of that agency.

"(b)(1) Members appointed under subsection (a)(1)(B) shall serve for a term of two years.

(2) Any vacancy in the membership of the panel shall be filled in the same manner as the original appointment.

"(c) The Director shall designate one of the members appointed under subsection (a)(1)(A) as chairman of the panel.

"BIENNIAL NATIONAL CRITICAL TECHNOLOGIES REPORT

"SEC. 603. (a) The panel shall submit to the President a biennial report on national critical technologies. Each such report shall identify those product technologies and process technologies that the panel considers to be national critical technologies. The number of the such technologies identified in any such report may not exceed 30. The reports shall be submitted not later than October 1 of even-numbered years.

42 USC 6683.

"(b) For purposes of subsection (a), a product or process technology may be considered to be a national critical technology if the panel determines it to be a technology that it is essential for the United States to develop to further the long-term national security and economic prosperity of the United States.

“(c) Each such report shall include, with respect to each technology identified in the report, the following information:

“(1) The reasons for the panel’s selection of that technology.

“(2) The state of the development of that technology in the United States and in other countries.

“(3) An estimate of the current and anticipated level of research and development effort in the United States, including anticipated milestones for specific accomplishments, by—

“(A) the Federal Government;

“(B) State and local governments;

“(C) private industry; and

“(D) colleges and universities.

President of U.S.

“(d) Not later than 30 days after the date on which a report is submitted to the President under this section, the President shall transmit the report, together with any comments that the President considers appropriate, to Congress.

“ADMINISTRATION AND FUNDING OF PANEL

42 USC 6684.

“SEC. 604. The Director of the Office of Science and Technology Policy shall provide administrative support for the panel. Funds for necessary expenses of the panel shall be provided for fiscal years after fiscal year 1990 from funds appropriated for that Office.

“EXPIRATION

42 USC 6685.

“SEC. 605. The provisions of this title shall cease to be effective on December 31, 2000, and the panel shall terminate on that date.”.

42 USC 6684 note.

(2) The Secretary of Defense shall reimburse the Director of the Office of Science and Technology Policy for the reasonable expenses, not to exceed \$500,000, incurred by the National Critical Technologies Panel during fiscal year 1990.

(b) ANNUAL DEFENSE CRITICAL TECHNOLOGIES PLAN.—(1) Chapter 148 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 2508. Annual defense critical technologies plan

“(a) ANNUAL PLAN.—(1) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives an annual plan for developing the technologies considered by the Secretary of Defense and the Secretary of Energy to be the technologies most critical to ensuring the long-term qualitative superiority of United States weapon systems. The number of such technologies identified in any plan may not exceed 20. Each such plan shall be developed in consultation with the Secretary of Energy.

“(2) In selecting the technologies to be included in the plan for any year, the Secretary of Defense and the Secretary of Energy shall consider both product technologies and process technologies, including the technologies identified in the most recent biennial report submitted to the President by the National Critical Technologies Panel under title VI of the National Science and Technology Policy, Organization, and Priorities Act of 1976.

“(3) Each such plan shall cover the 15 fiscal years following the year in which the plan is submitted.

“(4) Such plan shall be submitted not later than March 15 of each year and shall be submitted in both classified and unclassified form.

Classified
information.
Public
information.

“(b) **PRIORITIES AND FUNDING.**—Each plan submitted under subsection (a) shall—

“(1) designate priorities for development of the technologies identified in the plan; and

“(2) specify the funding requirements of the Department of Defense, the Department of Energy, and other appropriate departments and agencies of the Federal Government for the development of the technologies identified in the plan for the five fiscal years following the year in which the plan is submitted.

“(c) **CONTENT OF PLAN.**—Each plan submitted under subsection (a) shall include, with respect to each technology identified in the plan, the following:

“(1) The reasons for the selection of that technology, including—

“(A) a discussion of the consideration given to the most recent biennial report submitted to the President under title VI of the National Science and Technology Policy, Organization, and Priorities Act of 1976; and

“(B) the relationship of the technology to the overall science and technology program of the Department of Defense and the long-term funding strategy associated with that program.

“(2) A designation of the lead organization within the Department of Defense or the Department of Energy responsible for the development of the technology.

“(3) A summary description of the lead organization’s plan for the development of the technology, including the milestone goals.

“(4) The amounts contained in the budgets of the Department of Defense, the Department of Energy, and other departments and agencies for the support of the development of such technology for—

“(A) the five preceding fiscal years; and

“(B) the fiscal year beginning in the year in which the plan is submitted; and

“(C) each fiscal year thereafter for which the Secretary of Defense, with respect to the Department of Defense, and the Secretary of Energy, with respect to the Department of Energy, has prepared a budget.

“(5) A comparison of the positions of the United States and the Soviet Union in the development of that technology.

“(6) The potential contributions that the allies of the United States and other industrialized nations can make to meet the needs of the United States and its allies for that technology.

“(7) A comparison of the extent to which the United States has access to research conducted on such technology in allied nations and other industrialized nations with the extent to which such nations have access to research conducted in the United States on such technology and a discussion of the effects of any imbalance in such access on development of that technology.

“(8) With respect to the development of such technology—

“(A) a comparison of the relative positions of the United States and other industrialized countries that are prominent in the development of such technology;

“(B) the trends in the relevant industrial bases of such countries;

“(C) the competitiveness of the United States industrial base supporting research in, and the development and use of, such technology;

“(D) the extent to which the United States should depend on other countries for the development of such technology; and

“(E) the extent to which action should be taken by the Federal Government to maintain and improve—

“(i) research efforts in the United States; and

“(ii) the industrial base supporting such efforts.

“(9) The potential contributions that the private sector can be expected to make from its own resources in connection with the development of civilian applications for such technology.”

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

“2508. Annual defense critical technologies plan.”

(c) AGREEMENTS FOR STUDIES.—(1) Section 2368 of title 10, United States Code, is amended to read as follows:

“§ 2368. Critical technologies research

“(a) AGREEMENTS.—The Secretary of Defense may enter into agreements with the National Academy of Sciences, the National Academy of Engineering, and the National Institute of Medicine for the conduct of studies in fields of research and development essential to the development of the technologies identified in the most recent biennial report submitted to the President by the National Critical Technologies Panel under section 603 of the National Science and Technology Policy, Organization, and Priorities Act of 1976.

“(b) CONSULTATION WITH DIRECTOR OF OSTP.—An agreement under subsection (a) may be entered into only after consultation with the Director of the Office of Science and Technology Policy.

“(c) FUNDING LIMITATION.—The Secretary may not obligate more than \$500,000 for agreements under subsection (a) in any fiscal year.”

(2) The item relating to that section 2368 in the table of sections at the beginning of chapter 139 of such title is amended to read as follows:

“2368. Critical technologies research.”

SEC. 842. DEFENSE INDUSTRIAL INFORMATION AND CRITICAL INDUSTRIES PLANNING

(a) EXPANDED FUNCTIONS OF THE DEFENSE INDUSTRIAL BASE OFFICE.—Section 2503 of title 10, United States Code, is amended—

(1) by striking out “at a minimum—” in the matter preceding paragraph (1) and inserting in lieu thereof “at a minimum, do the following:”;

(2) by amending the first word of each of paragraphs (1) through (4) so that the initial letter of such word is uppercase;

(3) by striking out the semicolon at the end of each of paragraphs (1) and (2) and inserting in lieu thereof a period;

(4) by striking out “; and” at the end of paragraph (3) and inserting in lieu thereof a period; and

(5) by adding at the end the following new paragraph:

“(5) Establish and implement a consolidated analysis program (A) to assess and monitor worldwide capabilities in technologies critical to the national security of the United States, and (B) to monitor defense-related manufacturing capabilities of the United States.”

(b) **CRITICAL INDUSTRIES PLANNING.**—Section 2503 of title 10, United States Code, as amended by subsection (a), is further amended by adding at the end the following new paragraph:

“(6) Identify the industries most critical for national security applications of the technologies identified in the most recent annual defense critical technologies plan submitted under section 2508 of this title.”

(c) **REPORT ON DEFENSE INDUSTRIAL BASE.**—(1) The Secretary of Defense, acting through the Under Secretary of Defense for Acquisition, shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the actions taken under section 2503 of title 10, United States Code, for the improvement of the defense industrial base of the United States.

(2) The report shall include Under Secretary's analysis of the condition of the defense industrial base of the United States, particularly with respect to the financial ability of United States businesses—

(A) to conduct research and development activities relating to critical defense technologies, including the critical technologies identified in the first annual defense critical technologies plan submitted pursuant to section 2508 of title 10, United States Code, as added by section 841(b) of this Act;

(B) to apply those technologies to the production of goods and the furnishing of services; and

(C) to engage in any other activities determined by the Secretary of Defense to be critical to the national security.

(3) In preparing the analysis required in paragraph (2), the Secretary, acting through the Under Secretary of Defense for Acquisition, shall consider—

(A) trends in the profitability, levels of capital investment, spending on research and development, and debt burden of businesses involved in research on, development of, and application of critical defense technologies;

(B) the consequences of mergers, acquisitions, and takeovers of such businesses;

(C) the results of current Department of Defense spending for critical defense technologies; and

(D) the likely future level of Department of Defense spending for such technologies during the four fiscal years following fiscal year 1990 and the likely results of that level of spending.

(4) The report under this subsection shall be submitted not later than March 15, 1990.

SEC. 843. SCIENTIFIC AND TECHNICAL EDUCATION

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

(1) The possession and maintenance of technologically superior systems in the Department of Defense is a critical part of the national defense strategy of the United States.

(2) Defense programs use a significant portion of the entire science and technology workforce of the United States.

(3) The science and technology workforce of the United States has been declining in recent years and that decline threatens

the supply of qualified engineers and scientists for the Department of Defense in the future.

(b) **SENSE OF CONGRESS.**—In light of the findings in subsection (a), it is the sense of Congress that the Secretary of Defense should take such actions as may be necessary and appropriate to promote and encourage, at precollege through post-doctoral levels, an increase in the number of citizens and nationals of the United States who pursue courses of study in science, engineering, and other technical disciplines.

(c) **REPORT.**—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives, by February 1, 1990, a report on current, expanded, and proposed new programs of the Department of Defense and, as appropriate, proposed interagency programs to preserve and perpetuate an effective scientific and engineering workforce for the United States for the future. The Secretary, in coordination with the Director of the Office of Science and Technology Policy, shall include in the report an evaluation of the following concepts:

(1) Summer internships at Department of Defense laboratories for precollege teachers of sciences, engineering, or other technical disciplines.

(2) An award program for exceptional precollege teachers in sciences, engineering, or other technical disciplines.

(3) A scholarship program for undergraduates in scientific or technical education who plan to teach those disciplines at the precollege level.

(4) Expanding the Barry Goldwater Scholarship and Excellence in Education Program or any other such program that the Secretary and the Director mutually agree would promote increases in scientific and engineering careers.

(d) **NATIONAL DEFENSE SCIENCE AND ENGINEERING GRADUATE FELLOWSHIPS.**—(1) Part III of subtitle A of title 10, United States Code, is amended by adding at the end the following new chapter:

**“CHAPTER 111—NATIONAL DEFENSE SCIENCE AND
ENGINEERING GRADUATE FELLOWSHIPS**

“Sec.

“2191. Graduate fellowships.

“§ 2191. Graduate fellowships

Regulations.

“(a) The Secretary of Defense shall prescribe regulations providing for the award of fellowships to citizens and nationals of the United States who agree to pursue graduate degrees in science, engineering, or other fields of study designated by the Secretary to be of priority interest to the Department of Defense.

“(b) A fellowship awarded pursuant to regulations prescribed under subsection (a) shall be known as a ‘National Defense Science and Engineering Graduate Fellowship’.

Minorities.
Women.
Disabled
persons.

“(c) National Defense Science and Engineering Graduate Fellowships shall be awarded solely on the basis of academic ability. The Secretary shall take all appropriate actions to encourage applications for such fellowships of persons who are members of groups (including minority groups, women, and disabled persons) which historically have been underrepresented in science and technology fields. Recipients shall be selected on the basis of a nationwide competition. The award of a fellowship under this section may not

be predicated on the geographic region in which the recipient lives or the geographic region in which the recipient will pursue an advanced degree.

“(d) The regulations prescribed under this section shall include—

“(1) the criteria for award of fellowships;

“(2) the procedures for selecting recipients;

“(3) the basis for determining the amount of a fellowship; and

“(4) the maximum amount that may be awarded to an individual during an academic year.”.

(2) The tables of chapters at the beginning of subtitle A, and at the beginning of part III of subtitle A, of such title are each amended by inserting after the item relating to chapter 110 the following new item:

“111. National Defense Science and Engineering Graduate Fellowships 2191”.

(e) FUNDING.—Of the amounts authorized to be appropriated pursuant to section 201, \$10,500,000 of the amount appropriated for fiscal year 1990 and \$11,000,000 of the amount authorized to be appropriated for fiscal year 1991 shall be available for National Defense Science and Engineering Graduate Fellowships provided for under chapter 111 of title 10, United States Code (as added by subsection (c)).

PART F—MISCELLANEOUS

SEC. 851. AUTHORITY TO CONTRACT WITH UNIVERSITY PRESSES FOR PRINTING, PUBLISHING, AND SALE OF HISTORY OF THE OFFICE OF THE SECRETARY OF DEFENSE

19 USC 2242
note.

The Government Printing Office, on behalf of the Secretary of Defense, shall contract for services for the printing, publishing, and sale of volumes III and IV of the publication entitled “History of the Office of the Secretary of Defense” using procurement procedures that exclude sources other than university presses.

SEC. 852. PROCUREMENT FROM COUNTRIES THAT DENY ADEQUATE AND EFFECTIVE PROTECTION OF INTELLECTUAL PROPERTY RIGHTS

(a) SENSE OF CONGRESS.—It is the sense of Congress that it should be a very important consideration in the procurement of property, services, or technology by the Department of Defense whether such procurement is from any person of any country which has been identified by the United States Trade Representative, on the advice of the Commissioner of Patents and Trademarks in the Department of Commerce and the Register of Copyrights, pursuant to section 182(a)(2) of the Trade Act of 1974 (19 U.S.C. 2242) as denying adequate and effective protection of intellectual property rights or fair and equitable market access to United States persons that rely upon intellectual property protection.

(b) REPORT.—(1) If the Secretary of Defense takes any action, upon the direction of the United States Trade Representative (in consultation with the Commissioner of Patents and Trademarks and the Register of Copyrights), with respect to the procurement of property, services, or technology by the Department of Defense on the basis of the consideration set forth in subsection (a), the Secretary shall submit promptly to the committees described in paragraph (2) a report describing the nature of such action and the reasons for such action.

(2) The committees to which the report required by paragraph (1) shall be submitted are the Committees on Armed Services, on Finance, and on the Judiciary of the Senate and the Committees on Armed Services, on Ways and Means, and on the Judiciary of the House of Representatives.

SEC. 853. ACQUISITION LAWS TECHNICAL AMENDMENTS

(a) **REPEAL OF DUPLICATE PROVISION; RESTORATION OF INADVERTENTLY STRICKEN PROVISION.**—(1) Section 2324 of title 10, United States Code, is amended—

(A) by striking out “(1)(1)” and all that follows through “In subsection (k):” and inserting in lieu thereof “(6) In this subsection:”;

(B) by redesignating subsection (l) as subsection (m); and

(C) by inserting after subsection (k) the text of subsection (k) of such section as in effect on the day before the date of the enactment of the Major Fraud Act of 1988 (Public Law 100-700; 102 Stat. 4631 et seq.), with such text designated as subsection (1).

(2) Section 833(c) of Public Law 100-456 (102 Stat. 2024) is amended by striking out “section 2324(k)” and inserting in lieu thereof “section 2324(m)”.

(3) The amendments made by this subsection shall take effect as of November 19, 1988.

(b) **REFERENCES TO FAR.**—(1) Section 2302 of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(6) The term ‘Federal Acquisition Regulation’ means the Federal Acquisition Regulation issued pursuant to section 25(c)(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(c)(1)).”

(2) Section 2320(a) of such title is amended by striking out paragraph (4).

(3) Clause (i) of section 2324(k)(5)(B) of such title is amended by striking out “the single” and all that follows through the period and inserting in lieu thereof “the Federal Acquisition Regulation.”

(c) **PROCUREMENT MANAGEMENT PERSONNEL CLARIFICATIONS.**—(1) Paragraph (2) of section 1621 of title 10, United States Code, is amended to read as follows:

“(2) The term ‘procurement command’ means any of the following:

“(A) The Army Materiel Command, the Army Information Systems Command, and the Army Strategic Defense Command.

“(B) Any Navy weapons systems command, the Navy Strategic Systems Program Office, and the Marine Corps Research, Development and Acquisition Command.

“(C) The Air Force Systems Command and the Air Force Logistics Command.

“(D) Any successor organization to any command or office named in subparagraphs (A) through (C).”

(2) Section 1622(b)(2) of such title is amended—

(A) by striking out “acquisition, support, and maintenance of weapon systems,” and inserting in lieu thereof “acquisition of weapon systems or related items of supply,”; and

(B) by inserting before the period the following: “or to a staff of a service acquisition executive, program executive officer, or program manager of a military department”.

10 USC 2324
note.

Effective date.
10 USC 2324
note.

(3) Section 1623 of such title is amended—

(A) in subsection (a), by inserting “or on the staff of a service acquisition executive, program executive officer, or program manager of a military department” before the period at the end of the first sentence; and

(B) in subsection (b), by striking out “procurement command,” and inserting in lieu thereof “procurement command or on the staff of a service acquisition executive, program executive officer, or program manager of a military department.”

(4) The amendments made by this subsection shall take effect as of July 1, 1989.

Effective date.
10 USC 1621
note.

(d) CORRECTION OF REFERENCE.—Section 2304(b)(2) of title 10, United States Code, is amended—

(1) by striking out “An executive agency” and inserting in lieu thereof “The head of an agency”;

(2) by inserting “concerns” before “other than”; and

(3) by inserting before the period the following: “and concerns other than small business concerns, historically Black colleges and universities, and minority institutions in furtherance of section 1207 of the National Defense Authorization Act for Fiscal Year 1987 (10 U.S.C. 2301 note)”.

(e) CROSS-REFERENCE CORRECTION.—Section 2411(1)(D) of title 10, United States Code, is amended—

(1) by striking out “section 4(c)” and inserting in lieu thereof “section 4(l)”; and

(2) by striking out “450(c)” and inserting in lieu thereof “450b(l)”.

(f) CORRECTION OF INCONSISTENCY.—Section 2305(b)(4)(D) of title 10, United States Code, is amended by inserting “cost or” after “considering only”.

TITLE IX—MATTERS RELATING TO NATO MEMBER NATIONS AND OTHER ALLIES

PART A—CONVENTIONAL FORCE REDUCTIONS IN EUROPE

SEC. 901. FRAMEWORK FOR DETERMINING CONVENTIONAL FORCE REQUIREMENTS IN A CHANGING THREAT ENVIRONMENT

(a) EVALUATION OF EFFECT OF WARSAW PACT REDUCTIONS AND OF POSSIBLE CFE AGREEMENT.—The Secretary of Defense shall submit to the congressional defense committees a report providing the Secretary’s evaluation of the effect upon requirements of the United States for conventional forces and for military spending that could be anticipated under the following assumptions:

Reports.

(1) The full implementation of the unilateral force reductions in, and subsequent reorganization of, forces of the Soviet Union described by the President of the Soviet Union on December 7, 1988, and the unilateral force reductions subsequently announced by the other members of the Warsaw Pact.

Union of Soviet
Socialist
Republics.

(2) Entry into force of a conventional arms control agreement establishing rough parity in conventional forces in Europe between forces of the North Atlantic Treaty Organization and the Warsaw Pact at equal levels (at approximately 85 to 90 percent of NATO’s current inventory) of tanks, artillery, armored troop carriers, combat helicopters, and land-based combat aircraft.

(b) **MATTERS TO BE INCLUDED IN EVALUATION.**—In carrying out the evaluation required by subsection (a) of the unilateral force reductions referred to in paragraph (1) of that subsection and the potential effect of an agreement referred to in paragraph (2) of that subsection, the Secretary shall include in the evaluation (at a minimum) the following (stated for both the near-term and mid-term):

(1) An assessment of the threat to NATO under the assumptions specified in each of paragraphs (1) and (2) of subsection (a).

(2) The effect on the defense strategy of the United States for meeting its NATO commitments in the changing threat environment, including the effect on the ability of NATO to defend against an attack by the Warsaw Pact (A) on short warning, or (B) during a crisis in Europe.

(3) The effect on—

(A) the mix of active and reserve forces of the United States;

(B) the ratio of (i) conventional forces of the United States deployed in the European theater, to (ii) conventional forces of the United States deployed in the continental United States; and

(C) air and sea lift requirements.

(3) The effect on operational military concepts of the United States and NATO (such as Follow-on Forces Attack (FOFA), AirLand Battle, Maritime Strategy, and Rapid Reinforcement) that were initially developed to counter the large advantage of the Warsaw Pact in conventional land forces in the European theater.

(4) The effect on equipment requirements of the United States for meeting its commitments to NATO in the 1990s.

(c) **TIME FOR SUBMISSION.**—The report required by subsection (a) shall be submitted concurrently with the submission to Congress of the President's budget for fiscal year 1991 pursuant to section 1105 of title 31, United States Code. The report shall be submitted in both classified and unclassified form.

SEC. 902. IMPLICATIONS OF MUTUAL REDUCTIONS IN CONVENTIONAL FORCES IN EUROPE BY NATO AND WARSAW PACT MEMBER NATIONS

(a) **COMMENDATION OF PRESIDENT'S CONVENTIONAL ARMS REDUCTION INITIATIVE.**—Congress commends and supports the President's conventional arms control initiative announced in Brussels on May 29, 1989, in which the President proposed, and the North Atlantic Treaty Organization (NATO) agreed, that NATO expand its negotiating position at the negotiations on reductions in conventional forces in Europe (begun in Vienna on March 9, 1989, and known as the "CFE Talks") to include—

(1) substantial reductions by each side to equal ceilings of helicopters and combat aircraft; and

(2) a reduction to a common ceiling of United States military personnel stationed in Western Europe and Soviet military personnel stationed in Eastern Europe.

(b) **PRESIDENTIAL REPORT.**—(1) Not later than six months after the date of the enactment of this Act, the President shall submit to Congress an unclassified report, with classified annexes as necessary, on the foreign policy and military implications to NATO and to the Warsaw Pact of significant reductions of conventional forces

by NATO and Warsaw Pact countries to a ceiling which is the same for both sides.

(2) The report shall address possible force reduction scenarios for a second round of CFE negotiations and shall be based upon two different assumptions with regard to the level of reductions in personnel and equipment to be made. Under the first assumption, personnel and equipment would be reduced to a level 25 percent below current NATO levels. Under the second assumption, personnel and equipment would be reduced to a level 50 percent below current NATO levels.

(3) The report shall include the following:

(A) A comprehensive net assessment of the current balance between NATO forces and Warsaw Pact forces and of the overall trends in that balance, including an assessment of the trends in active and reserve forces and in total equipment holdings in stationed and indigenous forces.

(B) A description of the likely alternative force postures that could be adopted by member nations of both alliances (particularly by the United States and the Soviet Union) under each of the assumptions analyzed, together with a description of the possible effects of restructuring of both NATO and Warsaw Pact forces in Europe for defensive purposes.

(C) A statement of the costs (or savings) to the United States, over at least a seven-year period, estimated to be associated with each force posture described under subparagraph (B), together with an analysis of how those costs (or savings) were determined.

(D) An analysis of the implications for NATO strategy, security, and military policy under each of the reduction levels referred to in paragraph (2), including a net assessment of the resulting balance between NATO forces and Warsaw Pact forces.

(E) An assessment of the effects under each of the reduction levels referred to in paragraph (2) (including the alternative force postures under each assumption) upon the stability of the conventional balance of forces in Europe.

(F) An assessment of the ability of NATO to defend Europe under each of the assumed reduction levels in the event of an attack by the Warsaw Pact (i) on short warning, or (ii) during a crisis in Europe.

(G) An assessment of the effects under each of the reduction levels referred to in paragraph (2) on—

- (i) the short-range nuclear force requirements of NATO;
- (ii) the requirements of the United States for POMCUS and war-reserve stocks;
- (iii) the requirements of NATO for airlift and sealift based in the United States and for reinforcing units from the United States; and
- (iv) the ability of the United States to meet global military requirements.

SEC. 903. REPORT ON VERIFICATION MEASURES FOR POSSIBLE CONVENTIONAL ARMS CONTROL AGREEMENT

(a) **REPORT.**—The President shall submit to Congress a report on the types of measures that would be required to verify the proposal for reductions in conventional forces in Europe adopted by the

President of U.S.

member nations of the North Atlantic Treaty Organization (NATO) on May 30, 1989.

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

(1) A discussion of the types of information that it would be necessary for the parties to such an agreement to exchange for such verification.

(2) A discussion of the range of options under consideration by the executive branch for defining what constitutes a militarily significant violation of a conventional arms control agreement.

(3) A description of the national technical means, on-site inspections, and other cooperative measures that would be necessary to detect violations of such an agreement, including—

(A) an analysis of the measures that would be required to monitor (i) the withdrawal and demobilization of military personnel, and (ii) the withdrawal and (if required by the agreement) the destruction of military equipment provided for in any such agreement; and

(B) the President's judgment on those on-site inspections and confidence building measures under consideration that are the most acceptable, and the least acceptable, to the NATO alliance and the Warsaw Pact, including an assessment of the counterintelligence aspects of such measures for NATO.

(4) A discussion of the procedures the NATO alliance would follow in the event of a violation of such an agreement by a member of the Warsaw Treaty Organization.

(c) **DATA BASE ANALYSIS.**—(1) The report under subsection (a) shall also include a comprehensive analysis of—

(A) the uncertainties in the data bases to be used by United States intelligence with respect to the military forces of NATO member nations and Warsaw Pact member nations located in the proposed areas of reduction;

(B) the uncertainties in the estimates of the trends in such forces; and

(C) the differences in the data bases and counting rules used by the United States, the allies of the United States, and the Warsaw Pact member nations.

(2) The analysis under paragraph (1) shall address separately the uncertainties in the estimates of each of the following:

(A) Active forces.

(B) Reserve forces.

(C) Equipment subject to reductions and ceilings.

(D) Indigenous forces.

(E) Stationed forces.

(d) **SUBMISSION OF REPORT.**—The report required by subsection (a) shall be submitted not later than March 1, 1990. The report shall include such comments and recommendations as the President determines appropriate. The report shall be submitted in both classified and unclassified versions.

PART B—BURDEN SHARING

SEC. 911. REDUCTION IN AUTHORIZED END STRENGTH FOR THE NUMBER OF MILITARY PERSONNEL IN EUROPE

(a) **REDUCTION REQUIRED.**—Section 1002(c)(1) of the Department of Defense Authorization Act, 1985 (22 U.S.C. 1928 note), is amended by striking out “326,414” and inserting in lieu thereof “311,855”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on September 30, 1991.

22 USC 1928
note.

SEC. 912. ACTIVE-DUTY FORCES IN EUROPE OF MEMBER NATIONS OF NATO

22 USC 1928
note.

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

(1) Member nations of the North Atlantic Treaty Organization (NATO), at the initiative of the President, have presented to the nations of the Warsaw Pact a comprehensive proposal concerning reductions in conventional forces in Europe for consideration in the negotiations on Conventional Armed Forces in Europe (CFE).

(2) An agreement based on that proposal would significantly enhance security and stability in Europe and the cause of peace worldwide.

(3) Irrespective of developments in the CFE negotiations, several member nations of NATO are considering making significant unilateral reductions over the next several years in the number of their active-duty forces in Europe.

(4) Such unilateral reductions in active-duty forces before an agreement on CFE enters into force would—

(A) undercut efforts by NATO to improve its conventional defense posture in Europe, increase reliance by NATO on the threat of the early use of nuclear weapons to deter aggression, and undermine the NATO arms control negotiating posture in the CFE negotiations; and

(B) exacerbate longstanding burdensharing tensions among member nations of NATO.

(5) Despite shifts in relative economic power from the United States to some of the major allies of the United States, the costs of mutual defense continue to be borne disproportionately by the United States.

(6) Adjustments in burdensharing are long overdue.

(b) **DEFINITIONS.**—For purposes of this section:

(1) The term “active-duty forces in Europe” means those active-duty military personnel assigned to permanent duty ashore in European member nations of NATO, except that such term does not include INF-related forces.

(2) The term “INF-related forces” means those active-duty military personnel assigned to permanent duty ashore in European member nations of NATO who are to be demobilized or withdrawn from Europe as a result of the elimination of the intermediate-range nuclear weapons of the United States pursuant to the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Elimination of their Intermediate-range and Shorter-range Missiles, signed on December 8, 1987 (commonly referred to as the “INF Treaty”).

(3) The term “U.S. end-strength level in Europe” means the actual number of active-duty forces in Europe of the Armed Forces of the United States at the end of a fiscal year.

(4) The term "allied forces end-strength level in Europe" means the actual number of active-duty forces in Europe of the armed forces of member nations of NATO (other than the United States) in Europe at the end of a fiscal year.

(c) **BASELINE REPORT ON ACTIVE-DUTY FORCES IN EUROPE.**—(1) Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a report on the number of the active-duty forces in Europe of the member nations of NATO. The report shall identify the following:

(1) The U.S. end-strength level in Europe for fiscal year 1989.

(2) The allied forces end-strength level in Europe for fiscal year 1989.

(3) The actual number of active-duty forces in Europe of the armed forces of each member nation of NATO (other than the United States) at the end of fiscal year 1989.

(4) The ratio (expressed in terms of a percentage) of—

(A) the U.S. end-strength level in Europe; to

(B) the allied forces end-strength level in Europe.

(d) **U.S.-ALLIED FORCES RATIO.**—(1) The ratio identified for fiscal year 1989 under subsection (c)(4) is hereinafter in this section referred to as the "baseline U.S.-allied forces ratio".

(2) The ratio identified in an annual report under subsection (e) is hereinafter in this section referred to as the "U.S.-allied forces ratio".

(e) **ANNUAL REPORT ON MAINTAINING ACTIVE-DUTY FORCES IN EUROPE.**—(1) During each of the fiscal years 1991, 1992, and 1993, the Secretary of Defense shall prepare a report identifying for the preceding fiscal year the following:

(A) The U.S. end-strength level in Europe for the fiscal year covered by the report.

(B) The allied forces end-strength level in Europe for such fiscal year.

(C) The ratio (expressed in terms of a percentage) of the U.S. end-strength level in Europe to the allied forces end-strength level in Europe for the fiscal year covered by the report.

(2) The Secretary shall include in each such report the following:

(A) A statement of whether there has been any change in the U.S.-allied forces ratio for such fiscal year compared with—

(i) the baseline U.S.-allied forces ratio; and

(ii) after fiscal year 1991, the U.S.-allied forces ratio for the fiscal year immediately preceding the fiscal year covered by such report.

(B) In the case of a change in the U.S.-allied forces ratio for such fiscal year, a description of the amount of such change and any explanation of the cause for such change.

(C) A discussion of any action taken by the United States during such fiscal year to encourage member nations of NATO (other than the United States) to increase the number of their active-duty forces in Europe and the results of that action.

(3)(A) Except as provided in subparagraph (B), the report required by paragraph (1) shall be submitted to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives not later than April 1 of each fiscal year referred to in such paragraph.

(B) The Secretary shall be considered to have complied with subparagraph (A) in a fiscal year if the Secretary includes the information required by paragraphs (1) and (2) in the report submitted in such year pursuant to section 1002(d)(2) of the Department of Defense Authorization Act, 1985 (22 U.S.C. 1928 note).

(f) **LIMITATION ON OBLIGATION OF FUNDS.**—(1) If the Secretary of Defense states in a report prepared under subsection (e) that the U.S.-allied forces ratio for the fiscal year covered by such report is greater than the baseline U.S.-allied forces ratio by more than one-tenth of one percentage point—

(A) the President shall undertake appropriate diplomatic initiatives to persuade the member nations of NATO (other than the United States) to increase the number of their active-duty forces in Europe so that the U.S.-allied forces ratio no longer exceeds the baseline U.S.-allied forces ratio; and

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(B) funds appropriated to or for the use of the Department of Defense may not be obligated or expended for the next fiscal year to support active-duty forces in Europe of the Armed Forces of the United States at an end-strength level that would cause the U.S.-allied forces ratio in such fiscal year to exceed the baseline U.S.-allied forces ratio by more than one-tenth of one percentage point.

(2) The President may waive the provisions of paragraph (1) if the President determines that such action is critical to the national security of the United States. The President shall immediately notify Congress of such a waiver and the reasons for such waiver.

President of U.S.

(3) Paragraph (1) shall not apply in the event of a declaration of war or an armed attack on any member nation of NATO or in the event that a comprehensive arms reduction agreement enters into force as a result of the negotiations on Conventional Armed Forces in Europe (CFE).

(g) **END-STRENGTH PERMANENT CEILING.**—Nothing in this section shall be construed to permit the obligation or expenditure of funds to support an end-strength level of members of the Armed Forces of the United States assigned to permanent duty ashore in European member nations of NATO at any level in excess of the permanent ceiling specified in section 1002(c)(1) of the Department of Defense Authorization Act, 1985 (22 U.S.C. 1928 note).

SEC. 913. CONTRIBUTIONS BY JAPAN TO GLOBAL SECURITY

(a) **FINDINGS.**—Congress finds—

(1) that extraordinary political, economic, and social changes have occurred in Japan since World War II; and

(2) that, as a result of such changes, Japan is capable of assuming increased responsibility for its own security.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that, in view of the changes referred to in subsection (a), Japan should—

(1) assume increased responsibility for its own security;

(2) offset the direct costs incurred by the United States in deploying military forces for the defense of Japan, including costs (other than pay and allowances) related to the presence of United States military personnel in Japan; and

(3) make a contribution to the common defense that is more commensurate with its economic status by taking the following actions:

(A) Increasing expenditures for its Official Development Assistance program and its defense programs so that, by

1992, the level of spending by Japan on those programs (stated as a percentage of gross national product) will approximate the average of the levels of spending by the member nations of the North Atlantic Treaty Organization (NATO) on official development assistance and defense programs (stated as a percentage of their respective gross national products).

(B) Devoting any increase in its spending for such Official Development Assistance program primarily to the Republic of the Philippines and to countries in regions of importance to global stability outside of East Asia, particularly to countries in Latin America, the Caribbean area, and the Mediterranean area.

(C) Devoting any increase in spending for that program primarily to untied grants and increasing the portion of total expenditures made in that program for those multilateral financial institutions of which Japan is a member.

(D) Designating those nations that are to be recipients of increased development assistance referred to in subparagraphs (A) through (C) after consultation with Japan's security partners.

(E) Completing, after consultation with the United States, the 5-year defense program of Japan for fiscal years 1986 through 1990 and, at the earliest possible date after the completion of that program, fulfilling the pledge made by the Prime Minister of Japan in May 1981 to defend the territory, airspace, and sea lanes of Japan to a distance of 1,000 nautical miles.

(F) Acquiring "off-the-shelf" military equipment from the United States (including completely equipped, long-range early warning aircraft, additional AEGIS weapon systems, refueling aircraft, munitions, and spare parts) in developing the capabilities called for in Japan's current and subsequent 5-year defense programs.

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International
agreements.

(c) **NEGOTIATIONS AND CONSULTATIONS.**—At the earliest practicable date after the enactment of this Act, the President shall—

(1) enter into negotiations with Japan for the purpose of achieving an agreement under which Japan agrees to make contributions sufficient in value to meet the direct cost of deploying United States forces for the defense of Japan; and

(2) issue an invitation to the Government of Japan and other governments of Pacific allies of the United States to engage in annual multilateral consultations on security concerns, consistent with the constitutions and national defense requirements of the respective countries.

(d) **REPORTS.**—(1) In order that Congress may determine whether further action is appropriate, not later than April 1, 1990, the President shall submit to the congressional committees described in paragraph (3) an initial report on the status and results of—

(A) the negotiations with Japan referred to in subsection (c)(1); and

(B) the invitation required under subsection (c)(2), including any consultations resulting from such invitation.

(2) Not later than one year after the date of the enactment of this Act, the President shall submit to such congressional committees a second report on the status and results of the matters referred to in paragraph (1).

(3) The congressional committees referred to in this subsection are the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives.

SEC. 914. REPORT ON COSTS ASSOCIATED WITH OVERSEAS DEPENDENTS

(a) **REPORT REQUIRED.**—The Secretary of Defense shall submit a report to the Committees on Armed Services of the Senate and House of Representatives on practicable options available to the Department of Defense to reduce costs associated with maintaining overseas—

- (1) dependents of members of the Armed Forces; and
- (2) dependents of civilian employees of the Department of Defense.

(b) **ELEMENTS OF REPORT.**—In preparing the report required by subsection (a), the Secretary shall specifically address, at a minimum, the following:

(1) Whether expansion of incentives for unaccompanied tours of duty overseas would be effective in increasing the number of such tours and whether such an expansion of incentives would be cost effective.

(2) Whether more frequent rotation of overseas personnel without dependents would result in overall savings as compared to current rotation practices.

(3) Whether an increase in the use of local contractors at overseas stations to provide services currently being provided by Department of Defense personnel would result in overall savings to the United States.

(4) The cost implications for United States families at overseas stations resulting from an increase in the use of local contractors.

(5) Whether costs associated with the support of overseas dependents would change from a reduction in personnel under a conventional forces in Europe (CFE) agreement.

(6) Whether the granting of fewer exceptions to the length of overseas duty tours would reduce permanent change of station costs.

(7) The extent to which overseas facilities could be consolidated and centralized to reduce administrative and overhead costs.

(8) The extent to which reductions in family support services at overseas stations could be made without materially affecting the standard of living of the personnel assigned to duty at such stations.

(9) Whether reductions in overseas family support costs would likely result in increased costs in programs in the United States.

(10) The extent to which dependents would be likely to accompany members of the Armed Forces and civilian employees of the Department of Defense to overseas stations in the absence of each of the various types of special assistance and benefits currently provided to overseas dependents.

(11) The effect that a reduction or termination of the various types of the special assistance and benefits for overseas dependents would have on combat readiness, morale, and retention.

(b) **TIME FOR SUBMISSION.**—The report required by subsection (a) shall be submitted not later than February 1, 1990.

SEC. 915. UNITED STATES-REPUBLIC OF KOREA SECURITY RELATIONSHIP AND OTHER SECURITY MATTERS IN EAST ASIA

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

(1) Since the end of the Korean conflict, the Republic of Korea has made tremendous progress in rebuilding its economic and military strength.

(2) Despite this progress, an indigenous military balance has not yet been achieved on the Korean peninsula, and the Democratic People's Republic of Korea continues to pose a serious threat to the security of the Republic of Korea.

(3) The alliance between the United States and the Republic of Korea has contributed greatly to the security of both countries.

(4) The Republic of Korea has dedicated a large share of its national resources to its security, as shown by the fact that defense expenditures comprise approximately one-third of the national budget of the Republic of Korea.

(5) The United States has contributed a large amount of national resources, including approximately 44,000 military personnel, to protecting the security interests that it shares with the Republic of Korea.

(6) The presence of United States military personnel in the Republic of Korea contributes to the preservation of peace on the Korean peninsula, serves as a military deterrent, and is a tangible manifestation of the commitment of the United States to the defense of the Republic of Korea.

(7) In accordance with its obligations under the 1954 Mutual Defense Treaty with the Republic of Korea, the United States remains committed to the security and territorial integrity of the Republic of Korea.

(b) SENSE OF CONGRESS ON THE UNITED STATES-REPUBLIC OF KOREA SECURITY RELATIONSHIP.—(1) It is the sense of Congress that—

(A) the United States should review the missions, force structure, and locations of its military forces in the Republic of Korea and East Asia;

(B) the Republic of Korea should assume increased responsibility for its own security;

(C) the Republic of Korea should offset more of the direct costs incurred by the United States in deploying military forces for the defense of the Republic of Korea; and

(D) the United States and the Republic of Korea should consult on the feasibility and desirability of partial, gradual reductions of United States military forces in the Republic of Korea.

(2) In order that Congress may determine whether further action is appropriate, not later than April 1, 1990, the President shall submit to the congressional committees described in subsection (d) an initial report on the status and results of any consultations held by the United States and the Republic of Korea on the matter referred to in paragraph (1)(D).

(3) Not later than one year after the date of the enactment of this Act, the President shall submit to such congressional committees a second report on the status and results of the consultations referred to in paragraph (1)(D).

(c) REPORT ON MILITARY PRESENCE IN EAST ASIA.—(1) Not later than April 1, 1990, the President shall submit to the congressional

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Reports.

committees described in subsection (d) a report on the military presence of the United States in East Asia, including the Republic of Korea. The President shall include in such report a strategic plan relating to the continued United States military presence in East Asia.

(2) The report required by this subsection shall specifically include the following:

(A) An assessment of the implications of recent developments in the Soviet Union and the People's Republic of China for United States and allied security planning in East Asia.

People's
Republic of
China.

(B) Identification of any changes in the missions, force structure, and locations of United States forces in East Asia that could strengthen the capabilities of such forces and lower the costs of maintaining such forces.

(C) A discussion of ways in which increased defense responsibilities and costs presently borne by the United States can be transferred to the allies of the United States in East Asia.

(D) Identification of the additional actions that the Republic of Korea can take to contribute more to its own security.

(E) A discussion of the feasibility of restructuring United States military forces stationed in Okinawa with the objective of improving civil-military relations and increasing United States training opportunities.

Japan.

(F) A discussion of the status and prospects of negotiations between the United States and the Republic of the Philippines on the continued use of United States military installations in the Republic of the Philippines.

Republic of the
Philippines.

(G) An assessment of whether a requirement still exists for a regional security role for United States forces stationed in the Republic of Korea.

(3) The report required by this subsection shall also include a five-year plan with respect to the United States military presence in the Republic of Korea, including a discussion of the feasibility and desirability of the following:

(A) Partial, gradual reductions in the number of United States military personnel stationed in the Republic of Korea.

(B) Larger offsets by the Republic of Korea for the direct costs incurred by the United States in deploying military forces in defense of the Republic of Korea.

(C) The relocation of United States military personnel and facilities within the Republic of Korea that can be made to reduce friction between such personnel and the people of the Republic of Korea.

(D) Changes in the United Nations and United States-Republic of Korea bilateral command arrangements that would facilitate a transfer of certain military missions and command to the Republic of Korea.

(E) Confidence-building measures that could be promoted in northeast Asia to lessen tensions in the region.

(F) Additional actions the Republic of Korea could take to assume more responsibility for its own security.

(d) CONGRESSIONAL COMMITTEES TO RECEIVE REPORTS.—The congressional committees referred to in this section are the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives.

PART C—EXPENDITURES IN EUROPE

SEC. 921. LIMITATION ON EXPENDITURES FOR RELOCATION OF FUNCTIONS LOCATED AT TORREJON AIR BASE, MADRID, SPAIN

(a) **LIMITATION.**—During the period beginning on June 27, 1989, and ending on October 1, 1993, not more than \$360,000,000 may be obligated or expended from funds available to the Department of Defense for the purpose of relocating functions of the Department of Defense located at Torrejon Air Base, Madrid, Spain, on June 15, 1989, to any other location outside the United States.

(b) **COUNTING OF NATO INFRASTRUCTURE CONTRIBUTIONS.**—For purposes of subsection (a), contributions for the North Atlantic Treaty Organization Infrastructure program pursuant to section 2806 of title 10, United States Code, that are used (directly or indirectly) for the purpose of relocations described in subsection (a) shall be included in determining the amount expended on such relocations.

(c) **COUNTING OF REPAYMENTS FOR NATO INFRASTRUCTURE FAMILY HOUSING COMMITMENTS.**—(1) All amounts which the United States is obligated to pay under a housing reimbursement agreement described in paragraph (2) shall be deemed to be amounts obligated for purposes of subsection (a), regardless of when the agreement is entered into or when payments pursuant to the agreement are to be made.

(2) A housing reimbursement agreement for purposes of paragraph (1) is an agreement calling for the United States to make a series of annual payments as repayment for advances for the cost of construction, through the NATO Infrastructure program, of military family housing in connection with the relocations described in subsection (a).

(d) **EXCLUSION FOR PERSONNEL EXPENSES.**—There shall be excluded from the determination of amounts expended on relocations described in subsection (a) amounts spent for expenses associated with permanent change of station moves and other personnel-related expenses.

SEC. 922. SENSE OF CONGRESS CONCERNING UNITED STATES MILITARY FACILITIES IN NATO MEMBER COUNTRIES

(a) **NATO POLICY.**—It is the sense of Congress that the North Atlantic Treaty Organization (NATO) should adopt as its policy the following views expressed by the North Atlantic Assembly in its 1987 report entitled "NATO in the 1990s":

(1) The member nations of NATO should examine further measures that could be taken to relieve the United States from the burdens of its military presence in Europe.

(2) Such nations should consider the provision of base facilities for allied forces and equipment as a part of their national contributions to Western security.

(3) Such nations should not expect compensation for providing facilities that the NATO alliance decides are essential to implement NATO security strategy.

(4) All wealthier member nations of NATO should assist Portugal, Greece, and Turkey to ensure that NATO remains politically, economically, and militarily strong in its southern region as well as in its central and northern regions.

(b) **UNITED STATES PAYMENT FOR USE OF BASE FACILITIES IN NATO COUNTRIES.**—It is further the sense of Congress that the United

States should not provide economic or security assistance to any NATO member nation as compensation or rent for the use of base facilities in that nation.

PART D—COOPERATIVE AGREEMENTS

SEC. 931. CODIFICATION OF CERTAIN ALLIED COOPERATIVE AGREEMENTS STATUTES

(a) **STATUTORY REORGANIZATION.**—Chapter 138 of title 10, United States Code, is amended—

(1) by striking out the chapter heading and inserting in lieu thereof the following:

“CHAPTER 138—COOPERATIVE AGREEMENTS WITH NATO ALLIES AND OTHER COUNTRIES

“Subchapter

“I. Acquisition and Cross-Servicing Agreements..... 2341

“II. Other Cooperative Agreements 2350a

“SUBCHAPTER I—ACQUISITION AND CROSS-SERVICING AGREEMENTS”;

and

(2) by adding at the end the following:

“SUBCHAPTER II—OTHER COOPERATIVE AGREEMENTS

“Sec.

“2350a. Cooperative research and development projects: allied countries.

“2350b. Cooperative projects under Arms Export Control Act: acquisition of defense equipment.

“2350c. Cooperative military airlift agreements: allied countries.

“2350d. Cooperative logistic support agreements: NATO countries.

“2350e. NATO Airborne Warning and Control System (AWACS) program: authority of Secretary of Defense.

“2350f. Procurement of communications support and related supplies and services.

“§ 2350a. Cooperative research and development projects: allied countries

“(a) **AUTHORITY TO ENGAGE IN COOPERATIVE R&D PROJECTS.**—The Secretary of Defense may enter into a memorandum of understanding (or other formal agreement) with one or more major allies of the United States for the purpose of conducting cooperative research and development projects on defense equipment and munitions.

“(b) **REQUIREMENT THAT PROJECTS IMPROVE CONVENTIONAL DEFENSE CAPABILITIES.**—(1) The Secretary of Defense may not enter into a memorandum of understanding (or other formal agreement) to conduct a cooperative research and development project under this section unless the Secretary determines that the proposed project will improve, through the application of emerging technology, the conventional defense capabilities of the North Atlantic Treaty Organization (NATO) or the common conventional defense capabilities of the United States and its major non-NATO allies.

“(2) The authority of the Secretary to make a determination under paragraph (1) may only be delegated to the Deputy Secretary of Defense or the Under Secretary of Defense for Acquisition.

“(c) **COST SHARING.**—Each cooperative research and development project entered into under this section shall require sharing of the costs of the project between the participants on an equitable basis.

“(d) **RESTRICTIONS ON PROCUREMENT OF EQUIPMENT AND SERVICES.**—(1) In order to assure substantial participation on the part of the major allies of the United States in cooperative research and development projects, funds made available for such projects may not be used to procure equipment or services from any foreign government, foreign research organization, or other foreign entity.

“(2) A major ally of the United States may not use any military or economic assistance grant, loan, or other funds provided by the United States for the purpose of making that ally's contribution to a cooperative research and development program entered into with the United States under this section.

“(e) **COOPERATIVE OPPORTUNITIES DOCUMENT.**—(1)(A) In order to ensure that opportunities to conduct cooperative research and development projects are considered at an early point during the formal development review process of the Department of Defense in connection with any planned project of the Department, the Under Secretary of Defense for Acquisition shall prepare an arms cooperation opportunities document with respect to that project for review by the Defense Acquisition Board at formal meetings of the Board.

“(B) The Under Secretary shall also prepare an arms cooperation opportunities document for review of each new project for which a document known as a Mission Need Statement is prepared.

“(2) An arms cooperation opportunities document referred to in paragraph (1) shall include the following:

“(A) A statement indicating whether or not a project similar to the one under consideration by the Department of Defense is in development or production by one or more of the major allies of the United States.

“(B) If a project similar to the one under consideration by the Department of Defense is in development or production by one or more major allies of the United States, an assessment by the Under Secretary of Defense for Acquisition as to whether that project could satisfy, or could be modified in scope so as to satisfy, the military requirements of the project of the United States under consideration by the Department of Defense.

“(C) An assessment of the advantages and disadvantages with regard to program timing, developmental and life cycle costs, technology sharing, and Rationalization, Standardization, and Interoperability (RSI) of seeking to structure a cooperative development program with one or more major allies of the United States.

“(D) The recommendation of the Under Secretary as to whether the Department of Defense should explore the feasibility and desirability of a cooperative development program with one or more major allies of the United States.

“(f) **REPORTS TO CONGRESS.**—(1) Not later than March 1 of each year, the Under Secretary of Defense for Acquisition shall submit to the Speaker of the House of Representatives and the Committees on Armed Services and Appropriations of the Senate a report on cooperative research and development projects under this section. Each such report shall include—

“(A) a description of the status, funding, and schedule of existing projects carried out under this section for which memo-

randa of understanding (or other formal agreements) have been entered into; and

“(B) a description of the purpose, funding, and schedule of any new projects proposed to be carried out under this section (including those projects for which memoranda of understanding (or other formal agreements) have not yet been entered into) for which funds have been included in the budget submitted to Congress pursuant to section 1105 of title 31 for the fiscal year following the fiscal year in which the report is submitted.

“(2) The Secretary of Defense and the Secretary of State, whenever they consider such action to be warranted, shall jointly submit to the Committees on Armed Services and Foreign Relations of the Senate and to the Committees on Armed Services and Foreign Affairs of the House of Representatives a report—

“(A) enumerating those countries to be added to or deleted from the existing designation of countries designated as major non-NATO allies for purposes of this section; and

“(B) specifying the criteria used in determining the eligibility of a country to be designated as a major non-NATO ally for purposes of this section.

“(g) **SIDE-BY-SIDE TESTING.**—(1) It is the sense of Congress—

“(A) that the Secretary of Defense should test conventional defense equipment, munitions, and technologies manufactured and developed by major allies of the United States to determine the ability of such equipment, munitions, and technologies to satisfy United States military requirements or to correct operational deficiencies; and

“(B) that while the testing of nondevelopmental items and items in the late state of the development process are preferred, the testing of equipment, munitions, and technologies may be conducted to determine procurement alternatives.

“(2) The Secretary of Defense may acquire equipment, munitions, and technologies of the type described in paragraph (1) for the purpose of conducting the testing described in that paragraph.

“(3) The Deputy Director, Defense Research and Engineering (Test and Evaluation) shall notify the Speaker of the House of Representatives and the Committees on Armed Services and on Appropriations of the Senate of the Deputy Director's intent to obligate funds made available to carry out this subsection not less than 30 days before such funds are obligated.

“(4) The Secretary of Defense shall include in the annual report to Congress required by section 2457(d) of this title information on—

“(A) the equipment, munitions, and technologies manufactured and developed by major allies of the United States that were evaluated under this subsection during the previous fiscal year;

“(B) the obligation of any funds under this subsection during the previous fiscal year; and

“(C) the equipment, munitions, and technologies that were tested under this subsection and procured during the previous fiscal year.

“(h) **SECRETARY TO ENCOURAGE SIMILAR PROGRAMS.**—The Secretary of Defense shall encourage major allies of the United States to establish programs similar to the one provided for in this section.

“(i) **DEFINITIONS.**—In this section:

“(1) The term ‘cooperative research and development project’ means a project involving joint participation by the United

States and one or more major allies of the United States under a memorandum of understanding (or other formal agreement) to carry out a joint research and development program—

“(A) to develop new conventional defense equipment and munitions; or

“(B) to modify existing military equipment to meet United States military requirements.

“(2) The term ‘major ally of the United States’ means—

“(A) a member nation of the North Atlantic Treaty Organization (other than the United States); or

“(B) a major non-NATO ally.

“(3) The term ‘major non-NATO ally’ means a country (other than a member nation of the North Atlantic Treaty Organization) that is designated as a major non-NATO ally for purposes of this section by the Secretary of Defense with the concurrence of the Secretary of State.”

(b) **TRANSFER OF EXISTING TITLE 10 SECTIONS.**—(1) Section 2407 of title 10, United States Code (relating to acquisition of defense equipment under cooperative agreements), is transferred to the end of chapter 138 of such title (as amended by subsection (a)) and redesignated as section 2350b.

(2) Section 2213 of such title (relating to cooperative military airlift agreements), is transferred to the end of chapter 138 of such title (as amended by paragraph (1)), redesignated as section 2350c, and amended in subsection (d) by striking out “chapter 138 of this title” and inserting in lieu thereof “subchapter I”.

(c) **CODIFICATION OF EXISTING NON-TITLE 10 SECTION.**—Chapter 138 of such title (as amended by subsection (b)) is further amended by adding at the end the following new section:

“§ 2350d. Cooperative logistic support agreements: NATO countries

“(a) **GENERAL AUTHORITY.**—(1) The Secretary of Defense may enter into bilateral or multilateral agreements known as Weapon System Partnership Agreements with one or more governments of other member countries of the North Atlantic Treaty Organization (NATO) participating in the operation of the NATO Maintenance and Supply Organization. Any such agreement shall be for the purpose of providing cooperative logistics support for the armed forces of the countries which are parties to the agreement. Any such agreement—

“(A) shall be entered into pursuant to the terms of the charter of the NATO Maintenance and Supply Organization; and

“(B) shall provide for the common logistic support of a specific weapon system common to the participating countries.

“(2) Such an agreement may provide for—

“(A) the transfer of logistics support, supplies, and services by the United States to the NATO Maintenance and Supply Organization; and

“(B) the acquisition of logistics support, supplies, and services by the United States from that Organization.

“(b) **AUTHORITY OF SECRETARY.**—Under the terms of a Weapon System Partnership Agreement, the Secretary of Defense—

“(1) may agree that the NATO Maintenance and Supply Organization may enter into contracts for supply and acquisition of logistics support in Europe for requirements of the United States, to the extent the Secretary determines that the

procedures of such Organization governing such supply and acquisition are appropriate; and

“(2) may share the costs of set-up charges of facilities for use by the NATO Maintenance and Supply Organization to provide cooperative logistics support and in the costs of establishing a revolving fund for initial acquisition and replenishment of supply stocks to be used by the NATO Maintenance and Supply Organization to provide cooperative logistics support.

“(c) **SHARING OF ADMINISTRATIVE EXPENSES.**—Each Weapon System Partnership Agreement shall provide for joint management by the participating countries and for the equitable sharing of the administrative costs incident to the agreement.

“(d) **APPLICATION OF CHAPTER 137.**—Except as otherwise provided in this section, the provisions of chapter 137 of this title apply to a contract entered into by the Secretary of Defense for the acquisition of logistics support under a Weapon System Partnership Agreement.

“(e) **APPLICATION OF ARMS EXPORT CONTROL ACT.**—Any transfer of defense articles or defense services to a member country of the North Atlantic Treaty Organization or to the NATO Maintenance and Supply Organization for the purposes of a Weapon System Partnership Agreement shall be carried out in accordance with the Arms Export Control Act (22 U.S.C. 2751 et seq.).

“(f) **SUPPLEMENTAL AUTHORITY.**—The authority of the Secretary of Defense under this section is in addition to the authority of the Secretary under subchapter I and any other provision of law.”.

(d) **CONFORMING REPEALS.**—The following provisions of law are repealed:

(1) Section 1103 of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 713).

10 USC 2407
note.

(2) Section 1102 and section 1105 of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661, 800 Stat. 3961, 3965).

10 USC 2407
note; 22 USC
2767a.

(e) **CONFORMING AND CLERICAL AMENDMENTS.**—(1) Sections 2342 through 2350 of title 10, United States Code, are amended by striking out “this chapter” each place it appears and inserting in lieu thereof “this subchapter”.

(2) The items relating to chapter 138 in the table of chapters at the beginning of subtitle A, and at the beginning of part IV of subtitle A, of such title are amended to read as follows:

“138. Cooperative Agreements with NATO Allies and Other Countries..... 2341”.

(3) The heading of section 2350b of such title (as redesignated by subsection (b)(1)) is amended to read as follows:

“§ 2350b. Cooperative projects under Arms Export Control Act: acquisition of defense equipment”.

(4) The heading of section 2350c of such title (as redesignated by subsection (b)(2)) is amended to read as follows:

“§ 2350c. Cooperative military airlift agreements: allied countries”.

SEC. 932. EXTENSION AND CODIFICATION OF AUTHORITY PROVIDED THE SECRETARY OF DEFENSE IN CONNECTION WITH THE NATO AIRBORNE WARNING AND CONTROL SYSTEM (AWACS) PROGRAM

(a) **EXTENSION AND CODIFICATION.**—(1) Chapter 138 of title 10, United States Code (as amended by section 931), is further amended by adding at the end the following new section:

“§ 2350e. NATO Airborne Warning and Control System (AWACS) program: authority of Secretary of Defense

“(a) **AUTHORITY UNDER AWACS PROGRAM.**—The Secretary of Defense, in carrying out an AWACS memorandum of understanding, may do the following:

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

“(A) Auditing.

“(B) Quality assurance.

“(C) Codification.

“(D) Inspection.

“(E) Contract administration.

“(F) Acceptance testing.

“(G) Certification services.

“(H) Planning, programming, and management services.

“(2) Waive any surcharge for administrative services otherwise chargeable.

“(3) In connection with that Program, assume contingent liability for—

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

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

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

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

“(c) **DEFINITION.**—In this section, the term ‘AWACS memorandum of understanding’ means—

“(1) the Multilateral Memorandum of Understanding Between the North Atlantic Treaty Organization (NATO) Ministers of Defence on the NATO E-3A Cooperative Programme, signed by the Secretary of Defense on December 6, 1978;

“(2) the Memorandum of Understanding for Operations and Support of the NATO Airborne Early Warning and Control Force, signed by the United States Ambassador to NATO on September 26, 1984; and

“(3) any other follow-on support agreement for the NATO E-3A Cooperative Programme.

“(d) **EXPIRATION.**—The authority provided by this section expires on September 30, 1991.”.

(b) **CONFORMING REPEAL.**—Section 103 of the Department of Defense Authorization Act, 1982 (Public Law 97-86), is repealed.

10 USC 2407
note.

SEC. 933. REVISION AND EXTENSION OF AUTHORITY FOR PROCUREMENT OF COMMUNICATIONS SUPPORT AND RELATED SUPPLIES AND SERVICES FROM OTHER NATIONS

(a) **RECODIFICATION OF SECTION.**—Section 2401a of title 10, United States Code, is transferred to the end of subchapter II of chapter 138 of such title, as added by section 931 and amended by section 932, and is redesignated as section 2350f.

(b) **AUTHORITY TO ENTER INTO BILATERAL AND MULTILATERAL ARRANGEMENTS.**—Subsection (a) of such section is amended—

(1) by striking out “an arrangement with the Minister of Defense or other appropriate official of any allied country or with the North Atlantic Treaty Organization (NATO)” and inserting in lieu thereof “a bilateral arrangement with any allied country or allied international organization or may enter into a multilateral arrangement with allied countries and allied international organizations”;

(2) by striking out “such country or NATO” and inserting in lieu thereof “the allied country or countries or allied international organization or allied international organizations, as the case may be,”; and

(3) by adding at the end the following new sentence: “The term of an arrangement entered into under this subsection may not exceed five years.”.

(c) **LIQUIDATION OF CREDITS AND LIABILITIES.**—Subsection (b) of such section is amended—

(1) by inserting “(1)” after “(b)”;

(2) by designating the second sentence as paragraph (3);

(3) by inserting after the first sentence the following new sentence: “Liquidations may be made at such times as the parties in an arrangement may agree upon, but in no case may final liquidation in the case of an arrangement be made later than 30 days after the end of the term for which the arrangement was entered into.”; and

(4) by inserting after paragraph (1), as designated by clause (1) of this subsection, the following new paragraph:

“(2) Parties to an arrangement entered into under this section shall annually reconcile accrued credits and liabilities accruing under such agreement. Any liability of the United States resulting from a reconciliation shall be charged against the applicable appropriation available to the Department of Defense (at the time of the reconciliation) for obligation for communications support and related supplies and services.”.

(d) **DEFINITIONS.**—Subsection (d) of such section is amended—

(1) by striking out “In this section, the term ‘allied country’ means—” and inserting in lieu thereof “In this section:

“(1) The term ‘allied country’ means—”;

(2) by redesignating clauses (1) and (2) as clauses (A) and (B), respectively;

(3) by striking out “; or” at the end of clause (A), as redesignated by clause (2) of this subsection, and inserting in lieu thereof a semicolon;

(4) by striking out the period at the end of clause (B), as redesignated by clause (2) of this subsection, and inserting in lieu thereof “; or”; and

(5) by adding at the end the following:

“(C) any other country designated as an allied country for purposes of this section by the Secretary of Defense with the concurrence of the Secretary of State.

“(2) The term ‘allied international organization’ means the North Atlantic Treaty Organization (NATO) or any other international organization designated as an allied international organization for the purposes of this section by the Secretary of Defense with the concurrence of the Secretary of State.”.

(e) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 141 of such title is amended by striking out the item relating to section 2401a.

SEC. 934. TWO-YEAR EXTENSION OF AUTHORITY TO PROVIDE EXCESS DEFENSE ARTICLES FOR THE MODERNIZATION OF DEFENSE CAPABILITIES OF COUNTRIES ON NATO SOUTHERN AND SOUTHEASTERN FLANKS

Section 516(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(a)) is amended—

(1) by striking out “during the fiscal years 1987, 1988, and 1989” in the first sentence and inserting in lieu thereof “during the fiscal years 1987 through 1991”; and

(2) by adding at the end the following new sentence: “Transfers to recipient countries under this subsection shall be consistent with the policy framework for the Eastern Mediterranean region established in section 620C of this Act.”.

22 USC 2347c
note.

SEC. 935. AUTHORITY FOR EXCHANGE TRAINING THROUGH SPECIFIED PROFESSIONAL MILITARY EDUCATION INSTITUTION OUTSIDE THE UNITED STATES

Federal
Republic of
Germany.

(a) AUTHORITY.—The United States Army Russian Institute in Garmisch-Partenkirchen, Federal Republic of Germany, shall be treated for purposes of section 544 of the Foreign Assistance Act of 1961 (22 U.S.C. 2347c) as if it were located in the United States.

(b) EXPIRATION OF AUTHORITY.—Subsection (a) shall cease to be in effect upon the enactment in foreign assistance authorizing legislation of an amendment to section 544 of the Foreign Assistance Act of 1961 that provides the same authority as is provided by subsection (a).

SEC. 936. EXTENSION OF AUTHORITY TO PAY CERTAIN EXPENSES IN CONNECTION WITH BILATERAL AND REGIONAL COOPERATION PROGRAMS

(a) EXTENSION OF AUTHORITY TO MEETINGS, ETC., IN CANADA AND MEXICO.—Subsection (b)(1) of section 1051 of title 10, United States Code, is amended by inserting “or in connection with travel to Canada or Mexico” before the period at the end.

(b) THREE-YEAR EXTENSION OF AUTHORITY.—Subsection (g) of such section is amended by striking out “September 30, 1989” and inserting in lieu thereof “September 30, 1992”.

SEC. 937. EXTENSION OF H-1 IMMIGRATION STATUS FOR CERTAIN NONIMMIGRANTS EMPLOYED IN COOPERATIVE RESEARCH AND DEVELOPMENT PROJECTS AND COPRODUCTION PROJECTS

8 USC 1101 note.

The Attorney General shall provide for the extension through December 31, 1991, of nonimmigrant status under section

101(a)(15)(H)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(i)) for an alien to perform temporarily services relating to a cooperative research and development project or a coproduction project provided under a government-to-government agreement administered by the Secretary of Defense in the case of an alien who has had such status for a period of at least five years if such status has not expired as of the date of the enactment of this Act but would otherwise expire during 1989, 1990, or 1991, due only to the time limitations with respect to such status.

SEC. 938. METHODS OF PAYMENT FOR ACQUISITIONS AND TRANSFERS BY THE UNITED STATES TO ALLIED COUNTRIES

(a) **EXCHANGES TO BE FOR SUPPLIES OR SERVICES OF IDENTICAL VALUE.**—Section 2344 of title 10, United States Code, is amended by striking out “identical or substantially identical nature” before the period at the end of subsection (a) and inserting in lieu thereof “equal value”.

(b) **LIMITATIONS ON EXCHANGES.**—Such section is further amended by adding at the end the following new subsection:

“(c) In acquiring or transferring logistics support, supplies, or services under the authority of this chapter by exchange of supplies or services, the Secretary of Defense may not agree to or carry out the following:

“(1) Transfers in exchange for property the acquisition of which by the Department of Defense is prohibited by law.

“(2) Transfers of source, byproduct, or special nuclear materials or any other material, article, data, or thing of value the transfer of which is subject to the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.).

“(3) Transfers of chemical munitions.”

(c) **APPLICATION OF CHAPTER 138.**—Section 2350d(e) of title 10, United States Code, as enacted by section 931(c), is amended by inserting “this chapter and” after “in accordance with”.

TITLE X—MATTERS RELATING TO ARMS CONTROL

SEC. 1001. PRESIDENTIAL REPORT ON POSSIBLE EFFECTS OF A STRATEGIC ARMS REDUCTION AGREEMENT ON TRIDENT PROGRAM

(a) **REPORT.**—Not later than April 1, 1990, the President shall submit to Congress a comprehensive report on the Trident program under a possible Strategic Arms Reduction Talks (START) agreement. The report shall address the following issues:

(1) The objective for the size of the Trident submarine force fleet both with and without a START agreement.

(2) The implications for United States strategic force posture under a START agreement of a fleet of 21 or more Trident submarines, each with 192 warheads on 24 ballistic missiles, under two different assumptions, as follows:

(A) All such warheads are accountable under START limits.

(B) The warheads on one-to-three Trident submarines are not accountable under START limits.

(3) A net assessment of the implications for United States security of a START agreement that allows the Soviet Union as well as the United States to have an equivalent number of warheads on submarines that are not accountable under START limits.

(4) The technical feasibility and cost implications of various options for reducing the number of warheads on Trident submarines, including those submarines already built, those under construction, and those yet to be built.

(5) The verification challenges to the United States posed by such options if the Soviet Union were to adopt them in its ballistic missile submarine forces.

(b) **FORM OF REPORT.**—The President shall submit the report under subsection (a) in both classified and unclassified versions.

(c) **WAIVER.**—The President may waive the requirements of subsection (a) if he has signed a START agreement or other strategic arms reduction agreement with the Soviet Union before the date by which the report is otherwise required to be submitted.

SEC. 1002. PRESIDENTIAL REPORT ON THE VERIFICATION WORK THAT HAS BEEN CONDUCTED WITH REGARD TO MOBILE ICBMs UNDER A START AGREEMENT

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

(1) The United States must have confidence that any agreement achieved through the Strategic Arms Limitation Talks (START) in Geneva will be effectively verifiable.

(2) The position of the United States at the START negotiations, from 1985 until September 1989, was to ban the deployment of mobile intercontinental ballistic missiles (ICBMs) under a START regime unless an effective verification regime could be identified and implemented. In September 1989, the United States announced that it was withdrawing its proposal for the ban of mobile ICBMs, contingent upon Congress providing funds for mobile ICBMs to be deployed by the United States.

(3) The Soviet Union has deployed two mobile ICBM systems, the SS-24 and the SS-25.

(4) The President conducted a strategic review during the period between January 20, 1989, and the resumption of the START negotiations on June 15, 1989.

(b) **PRESIDENTIAL REPORT.**—Not later than March 31, 1990, the President shall submit to Congress a report (in classified and unclassified form) describing all studies that have been performed between March 1985 and August 1989 by agencies of the United States Government with regard to the capability of the United States to monitor and verify a START agreement which allows mobile ICBMs. The report shall include the following:

(1) A description of each study conducted by United States Government agencies during the strategic review referred to in subsection (a)(4) to determine the ability of the United States to verify limitations on mobile ICBMs of the Soviet Union under a START agreement, including a summary of the conclusions reached under each such study.

(2) A description of any so-called "Red Team" study conducted between March 1985 and August 1989 with regard to the existence of mobile ICBMs under a START regime, including a summary of the conclusions reached under each such study.

(3) A description of each study conducted by United States Government agencies between March 1989 and August 1989 to assess the value of various options relating to the verification of mobile ICBMs (such options to include the option known as "tagging" and the establishment of designated deployment

areas), including a summary of the conclusions reached under each such study.

SEC. 1003. SENSE OF CONGRESS ON START TALKS

Congress hereby reaffirms the sense of Congress expressed in the second session of the 100th Congress (in section 902 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 102 Stat. 2031)) that any agreement negotiated by the President to achieve a reduction and limitation on strategic arms (through the Strategic Arms Reduction Talks in Geneva or otherwise)—

(1) should not prevent the United States from deploying a force structure under the agreement which emphasizes survivable strategic systems and, in particular, should not in any way compromise the security of the United States ballistic-missile carrying submarine force; and

(2) should not prohibit or limit the deployment of non-nuclear cruise missiles.

SEC. 1004. REPORT ON ASYMMETRIES IN CAPABILITIES OF UNITED STATES AND SOVIET UNION TO PRODUCE AND DEPLOY BALLISTIC MISSILE DEFENSE SYSTEMS

(a) **STUDY REQUIRED.**—The Secretary of Defense shall conduct a study on the asymmetry in the near-term capabilities of the United States and the Soviet Union to deploy ballistic missile defenses beyond those permitted under the 1972 ABM Treaty. The study shall be conducted in coordination with the Director of Central Intelligence.

(b) **MATTERS TO BE INCLUDED IN STUDY.**—Subject to subsection (e), the study shall include the following:

(1) An assessment of the likelihood of a breakout by the Soviet Union from the 1972 ABM Treaty in the next five years and the assumptions used for that assessment.

(2) An assessment of the capability of the Soviet Union to exploit a situation in which the limitations of the 1972 ABM Treaty do not apply, including a detailed assessment of the capabilities of the Soviet Union to produce—

(A) space-based anti-ballistic missile (ABM) launchers and interceptors;

(B) ground-based ABM launchers and interceptors; and

(C) the infrastructure for ABM battle management command, control, and communications.

(3) An assessment of the production base of the United States for production of the elements specified in subparagraphs (A), (B), and (C) of paragraph (2), including an estimate of how quickly the United States could respond to a breakout by the Soviet Union in each of those elements.

(c) **STUDY TO ASSESS POSSIBLE UNITED STATES RESPONSE TO SOVIET BREAKOUT.**—(1) The study shall also include an assessment of the immediate and long-term actions that could be taken by the United States to respond to redress any asymmetry in the potential of the United States and the Soviet Union to exploit a breakout by the Soviet Union from the 1972 ABM Treaty.

(2) That assessment shall include an evaluation of the actions that would be necessary to support—

(A) a one-site ABM system (as allowed under the Treaty); or

(B) an expanded ABM system unconstrained by the limitations of the 1972 ABM Treaty.

North Dakota.

(3) Such assessment shall specifically address the required actions, and the costs associated with those actions, to support both the one-site ABM system and the expanded ABM system to be evaluated under paragraph (2), including (A) the upgrading and expansion of the existing United States radar network, (B) the use of existing inactive ABM components at Grand Forks, North Dakota, and (C) the development and deployment of other required components.

(d) REPORT.—Not later than the date on which the budget for fiscal year 1991 is submitted to Congress pursuant to section 1105 of title 31, United States Code, the Secretary of Defense shall submit to Congress a report on the study under subsection (a). The report shall be submitted in both classified and unclassified form. The report shall specify the results of the study under subsection (a), including each matter required to be included in the study under this section.

(e) WAIVER OF REQUIRED STUDY FEATURE.—The study under subsection (a) need not include the assessment referred to in subsection (b)(1) if, before the date of the submission of the report required by subsection (d) with respect to the study, the President submits to Congress the report required by section 907 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 102 Stat. 2034), regarding antiballistic missile capabilities and activities of the Soviet Union (such report having been required by subsection (c) of such section to be submitted not later than January 1, 1989).

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

SEC. 1005. SENSE OF THE CONGRESS WITH RESPECT TO ACCIDENTAL LAUNCH PROTECTION

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

(1) The Strategic Defense Initiative (SDI) has made substantial progress in developing technologies to defend the United States from a possible ballistic missile attack, be it deliberate or accidental.

(2) Ground-based elements and their associated adjuncts and technologies represent the most mature technologies within the SDI program and should therefore receive priority by the Strategic Defense Initiative Organization.

(3) The United States is a signatory to the 1972 Anti-Ballistic Missile Treaty.

(4) There have been several accidents involving ballistic missiles, including the loss of a submarine of the Soviet Union due to inadvertent missile ignition and the inadvertent landing in China of a test missile of the Soviet Union.

(5) The continued proliferation of offensive ballistic missile forces by non-superpower countries hostile to the United States and our allies raises the possibility of future nuclear threats.

(b) REAFFIRMATION OF SENSE OF CONGRESS.—Congress hereby reaffirms the sense of Congress expressed in section 224(b) of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 102 Stat. 1942) stating—

(1) that the Secretary of Defense should direct the Strategic Defense Initiative Organization to give priority to development of technologies and systems for a system capable of protecting

the United States from the accidental launch of a strategic ballistic missile against the continental United States; and

(2) that such development of an accidental launch protection system should be carried out with an objective of ensuring that such system is in compliance with the 1972 Anti-Ballistic Missile Treaty.

(c) **SUBMISSION OF PREVIOUSLY REQUIRED REPORT.**—The Secretary of Defense shall submit to Congress forthwith the report on the status of planning for development of a deployment option for such an accidental launch protection system that was required by section 224(c) of that Act to be submitted not later than March 1, 1989.

SEC. 1006. CONGRESSIONAL FINDINGS AND SENSE OF CONGRESS CONCERNING THE KRASNOYARSK RADAR

(a) **REAFFIRMATION OF PRIOR FINDINGS.**—Congress hereby reaffirms the findings made with respect to the large phased-array radar of the Soviet Union known as the “Krasnoyarsk radar” in paragraphs (1) through (6) of section 902(a) of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180; 101 Stat. 1135), as follows:

(1) The 1972 Anti-Ballistic Missile Treaty prohibits each party from deploying ballistic missile early warning radars except at locations along the periphery of its national territory and oriented outward.

(2) The 1972 Anti-Ballistic Missile Treaty prohibits each party from deploying an ABM system to defend its national territory and from providing a base for any such nationwide defense.

(3) Large phased-array radars were recognized during negotiation of the Anti-Ballistic Missile Treaty as the critical long lead-time element of a nationwide defense against ballistic missiles.

(4) In 1983 the United States discovered the construction, in the interior of the Soviet Union near the town of Krasnoyarsk, of a large phased-array radar that has subsequently been judged to be for ballistic early warning and tracking.

(5) The Krasnoyarsk radar is more than 700 kilometers from the Soviet-Mongolian border and is not directed outward but instead faces the northeast Soviet border more than 4,500 kilometers away.

(6) The Krasnoyarsk radar is identical to other Soviet ballistic missile early warning radars and is ideally situated to fill the gap that would otherwise exist in a nationwide Soviet ballistic missile early warning radar network.

(b) **FURTHER FINDINGS.**—In addition to the findings referred to in subsection (a), Congress finds with respect to the Krasnoyarsk radar that—

(1) in 1987 the President declared that radar to be a clear violation of the 1972 Anti-Ballistic Missile Treaty;

(2) until the meeting between the Secretary of State and the Foreign Minister of the Soviet Union at Jackson Hole, Wyoming, in September 1989, the Soviet Union had rejected demands by the United States that it dismantle that radar without conditions, but the joint statement issued following that meeting states that the government of the Soviet Union “had decided to completely dismantle the Krasnoyarsk radar station”; and

(3) on October 23, 1989, the Foreign Minister of the Soviet Union conceded that the Krasnoyarsk radar is a violation of the 1972 Anti-Ballistic Missile Treaty.

(c) SENSE OF CONGRESS.—It is the sense of Congress—

(1) that the Soviet Union should dismantle the Krasnoyarsk radar (as announced in the joint statement referred to in subsection (b)(2)) expeditiously and without conditions; and

(2) that until such radar is completely dismantled it will remain a clear violation of the 1972 Anti-Ballistic Missile Treaty.

SEC. 1007. SENSE OF CONGRESS CONCERNING EXPLORING THE FEASIBILITY OF TREATY LIMITATIONS ON WEAPONS CAPABLE OF THREATENING MILITARY SATELLITES

It is the sense of Congress that, as soon as practicable, the President should explore the feasibility of a mutual and verifiable treaty with the Soviet Union which places the strictest possible limitations, consistent with the security interests of the United States and its allies, on the development, testing, production, and deployment of weapons capable of directly threatening United States military satellites.

SEC. 1008. REPORT ON SATELLITE SURVIVABILITY

(a) REQUIREMENT FOR REPORT.—The President shall submit to Congress a comprehensive report on United States antisatellite weapon activities and the survivability of United States satellites against current and potential antisatellite weapons deployed by the Soviet Union. The report shall be submitted by March 15, 1990, and shall be submitted in both classified and unclassified versions.

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

(1) Detailed information (including funding profiles, expected capabilities, and schedules for development, testing, and deployment) on all United States antisatellite weapon programs.

(2) An analysis of the antisatellite potential of the anticipated deployed version of each Strategic Defense Initiative technology capable of damaging or destroying objects in space.

(3) An assessment of the threat that would be posed to satellites of the United States if the technologies described in paragraphs (1) and (2) were to be tested by the Soviet Union, at levels of performance equal to those intended by the United States, and developed into weapons for damaging or destroying objects in space.

(4) A review of arms control options and satellite survivability measures (including cost data) that would improve the survivability of current and future United States military satellite systems.

(5) A review of alternative means of providing the support to military forces of the United States that is currently provided by United States satellites if those satellites become vulnerable to attack as the result of the deployment by the Soviet Union of antisatellite weapons with the levels of performance contemplated in paragraph (3).

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

SEC. 1009. REPORT ON THE DESIRABILITY OF NEGOTIATIONS WITH THE SOVIET UNION REGARDING LIMITATIONS ON ANTISATELLITE CAPABILITIES

President of U.S.

(a) **REPORT BY THE PRESIDENT.**—The President shall submit to Congress a comprehensive report regarding the desirability of an agreement with the Soviet Union to impose limitations on antisatellite capabilities. The President shall include in such report his determination of whether a ban or other limitations on some or all antisatellite weapons would be verifiable and, if so, whether such a ban or other limitation would be in the national interest of the United States.

(b) **MATTERS RELATING TO VERIFICATION.**—In making the determination referred to in subsection (a), the President shall—

(1) consider the extent to which on-site inspection measures (as well as national technical means for verification) can increase confidence in the ability of the United States to monitor and verify various agreed-upon antisatellite limitations; and

(2) examine various arms control possibilities, including—
(A) a total ban on antisatellite capability by both the United States and the Soviet Union;

(B) a ban or other limitation on antisatellite weapons with the potential to attack satellites at altitudes above the Van Allen belt; and

(C) a ban or other limitation on antisatellite weapons that operate only in low-Earth orbit.

(c) **MATTERS RELATING TO DETERRENCE AND WAR FIGHTING REQUIREMENTS.**—In the report required by subsection (a), the President shall also address the following:

(1) The contribution an antisatellite capability of the United States can make toward enhancing deterrence.

(2) The contribution an antisatellite capability can make toward meeting the war fighting requirements of the United States and how such a capability enhances force survivability.

(3) The extent to which (based upon a net assessment) the United States would be better able to meet its war fighting requirements and deterrence objectives if—

(A) the Soviet Union possessed an antisatellite capability and the United States did not possess an antisatellite capability;

(B) neither the United States nor the Soviet Union possessed an antisatellite capability;

(C) the United States and the Soviet Union both possessed a limited antisatellite capability;

(D) the United States and the Soviet Union both possessed an unrestricted antisatellite capability.

(d) **SUBMISSION OF REPORT.**—The report required by subsection (a) shall be submitted to Congress not later than May 1, 1990, and shall be submitted in both classified and unclassified versions.

SEC. 1010. REPORT ON VERIFICATION OF COMPLIANCE WITH AGREEMENTS TO LIMIT NUCLEAR TESTING

(a) **REPORT REQUIREMENT.**—The Secretary of Energy shall prepare a report, in classified form, assessing the possible effects on the abilities of the United States to verify compliance by the Soviet Union with any agreement (presently in effect or under negotiation) to limit testing of nuclear devices should any information or data now obtained under any cooperative agreement with any controlled

country and used to verify the degree of such compliance be curtailed or become unavailable due to a change in, or severing of, diplomatic relations with such a controlled country. The report shall assess, in particular, whether compliance by the Soviet Union with any such agreement to limit testing of nuclear devices can be fully and reliably verified should such a cooperative agreement be curtailed or terminated. The report shall be prepared in consultation with the Secretary of Defense.

(b) **SUBMISSION OF REPORT.**—The report prepared under subsection (a) shall be submitted to Congress not later than six months after the date of the enactment of this Act.

(c) **CONTROLLED COUNTRY DEFINITION.**—For purposes of this section, the term “controlled country” means a country listed in section 620(f)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(f)(1)).

SEC. 1011. SENSE OF CONGRESS ON ARMS CONTROL NEGOTIATIONS AND UNITED STATES MODERNIZATION POLICY

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

(1) The United States is currently engaged in a wide range of arms control negotiations in the areas of strategic nuclear forces, strategic defenses, conventional force levels, chemical weapons, and security and confidence building measures.

(2) On May 30, 1989, the North Atlantic Treaty Organization issued a “Comprehensive Concept on Arms Control and Disarmament” which placed a special emphasis on arms control as a means of enhancing security and stability in Europe.

(3) The President has stated that arms control is one of the highest priorities of the United States in the area of security and foreign policy and that the United States will pursue a dynamic, active arms control dialogue with the Soviet Union and the other Warsaw Pact countries.

(4) The United States has already made major proposals at the Conventional Forces in Europe Talks, convened on March 6, 1989, which would result in a dramatic reduction in Soviet and Warsaw Pact conventional forces.

(5) The President, on September 25, 1989, made a major new arms control proposal in the area of chemical weapons.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) the President is to be commended for pursuing a wide array of arms control initiatives in the context of a multitude of arms control negotiations, all of which have been designed to enhance global security and result in meaningful, militarily significant reductions in military forces;

(2) Congress fully supports the arms control efforts of the President and encourages the government of the Soviet Union to respond favorably to United States arms control proposals which would require the Soviet Union to reduce its massive quantitative superiority in military weaponry;

(3) the President should seek arms control agreements that would not limit the United States to levels of forces inferior to the limits provided for the Soviet Union; and

(4) the President's efforts to negotiate such agreements is dependent upon the maintenance of a vigorous research and development and modernization program as required for a prudent defense posture.

(c) **REAFFIRMATION OF PROHIBITION RELATING TO ENTERING INTO CERTAIN ARMS CONTROL AGREEMENTS.**—Congress hereby reaffirms

the proviso in the first sentence of section 33 of the Arms Control and Disarmament Act (22 U.S.C. 2573) that no action may be taken under that Act or any other Act that will obligate the United States to disarm or to reduce or limit the Armed Forces or armaments of the United States, except pursuant to the treaty-making power of the President under the Constitution or unless authorized by further affirmative legislation by the Congress.

SEC. 1012. REPORT ON EFFECT OF SPACE NUCLEAR REACTORS ON GAMMA-RAY ASTRONOMY MISSIONS

Not later than April 30, 1990, the President shall submit to Congress a report on the potential for interference with gamma-ray astronomy missions that could be caused by the placement in Earth orbit of space nuclear reactors.

President of U.S.

SEC. 1013. SENSE OF CONGRESS ON CHEMICAL WEAPONS NEGOTIATIONS

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

(1) The proliferation of chemical weapons and the repeated use of chemical weapons represent a grave threat to the security and interests of the United States.

(2) The most comprehensive and effective response to the threat posed by the proliferation of chemical weapons is the completion of an effectively verifiable treaty banning the production and stockpiling of all chemical weapons.

(3) The successful completion of a treaty banning all chemical weapons through the negotiations at the multinational United Nations Conference on Disarmament in Geneva should be one of the highest arms control priorities of the United States.

(b) **SENSE OF CONGRESS.**—In light of the findings in subsection (a), it is the sense of Congress that—

(1) the President should continue ongoing efforts to establish an agreement with the Soviet Union and other countries establishing a mutual and effectively verifiable agreement to stop the production, proliferation, and stockpiling of all lethal chemical weapons; and

(2) the United States negotiators in Geneva should take concrete steps to initiate proposals regarding the composition of the verification regime for such an agreement that will meet the legitimate concerns of other parties while addressing the security concerns of the United States.

SEC. 1014. UNITED STATES PROGRAM FOR ON-SITE INSPECTIONS UNDER ARMS CONTROL AGREEMENTS

(a) **FINDINGS CONCERNING ON-SITE INSPECTION PERSONNEL.**—Congress makes the following findings:

22 USC 2595
note.

(1) The United States is currently engaged in multilateral and bilateral negotiations seeking to achieve treaties or agreements to reduce or eliminate various types of military weapons and to make certain reductions in military personnel levels. These negotiations include negotiations for (A) reductions in strategic forces, conventional armaments, and military personnel levels, (B) regimes for monitoring nuclear testing, and (C) the complete elimination of chemical weapons.

(2) Requirements for monitoring these possible treaties or agreements will be extensive and will place severe stress on the monitoring capabilities of United States national technical means.

(3) In the case of the INF Treaty, the United States and the Soviet Union negotiated, and are currently using, on-site inspection procedures to complement and support monitoring by national technical means. Similar on-site inspection procedures are being negotiated for inclusion in possible future treaties and agreements referred to in paragraph (1).

(4) During initial implementation of the provisions of the INF Treaty, the United States was not fully prepared for the personnel requirements for the conduct of on-site inspections. The Director of Central Intelligence has stated that on-site inspection requirements for any strategic arms reduction treaty or agreement will be far more extensive than those for the INF Treaty. The number of locations within the Soviet Union that would possibly be subject to on-site inspections under a START agreement have been estimated to be approximately 2,500 (compared to 120 for the INF Treaty).

(5) On-site inspection procedures are likely to be an integral part of any future arms control treaty or agreement.

(6) Personnel requirements will be extensive for such on-site inspection procedures, both in terms of numbers of personnel and technical and linguistic skills. Since verification requirements for the INF Treaty are already placing severe stress on current personnel resources, the requirements for verification under START and other possible future treaties and agreements may quickly exceed the current number of verification personnel having necessary technical and language skills.

(7) There is a clear need for a database of the names of individuals who are members of the Armed Forces or civilian employees of the United States Government, or of other citizens and nationals of the United States, who are qualified (by reason of technical or language skills) to participate in on-site inspections under an arms control treaty or agreement.

(8) The organization best suited to establish such a database is the On-Site Inspection Agency (OSIA) of the Department of Defense, which was created by the President to implement (for the United States) the on-site inspection provisions of the INF Treaty.

(b) STATUS OF THE OSIA.—(1) Congress finds that—

(A) the Director of the OSIA (currently a brigadier general of the Army) is appointed by the Secretary of Defense with the concurrence of the Secretary of State and the approval of the President;

(B) the Secretary of Defense provides to the Director appropriate policy guidance formulated by the interagency arms control mechanism established by the President;

(C) most of the personnel of the OSIA are members of the Armed Forces (who are trained and paid by the military departments within the Department of Defense) and include linguists, weapons specialists, and foreign area specialists;

(D) the Department of Defense provides the OSIA with substantially all of its administrative and logistic support (including military air transportation for inspections in the Soviet Union and Eastern Europe); and

(E) the facilities in Europe and the United States at which OSIA personnel escort personnel of the Soviet Union conducting inspections under the on-site inspection terms of the INF Treaty are under the jurisdiction of the Department of Defense (or

under the jurisdiction of entities that are contractors with the Department of Defense).

(2) In light of the findings in paragraph (1) and the report submitted pursuant to section 909 of Public Law 100-456 entitled "Report to the Congress on U.S. Monitoring and Verification Activities Related to the INF Treaty" (submitted on July 27, 1989), Congress hereby determines that by locating the On-Site Inspection Agency within the Department of Defense for the purposes of administrative and logistic support and operational guidance, and integrating on-site inspection responsibilities under the INF Treaty with existing organizational activities of that Department, the President has been able to ensure that sensitive national security assets are protected and that obligations of the United States under that treaty are fulfilled in an efficient and cost-effective manner.

(c) **ESTABLISHMENT OF PERSONNEL DATABASE.**—(1) In light of the findings in subsection (a), the Director of the On-Site Inspection Agency shall establish a database consisting of the names of individuals who could be assigned or detailed (in the case of Government personnel) or employed (in the case of non-Government personnel) to participate in the conduct of on-site inspections under any future arms control treaty or agreement that includes provisions for such inspections.

(2) The database should be composed of the names of individuals with skills (including linguistic and technical skills) necessary for the conduct of on-site inspections.

(d) **INF TREATY DEFINED.**—For purposes of this section, the term "INF Treaty" means the Treaty Between the United States and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles, signed in Washington, DC, on December 8, 1987.

TITLE XI—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT MATTERS

PART A—FORCE STRUCTURE

SEC. 1101. STUDY OF TOTAL FORCE POLICY, FORCE MIX, AND MILITARY FORCE STRUCTURE

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

(1) Since the inception of the Total Force Policy in the Department of Defense in 1973, there has never been a comprehensive, authoritative study done by the Department on the operation and effectiveness of that policy.

(2) Decisions within the Department of Defense with respect to military force mix appear to be made in a fragmented and decentralized manner.

(3) A comprehensive study of the Total Force Policy, force mix, and military force structure is long overdue.

(b) **STUDY.**—(1) The Secretary of Defense shall convene a study group to review the operation, effectiveness, and soundness of the following policies and practices of the Department of Defense and to make recommendations to the Secretary for improvement of those policies and practices:

(A) The Total Force Policy.

(B) Assignment of missions within and between the active and reserve components of the armed forces.

(C) Force structure of the active and reserve components of the armed forces.

(2) The study group shall include—

(A) senior-level active-duty officers from each branch of the armed forces;

(B) senior-level reserve-component officers from each of the seven reserve components;

(C) civilian officials of the Department of Defense; and

(D) such participants from outside the Department of Defense as the Secretary considers appropriate.

(3) The Chairman of the Joint Chiefs of Staff shall provide such joint staff support to the study group as necessary. He shall participate in the activities of the study group in accordance with the provisions of section 153 of title 10, United States Code, including the responsibility to assess the conformance of manpower programs and policies with strategic plans and to advise the study group about the extent to which program recommendations and budget proposals conform with the priorities established in strategic plans and for the combatant commands.

(4) The Secretary shall ensure that the study group, in carrying out its duties and responsibilities, has access to federally funded research centers (FFRCs) and other necessary support.

(5) The Secretary of Defense shall consult with the Secretary of Transportation with respect to the functions of the study group insofar as they relate to the Selected Reserve of the Coast Guard Reserve.

(6) Meetings of the study group may be closed to the public in connection with the consideration of classified material.

(c) **MATTERS TO BE CONSIDERED.**—(1) In carrying out the study required by subsection (a), the study group shall evaluate and make recommendations to the Secretary concerning each of the following matters (with each such matter to be evaluated separately insofar as it relates to each policy or practice set forth in subparagraphs (A) through (C) of subsection (b)(1)):

(1) With respect to the Total Force Policy of the Department of Defense, the basic tenets of that policy, how well that policy has been implemented, and what changes (if any) are desirable to improve upon that policy and its implementation.

(2) The effectiveness of the existing chain of management and command responsibility in evaluating and integrating force requirements among the armed forces, and between the active components and the reserve components.

(3) The extent to which officials responsible for such evaluation and integration of force requirements currently (and should in the future) participate in the budget and resource allocation processes of the Department of Defense.

(4) The adequacy of the methodology used by the Department of Defense in the assignment of missions between the active and reserve components and, within each active and reserve component, the assignment of missions among various major types of units, including—

(A) the extent to which that methodology includes the use of cost-benefit analyses; and

(B) the methodology for the manner by which force reductions are distributed within individual units and between active and reserve components.

Classified
information.

(5) The scope and size of force reductions with respect to major units (such as air wings, carrier groups, and divisions) that would result in an irreversible change of the capability of those units to perform assigned missions, with emphasis on considerations such as mobilization, loss of skilled manpower, equipment, and training.

(d) **ADDITIONAL MATTERS TO BE CONSIDERED.**—(1) In carrying out its study and making its recommendations, the study group shall also evaluate the process by which decisions within the Department of Defense respecting force mix and force structure are made with regard to the readiness, sustainability, and overall mission capability of the active and reserve forces. The study group shall also consider whether the Department of Defense has a cogent strategy for making such decisions with respect to force mix that anticipates a substantially smaller military force structure in the future and whether the Department has developed a system for regular and systematic top-level evaluation of decisions respecting force mix or reductions in force structure.

(2) In carrying out the evaluation required by paragraph (1), the study group shall consider (among other matters it considers appropriate) the following:

(A) The optimal structure of military forces required to meet the threat as described in net assessments prepared pursuant to section 153 of title 10, United States Code, taking into account currently available and projected budget resources.

(B) The appropriateness of the missions that have been assigned to major units (such as air wings, carrier groups, and divisions) in each of the active and reserve components in view of the status of those units with respect to personnel and equipment resources and training systems.

(C) The response times for the deployment of such units in the event of a mobilization.

(D) An evaluation of the readiness and sustainability of each of the active and reserve components and of the contributions of each such component to the overall military capability of the United States.

(E) The extent to which the active and reserve component units that are identified for use during the first 30 days of a mobilization are prepared to undertake wartime missions (as measured against the standards established by the Chairman of the Joint Chiefs of Staff in accordance with section 153 of title 10, United States Code), the reasons for any lack of preparedness for such missions, and recommendations for measures that would be necessary for those units to become fully mission capable.

(F) The adequacy of equipment distribution and modernization in the active and reserve components, including consideration of the importance of prepositioning of light and heavy equipment in the mobilization process.

(G) The adequacy of the current base of military personnel and equipment available for short notice rotation and deployment in order to meet worldwide defense commitments.

(H) The capability of each component of the active and reserve forces to meet assigned and projected missions at each step in the mobilization process and the adequacy of current airlift and sealift capability.

(I) The resources (including funds) needed for sufficient personnel, equipment, and training to achieve desired force structure and mission capability in both the active and reserve components.

(J) The capability of the active and reserve components, jointly and separately, to respond to mobilization requirements at each stage of the mobilization process.

(d) **REPORTS.**—(1) The study group shall submit to the Secretary of Defense an interim report on its findings and recommendations at such time as the Secretary may require, but not later than September 1, 1990. The Secretary shall submit the interim report to the Committees on Armed Services of the Senate and the House of Representatives not later than September 15, 1990.

(2) The study group shall submit its final report, including its findings and recommendations, to the Secretary not later than December 1, 1990. The Secretary shall submit the final report of the study group, together with any comment and recommendation of the Secretary, to those committees not later than December 31, 1990.

(e) **LIMITATION ON OBLIGATION OF CERTAIN FUNDS IF REPORTS SUBMITTED LATE.**—If either of the reports required by subsection (d) is not submitted to those committees by the date specified in that subsection for the report to be submitted, the Secretary of Defense may not, on or after that date, obligate any funds for a new contract for advisory, consultant, or assistance services until the report is submitted.

SEC. 1102. STUDIES OF CLOSE SUPPORT FOR LAND FORCES

(a) **SECRETARY OF DEFENSE STUDY.**—The Secretary of Defense shall conduct a study of close support, including close air support.

(b) **CONTRACTOR STUDY.**—In conducting the study required by subsection (a), the Secretary shall provide for a study to be conducted by the Institute for Defense Analysis, a Federal contract research center. The Institute shall submit a report to the Secretary on such study at such time before March 1, 1990, as the Secretary may require.

(c) **JCS STUDY.**—The Chairman of the Joint Chiefs of Staff shall conduct a study of close support, including close air support. The Chairman shall submit a report to the Secretary of Defense on such study at such time before March 1, 1990, as the Secretary may require.

(d) **STUDIES TO BE INDEPENDENT.**—Each study under subsections (a), (b), and (c) shall be conducted independently of the others.

(e) **MATTERS TO BE INCLUDED.**—The studies conducted under subsections (a), (b), and (c) shall include consideration of each of the following:

(1) The nature of the present, and anticipated future, battlefield across a representative set of conflict levels.

(2) The requirements of the land force for close support across this representative set of conflict levels in terms of targets and time, including the lessons of recent combat experience.

(3) With regard to the battlefields and close support requirements identified pursuant to paragraphs (1) and (2), the current and anticipated ground and air systems capable of meeting these requirements.

Reports.

Reports.

(4) With regard to these major systems, their significant characteristics in terms of effectiveness, integration with allies, command and control, survivability, and life-cycle cost.

(5) The implications (in terms of roles and missions) of the selection of, or failure to select, each of these major systems as part of an appropriate force structure.

(f) **REPORT TO CONGRESS.**—The Secretary of Defense shall submit to Congress a report on the studies conducted under this section. The report shall include—

(1) the findings, conclusions, and recommendations of the Secretary in the study conducted by the Secretary under subsection (a) with respect to each of the matters set forth in subsection (e);

(2) copies of the reports to the Secretary under subsections (b) and (c), including the findings, conclusions, and recommendations contained in those reports; and

(3) such comments on those reports as the Secretary considers appropriate.

(g) **TIME FOR SUBMISSION.**—The report required under subsection (f) shall be submitted not later than March 1, 1990.

(h) **CLOSE AIR SUPPORT DEFINED.**—For purposes of this section, the term “close air support”, as defined in Joint Chiefs of Staff Publication 1, dated June 1, 1987, means air action against hostile targets which are in close proximity to friendly forces and which require detailed integration of each air mission with the fire and movement of those forces.

SEC. 1103. STRATEGIC AIR DEFENSE ALERT MISSION

(a) **READINESS OF AIR NATIONAL GUARD UNITS.**—The Secretary of Defense shall ensure that those units of the Air National Guard that are assigned to carry out the strategic air defense mission in the northern portion of the United States retain the capability to generate and maintain a readiness posture that meets the needs of all operations plans of the North American Aerospace Defense Command (NORAD).

(b) **FISCAL YEAR 1990 LIMITATION.**—During fiscal year 1990, the Secretary of Defense may not reduce the man years or flying hours of the units described in subsection (a).

(c) **REPORT.**—Not later than March 1, 1990, the Secretary of the Air Force shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the strategic air defense alert mission. The report shall describe the following:

(1) The rationale and goals for the strategic air defense modernization program undertaken jointly by the United States and Canada.

(2) The operational requirements of NORAD in crisis and wartime for generating and forward deploying air defense forces of the Air National Guard based in the northern portion of the United States.

(3) The plans of the Air Force for maintaining the readiness of aircraft, flight crews, maintenance personnel, control tower personnel, and security forces of the air defense units described in subsection (a) to implement NORAD operations plans.

(4) The plans of the Air Force for transitioning from current interceptor aircraft and current peacetime unit alert mission and training practices to new aircraft and new unit alert mis-

sion and training practices, including the effect of such transition on unit manning levels and combat mission readiness.

(5) The current ability of the forward operating bases in Canada to accommodate forward deployment of air defense units on a sustained basis and plans of the Air Force for the improvement of such bases.

(6) The current and planned radars, intercept systems, communications systems, and command elements (together with deployment schedules for those which are planned) that are intended to detect, identify, track, and intercept intruders into northern Canadian airspace during peacetime, during periods of heightened tension, and during hostilities.

(d) **REPEAL.**—Section 713 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 102 Stat. 1998), is repealed.

SEC. 1104. SENSE OF CONGRESS CONCERNING REASSIGNMENT OF UNITS FROM FORT KNOX, KENTUCKY, TO FORT IRWIN, CALIFORNIA

It is the sense of Congress that any combat unit of battalion or squadron size (or larger size) that on the date of the enactment of this Act is stationed at Fort Knox, Kentucky, shall not be permanently reassigned to Fort Irwin, California.

PART B—GENERAL MANAGEMENT MATTERS

SEC. 1111. ADDITIONAL FUNDING FOR UNIFIED AND SPECIFIED COMBATANT COMMANDS FOR FISCAL YEAR 1990

Of the funds authorized to be appropriated pursuant to section 301 for the Defense Agencies for fiscal year 1990, \$25,000,000 shall be available for the establishment of a fund under the management of the Chairman of the Joint Chiefs of Staff for use in response to the request of a commander of a unified or specified combatant command for additional funding of the following activities:

- (1) Joint exercises (including foreign country participation).
- (2) Force training.
- (3) Contingencies.
- (4) Selected operations.
- (5) Command and control.
- (6) Military education and training to military and related civilian personnel of foreign countries.
- (7) Personnel expenses of defense personnel for bilateral or regional cooperation programs.

SEC. 1112. CORRECTION OF PAY GRADE FOR NEW ASSISTANT SECRETARY OF THE AIR FORCE

Section 5315 of title 5, United States Code, is amended by striking out "(3)" after "Assistant Secretaries of the Air Force" and inserting in lieu thereof "(4)".

SEC. 1113. CLARIFICATION OF REQUIREMENT FOR COMPLETION OF FULL TOUR OF DUTY AS QUALIFICATION FOR SELECTION AS A JOINT SPECIALTY OFFICER

Section 661(c) of title 10, United States Code, is amended by striking out "(as described in section 664 (f)(1) or (f)(3) of this title)" in paragraphs (1)(B) and (3)(A) and inserting in lieu thereof "(as described in section 664(f) of this title (other than in paragraph (2) thereof))".

PART C—PROFESSIONAL MILITARY EDUCATION

SEC. 1121. REPORTS RELATING TO COURSES OF INSTRUCTION AT CERTAIN PROFESSIONAL MILITARY EDUCATION SCHOOLS AND PROFESSIONAL MILITARY EDUCATION REQUIREMENTS FOR PROMOTION TO GENERAL OR FLAG GRADE

(a) SERVICE SECRETARIES REPORTS.—(1) The Secretary of each military department shall submit to the Secretary of Defense a report—

(A) evaluating the principal courses of instruction at each intermediate or senior professional military education school operated by that department in light of the mission of that school; and

(B) recommending the appropriate duration for those courses and the level and courses of professional military education that should be required before an officer is selected for promotion to the grade of brigadier general or, in the case of the Navy, rear admiral (lower half).

(2) The reports required by paragraph (1) shall be prepared independently of the report required by subsection (b) and independently of each other.

(3) The reports required by paragraph (1) shall be submitted at such time as may be required by the Secretary of Defense.

(b) SECRETARY OF DEFENSE REPORT.—(1) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report—

(A) containing copies of the reports submitted to the Secretary under subsection (a), together with such comments on each report as the Secretary considers appropriate;

(B) evaluating the principal courses of instruction at each intermediate or senior professional military education school in light of the mission of that school; and

(C) recommending the appropriate duration for those courses and the level and types of professional military education that should be required before an officer is selected for promotion to the grade of brigadier general or, in the case of the Navy, rear admiral (lower half).

(2) The report required by paragraph (1) shall be submitted not later than April 2, 1990.

(c) OTHER MATTERS TO BE INCLUDED IN REPORTS.—The reports required by subsection (a) and subsection (b) shall include a discussion of the following:

(1) The implications of establishing by law a minimum length of 10 months duration for the principal courses of instruction at each intermediate or senior professional military education school.

(2) The implications of requiring by law, beginning January 1, 1999, that a prerequisite for selection of an officer for promotion to the grade of brigadier general or, in the case of the Navy, rear admiral (lower half) shall be graduation from an intermediate professional military education school and a senior professional military education school.

(3) The practicability of providing that—

(A) the promotion eligibility of an officer may not be adversely affected by the attendance of the officer at a professional military education course of 10 months or more

at an intermediate or senior professional military education school; and

(B) an officer who attends a professional military education course of 10 months or more at an intermediate or senior professional military education school shall be entitled to an additional year of service for each such course to prevent prejudice when considering the officer for discharge or retirement pursuant to subchapter III of chapter 36 of title 10, United States Code—

- (i) for failure of selection for promotion; or
- (ii) for years of service.

(d) **INTERMEDIATE OR SENIOR PROFESSIONAL MILITARY EDUCATION SCHOOL DEFINED.**—For purposes of this section, the term “intermediate or senior professional military education school” means any of the following:

- (1) The Army War College.
- (2) The College of Naval Warfare.
- (3) The Air War College.
- (4) The United States Army Command and General Staff College.
- (5) The College of Naval Command and Staff.
- (6) The Air Command and Staff College.
- (7) The Marine Corps Command and Staff College.

SEC. 1122. CLARIFICATION REGARDING SCHOOLS THAT ARE JOINT PROFESSIONAL MILITARY EDUCATION SCHOOLS FOR PURPOSES OF QUALIFICATION OF OFFICERS FOR JOINT SPECIALTY

Section 661(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(4) For purposes of this chapter, a school that is organized within, and operated by, a military department may not be construed to be a joint professional military education school.”.

SEC. 1123. PROFESSIONAL MILITARY EDUCATION IN JOINT MATTERS

(a) **EXISTING EFFORTS TO IMPROVE PROFESSIONAL MILITARY EDUCATION.**—(1) The Goldwater-Nichols Department of Defense Reorganization Act of 1986 (Public Law 99-433; 100 Stat. 992) mandated—

(A) the strengthening of the focus on joint matters in courses of instruction offered by professional military education schools operated by the military departments; and

(B) the maintenance of rigorous standards at joint professional military education schools for the education of joint specialty officers.

(2) Congress applauds the actions taken since 1986 by the Secretary of Defense and the Chairman of the Joint Chiefs of Staff, consistent with such mandate, to improve professional military education provided by intermediate and senior professional military education schools.

(b) **STATEMENT OF CONGRESSIONAL POLICY.**—As part of the efforts of the Secretary of Defense to improve professional military education, Congress urges, as a matter of policy, and fully expects the Secretary to establish the following:

(1) A coherent and comprehensive framework for the education of officers, including officers nominated for the joint specialty.

(2) A two-phase approach to strengthening the focus on joint matters, as follows:

(A) Phase I instruction consisting of a joint curriculum, in addition to the principal curriculum taught to all officers at service-operated professional military education schools.

(B) Phase II instruction consisting of a follow-on, solely joint curriculum taught at the Armed Forces Staff College to officers who are expected to be selected for the joint specialty. The curriculum should emphasize multiple "hands on" exercises and must adequately prepare students to perform effectively from the outset in what will probably be their first exposure to a totally new environment, an assignment to a joint, multiservice organization. Phase II instruction should be structured so that students progress from a basic knowledge of joint matters learned in Phase I to the level of expertise necessary for successful performance in the joint arena.

(3) A sequenced approach to joint education in which the norm would require an officer to complete Phase I instruction before proceeding to Phase II instruction. An exception to the normal sequence should be granted by the Chairman of the Joint Chiefs of Staff only on a case-by-case basis for compelling cause. Officers selected to receive such an exception should be required to demonstrate a basic knowledge of joint matters and other aspects of the Phase I curriculum that qualifies them to meet the minimum requirements established for entry into Phase II instruction without first completing Phase I instruction. The number of officers selected to attend an offering of the principal course of instruction at the Armed Forces Staff College who have not completed Phase I instruction should comprise only a small portion of the total number of officers selected.

(c) DURATION OF PRINCIPAL COURSE OF INSTRUCTION AT THE ARMED FORCES STAFF COLLEGE.—(1) Section 663 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(e) DURATION OF PRINCIPAL COURSE OF INSTRUCTION AT ARMED FORCES STAFF COLLEGE.—The duration of the principal course of instruction offered at the Armed Forces Staff College may not be less than three months."

(2) Subsection (e) of such section, as added by paragraph (1), shall be implemented by the Secretary of Defense not later than two years after the date of the enactment of this Act.

(d) INFORMATION REGARDING STUDENTS ATTENDING THE ARMED FORCES STAFF COLLEGE.—Section 667 of such title is amended—

(1) by redesignating paragraph (17) as paragraph (18); and

(2) by inserting after paragraph (16) the following new paragraph:

"(17) With regard to each time the principal course of instruction at the Armed Forces Staff College is offered—

"(A) the number of officers selected to attend that course who did not first complete while in residence at a professional military education school operated by a military department the principal course of instruction offered at that school;

"(B) the number of those officers as a percentage of all officers who attended that course of instruction at the Armed Forces Staff College;

“(C) a description of the different reasons why officers were selected to attend that course without first attending the principal course of instruction offered at a professional military education school operated by a military department; and

“(D) the number of officers so selected for each such reason.”.

(e) **JOINT MATTERS DEFINED.**—For purposes of this section, the term “joint matters” has the meaning given to that term in section 668(a) of title 10, United States Code.

SEC. 1124. EMPLOYMENT OF CIVILIAN FACULTY MEMBERS AT PROFESSIONAL MILITARY EDUCATION SCHOOLS

(a) **NATIONAL DEFENSE UNIVERSITY.**—(1) Chapter 81 of title 10, United States Code, is amended by adding after section 1594 (as added by section 664(b)) the following new section:

“§ 1595. National Defense University: civilian faculty members

“(a) **AUTHORITY OF SECRETARY.**—The Secretary of Defense may employ as many civilians as professors, instructors, and lecturers at the National Defense University as the Secretary considers necessary.

“(b) **COMPENSATION OF FACULTY MEMBERS.**—The compensation of persons employed under this section shall be as prescribed by the Secretary.

“(c) **APPLICATION TO CERTAIN FACULTY MEMBERS.**—This section shall apply with respect to persons who are selected by the Secretary for employment as professors, instructors, and lecturers at the National Defense University after the end of the 90-day period beginning on the date of the enactment of this section.

“(d) **NATIONAL DEFENSE UNIVERSITY DEFINED.**—In this section, the term ‘National Defense University’ includes the National War College, the Armed Forces Staff College, and the Industrial College of the Armed Forces.”.

(2) The table of sections at the beginning of such chapter is amended by adding after the item relating to section 1594 (as added by section 664(b)) the following new item:

“1595. National Defense University: civilian faculty members.”.

(b) **ARMY WAR COLLEGE AND UNITED STATES ARMY COMMAND AND GENERAL STAFF COLLEGE.**—(1) Chapter 373 of title 10, United States Code, is amended by inserting after the table of sections the following new section:

“§ 4021. Army War College and United States Army Command and General Staff College: civilian faculty members

“(a) **AUTHORITY OF SECRETARY.**—The Secretary of the Army may employ as many civilians as professors, instructors, and lecturers at the Army War College or the United States Army Command and General Staff College as the Secretary considers necessary.

“(b) **COMPENSATION OF FACULTY MEMBERS.**—The compensation of persons employed under this section shall be as prescribed by the Secretary.

“(c) **APPLICATION TO CERTAIN FACULTY MEMBERS.**—(1) Except as provided in paragraph (2), this section shall apply with respect to persons who are selected by the Secretary for employment as professors, instructors, and lecturers at the Army War College or the United States Army Command and General Staff College after the

end of the 90-day period beginning on the date of the enactment of this section.

“(2) This section shall not apply with respect to professors, instructors, and lecturers employed at the Army War College or the United States Army Command and General Staff College if the duration of the principal course of instruction offered at the college involved is less than 10 months.”

(2) The table of sections at the beginning of such chapter is amended by inserting before the item relating to section 4024 the following new item:

“4021. Army War College and United States Army Command and General Staff College: civilian faculty members.”

(c) NAVAL WAR COLLEGE AND MARINE CORPS COMMAND AND STAFF COLLEGE.—(1) Section 7478 of title 10, United States Code, is amended to read as follows:

“§ 7478. Naval War College and Marine Corps Command and Staff College: civilian faculty members

“(a) AUTHORITY OF SECRETARY.—The Secretary of the Navy may employ as many civilians as professors, instructors, and lecturers at a school of the Naval War College or at the Marine Corps Command and Staff College as the Secretary considers necessary.

“(b) COMPENSATION OF FACULTY MEMBERS.—The compensation of persons employed under this section shall be as prescribed by the Secretary.

“(c) APPLICATION TO CERTAIN FACULTY MEMBERS.—This section shall not apply with respect to professors, instructors, and lecturers employed at a school of the Naval War College or at the Marine Corps Command and Staff College if the duration of the principal course of instruction offered at the school or college involved is less than 10 months.”

(2) The item relating to such section in the table of sections at the beginning of chapter 643 of such title is amended to read as follows:

“7478. Naval War College and Marine Corps Command and Staff College: civilian faculty members.”

(d) AIR UNIVERSITY.—(1) Chapter 873 of title 10, United States Code, is amended by inserting after the table of sections the following new section:

“§ 9021. Air University: civilian faculty members

“(a) AUTHORITY OF SECRETARY.—The Secretary of the Air Force may employ as many civilians as professors, instructors, and lecturers at a school of the Air University as the Secretary considers necessary.

“(b) COMPENSATION OF FACULTY MEMBERS.—The compensation of persons employed under this section shall be as prescribed by the Secretary.

“(c) APPLICATION TO CERTAIN FACULTY MEMBERS.—(1) Except as provided in paragraph (2), this section shall apply with respect to persons who are selected by the Secretary for employment as professors, instructors, and lecturers at a school of the Air University after the end of the 90-day period beginning on the date of the enactment of this section.

“(2) This section shall not apply with respect to professors, instructors, and lecturers employed at a school of the Air University if the

duration of the principal course of instruction offered at that school is less than 10 months.”.

(2) The table of sections at the beginning of such chapter is amended by inserting before the item relating to section 9025 the following new item:

“9021. Air University: civilian faculty members.”.

(e) **CONFORMING AMENDMENTS.**—Section 5102(c)(10) of title 5, United States Code, is amended—

(1) by inserting after “(10)” the following: “civilian professors, instructors, and lecturers at a professional military education school whose pay is fixed under section 1595, 4021, 7478, or 9021 of title 10;”;

(2) by striking out “the Naval War College and”; and

(3) by striking out “sections 6952 and 7478” and inserting in lieu thereof “section 6952”.

PART D—CONTRACTING OUT

SEC. 1131. ONE-YEAR EXTENSION OF AUTHORITY OF BASE COMMANDERS OVER CONTRACTING FOR COMMERCIAL ACTIVITIES

(a) **IN GENERAL.**—(1) Chapter 146 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 2468. Military installations: authority of base commanders over contracting for commercial activities

“(a) **AUTHORITY OF BASE COMMANDER.**—The Secretary of Defense shall direct that the commander of each military installation shall have the authority and the responsibility to enter into contracts in accordance with this section for the performance of a commercial activity on the military installation.

“(b) **YEARLY DUTIES OF BASE COMMANDER.**—To enter into a contract under subsection (a) for a fiscal year, the commander of a military installation shall—

“(1) prepare an inventory for that fiscal year of commercial activities carried out by Government personnel on the military installation;

“(2) decide which commercial activities shall be reviewed under the procedures and requirements of Office of Management and Budget Circular A-76 (or any successor administrative regulation or policy); and

“(3) conduct a solicitation for contracts for the performance of those commercial activities selected for conversion to contractor performance under the Circular A-76 process.

“(c) **LIMITATIONS.**—(1) The Secretary of Defense shall prescribe regulations under which the commander of each military installation may exercise the authority and responsibility provided under subsection (a).

“(2) The authority and responsibility provided under subsection (a) are subject to the authority, direction, and control of the Secretary.

“(d) **ASSISTANCE TO DISPLACED EMPLOYEES.**—If the commander of a military installation enters into a contract under subsection (a), the commander shall, to the maximum extent practicable, assist in finding suitable employment for any employee of the Department of Defense who is displaced because of that contract.

“(e) **MILITARY INSTALLATION DEFINED.**—In this section, the term ‘military installation’ means a base, camp, post, station, yard,

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center, or other activity under the jurisdiction of the Secretary of a military department which is located within the United States, the Commonwealth of Puerto Rico, or Guam.

“(f) **TERMINATION OF AUTHORITY.**—The authority provided to commanders of military installations by subsection (a) shall terminate on September 30, 1990.”

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

“2468. Military installations: authority of base commanders over contracting for commercial activities.”

(b) **EFFECTIVE DATE.**—Section 2468 of title 10, United States Code (as added by subsection (a)), shall take effect as of October 1, 1989.

SEC. 1132. EXCEPTION FROM COST COMPARISON PROCEDURES FOR PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SEVERELY HANDICAPPED INDIVIDUALS

Section 2461 of title 10, United States Code, is amended—

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

(2) by inserting after subsection (d) the following new subsection:

“(e) **WAIVER FOR THE PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SEVERELY HANDICAPPED PERSONS.**—Subsections (a) through (c) shall not apply to a commercial or industrial type function of the Department of Defense that—

“(1) is included on the procurement list established pursuant to section 2 of the Act of June 25, 1938 (41 U.S.C. 47), popularly referred to as the Wagner-O’Day Act; or

“(2) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped persons in accordance with that Act.”

SEC. 1133. COMMERCIAL ACTIVITIES STUDY FOR BASE SUPPORT OPERATIONS AT FORT BENJAMIN HARRISON

Indiana.

(a) **STUDY REQUIRED.**—Commercial activities carried out by Government personnel at Fort Benjamin Harrison, Indiana, may not be converted to performance by private contractor under the procedures and requirements of Office of Management and Budget Circular A-76 (or any successor administrative regulation or policy) until the Secretary of the Army completes a new commercial activities study for the military installation.

(b) **CONTENT OF STUDY.**—The commercial activities study referred to in subsection (a) shall include—

(1) work-load data through fiscal year 1989; and

(2) sufficient data regarding the commercial activities examined for possible conversion to performance by private contractor to permit the use of fixed-price contracts for those commercial activities selected for conversion.

SEC. 1134. EVALUATION AND REPORT ON COMMERCIAL ACTIVITIES STUDY AT THE NIAGARA FALLS AIR FORCE RESERVE BASE

(a) **EVALUATION AND REPORT REQUIRED.**—Commercial activities carried out by Government personnel at the Niagara Falls Air Force Reserve Base, New York, may not be converted to performance by private contractor under the procedures and requirements of Office of Management and Budget Circular A-76 (or any successor

administrative regulation or policy) until completion of the following:

- (1) The Comptroller General of the United States—
 - (A) evaluates the accuracy of the most recently completed commercial activities study for the Niagara Falls Air Force Reserve Base, including an analysis of comparable situations at other military installations in the United States; and
 - (B) submits to the Secretary of the Air Force a report describing the results of such evaluation.
 - (2) The Secretary of the Air Force submits to the Committees on Armed Services of the Senate and House of Representatives a report containing—
 - (A) a copy of the report submitted by the Comptroller General;
 - (B) such comments on the report as the Secretary considers appropriate; and
 - (C) a determination by the Secretary regarding the desirability of converting commercial activities at the Niagara Falls Air Force Reserve Base to performance by private contractor.
- (b) DEADLINE FOR SUBMISSION OF REPORT.—The report required by subsection (a)(2) shall be submitted not later than 60 days after the date of the enactment of this Act.

TITLE XII—MILITARY DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES

SEC. 1201. FUNDING FOR MILITARY DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES

(a) IN GENERAL.—(1) Of the amounts appropriated pursuant to this Act for the Department of Defense for fiscal year 1990, not more than \$450,000,000 shall be available from the sources and in the amounts specified in paragraph (2) for carrying out the drug interdiction and counter-drug activities provided for in this title.

(2) The amounts and sources referred to in paragraph (1) are as follows:

(A) \$182,000,000 of the amounts appropriated pursuant to title I for fiscal year 1990.

(B) \$28,000,000 of the amounts appropriated pursuant to title II for fiscal year 1990.

(C) \$235,000,000 of the amounts appropriated pursuant to title III for fiscal year 1990.

(D) \$5,000,000 of the amounts appropriated pursuant to division B for land acquisition and construction.

(b) OPERATIONS OF THE DEPARTMENT OF DEFENSE.—Of the amount made available under subsection (a), \$284,000,000 shall be available to carry out the mission of the Department of Defense relating to drug interdiction and counter-drug activities (other than purposes specified in subsections (c) through (g)).

(c) NATIONAL GUARD.—Of the amount made available under subsection (a), \$70,000,000 shall be available to provide funds under section 1207 for the purpose of drug interdiction by, and counter-drug activities of, the National Guard.

(d) **INTEGRATION OF C3I ASSETS.**—Of the amount made available under subsection (a), \$27,000,000 shall be available to carry out the activities of the Department of Defense under section 1204.

(e) **RESEARCH AND DEVELOPMENT.**—Of the amount made available under subsection (a), \$28,000,000 shall be available to carry out research and development activities referred to in section 1205.

(f) **CIVIL AIR PATROL.**—Of the amount made available under subsection (a), \$1,000,000 shall be available to support Civil Air Patrol activities under section 1209.

(g) **OTHER ASSISTANCE.**—Of the amount made available under subsection (a), \$40,000,000 shall be available to carry out the authority of the Secretary under section 1212 to provide additional counter-drug support to civilian agencies.

SEC. 1202. DEPARTMENT OF DEFENSE AS LEAD AGENCY FOR THE DETECTION AND MONITORING OF AERIAL AND MARITIME TRANSIT OF ILLEGAL DRUGS

(a) **FUNCTION OF DEPARTMENT OF DEFENSE.**—(1) Chapter 3 of title 10, United States Code, is amended by inserting after section 123 the following new section:

“§ 124. Detection and monitoring of aerial and maritime transit of illegal drugs: Department of Defense to be lead agency

“(a) **LEAD AGENCY.**—The Department of Defense shall serve as the single lead agency of the Federal Government for the detection and monitoring of aerial and maritime transit of illegal drugs into the United States.

“(b) **PERFORMANCE OF DETECTION AND MONITORING FUNCTION.**—(1) To carry out subsection (a), Department of Defense personnel may operate equipment of the Department to intercept a vessel or an aircraft detected outside the land area of the United States for the purposes of—

“(A) identifying and communicating with that vessel or aircraft; and

“(B) directing that vessel or aircraft to go to a location designated by appropriate civilian officials.

“(2) In cases in which a vessel or an aircraft is detected outside the land area of the United States, Department of Defense personnel may begin or continue pursuit of that vessel or aircraft over the land area of the United States.

“(c) **UNITED STATES DEFINED.**—In this section, the term ‘United States’ means the land area of the several States and any territory, commonwealth, or possession of the United States.”.

(2) The table of sections of such chapter is amended by inserting after the item relating to section 123 the following new item:

“124. Detection and monitoring of aerial and maritime transit of illegal drugs: Department of Defense to be lead agency.”.

(b) **CONFORMING REPEAL.**—Section 1102 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 102 Stat. 2042), is repealed.

10 USC 113 note.

SEC. 1203. BUDGET PROPOSALS RELATING TO DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES

The budget of the United States Government submitted to Congress under section 1105 of title 31, United States Code, for fiscal years 1991 and 1992 shall set forth separately the amount requested for the mission of the Department of Defense related to drug

interdiction and counter-drug activities in support of civilian agencies.

10 USC 124 note. **SEC. 1204. COMMUNICATIONS NETWORK**

(a) **INTEGRATION OF NETWORK.**—(1) The Secretary of Defense shall integrate into an effective communications network the command, control, communications, and technical intelligence assets of the United States that are dedicated (in whole or in part) to the interdiction of illegal drugs into the United States.

(2) The Secretary shall carry out this subsection in consultation with the Director of National Drug Control Policy.

10 USC 374 note. (b) **CONFORMING REPEAL.**—Section 1103 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 102 Stat. 2042), is repealed.

10 USC 124 note. **SEC. 1205. RESEARCH AND DEVELOPMENT**

The Secretary of Defense shall ensure that adequate research and development activities of the Department of Defense, including research and development activities of the Defense Advanced Research Projects Agency, are devoted to technologies designed to improve—

(1) the ability of the Department to carry out the detection and monitoring function of the Department under section 124 of title 10, United States Code, as added by section 1202; and

(2) the ability to detect illicit drugs and other dangerous and illegal substances that are concealed in containers.

10 USC 124 note. **SEC. 1206. TRAINING EXERCISES IN DRUG-INTERDICTION AREAS**

(a) **EXERCISES REQUIRED.**—The Secretary of Defense shall direct that the armed forces, to the maximum extent practicable, shall conduct military training exercises (including training exercises conducted by the reserve components) in drug-interdiction areas.

(b) **REPORT.**—(1) Not later than February 1 of 1991 and 1992, the Secretary shall submit to Congress a report on the implementation of subsection (a) during the preceding fiscal year.

(2) The report shall include—

(A) a description of the exercises conducted in drug-interdiction areas and the effectiveness of those exercises in the national counter-drug effort; and

(B) a description of those additional actions that could be taken (and an assessment of the results of those actions) if additional funds were made available to the Department of Defense for additional military training exercises in drug-interdiction areas for the purpose of enhancing interdiction and deterrence of drug smuggling.

(c) **DRUG-INTERDICTION AREAS DEFINED.**—For purposes of this section, the term “drug-interdiction areas” includes land and sea areas in which, as determined by the Secretary, the smuggling of drugs into the United States occurs or is believed by the Secretary to have occurred.

SEC. 1207. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES OF THE NATIONAL GUARD

(a) **ASSISTANCE AUTHORIZED.**—(1) Chapter 1 of title 32, United States Code, is amended by adding at the end the following new section:

“§ 112. Drug interdiction and counter-drug activities

“(a) FUNDING ASSISTANCE.—The Secretary of Defense may provide to the Governor of a State who submits a plan to the Secretary under subsection (b) sufficient funds for—

“(1) the pay, allowances, clothing, subsistence, gratuities, travel, and related expenses of personnel of the National Guard of that State used for—

“(A) the purpose of drug interdiction and counter-drug activities; and

“(B) the operation and maintenance of the equipment and facilities of the National Guard of that State used for that purpose; and

“(2) the procurement of services and leasing of equipment for the National Guard of that State used for the purpose of drug interdiction and counter-drug activities.

“(b) PLAN REQUIREMENTS.—A plan referred to in subsection (a) shall—

“(1) specify how personnel of the National Guard of that State are to be used in drug interdiction and counter-drug activities;

“(2) certify that those operations are to be conducted at a time when the personnel involved are not in Federal service; and

“(3) certify that participation by National Guard personnel in those operations is service in addition to annual training required under section 502 of this title.

“(c) EXAMINATION OF PLAN.—(1) Before funds are provided to the Governor of a State under this section, the Secretary of Defense shall examine the adequacy of the plan submitted by the Governor under subsection (b).

“(2) Except as provided in paragraph (3), the Secretary shall carry out paragraph (1) in consultation with—

“(A) the Attorney General of the United States in the case of a plan submitted for fiscal year 1990; and

“(B) the Director of National Drug Control Policy in the case of a plan submitted for subsequent fiscal years.

“(3) Paragraph (2) shall not apply if—

“(A) the Governor of a State submits a plan under subsection (b) that is substantially the same as a plan submitted for that State for a previous fiscal year; and

“(B) funds were provided to the State pursuant to such plan.

“(d) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed as a limitation on the authority of any unit of the National Guard of a State, when such unit is not in Federal service, to perform law enforcement functions authorized to be performed by the National Guard by the laws of the State concerned.

“(e) EXCLUSION FROM END-STRENGTH COMPUTATION.—(1) Members of the National Guard on active duty or full-time National Guard duty for the purposes of administering this section shall not be counted toward the annual end strength authorized for reserves on active duty in support of the reserve components of the armed forces or toward the strengths authorized in sections 517 and 524 of title 10.

“(2) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives an annual report specifying for the period covered by the report the number of members of the National Guard excluded under paragraph (1) from the computation of end strengths.

Reports.

“(f) **DEFINITIONS.**—For purposes of this section:

“(1) The term ‘counter-drug activities’ includes the use of National Guard personnel, while not in Federal service, in any law enforcement activities authorized by State and local law and requested by the Governor.

“(2) The term ‘Governor of a State’ means, in the case of the District of Columbia, the Commanding General of the National Guard of the District of Columbia.

“(3) The term ‘State’ means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, or a territory or possession of the United States.”

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

“112. Drug interdiction and counter-drug activities.”

(b) **CONFORMING REPEAL.**—Section 1105 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 102 Stat. 2047), is repealed.

10 USC 374 note.

10 USC 372 note.

SEC. 1208. TRANSFER OF EXCESS PERSONAL PROPERTY

(a) **TRANSFER AUTHORIZED.**—(1) Notwithstanding any other provision of law and subject to subsection (b), the Secretary of Defense may transfer to Federal and State agencies personal property of the Department of Defense, including small arms and ammunition, that the Secretary determines is—

(A) suitable for use by such agencies in counter-drug activities; and

(B) excess to the needs of the Department of Defense.

(2) Personal property transferred under this section may be transferred without cost to the recipient agency.

(3) The Secretary shall carry out this section in consultation with the Attorney General and the Director of National Drug Control Policy.

(b) **CONDITIONS FOR TRANSFER.**—The Secretary may transfer personal property under this section only if—

(1) the property is drawn from existing stocks of the Department of Defense; and

(2) the transfer is made without the expenditure of any funds available to the Department of Defense for the procurement of defense equipment.

(c) **APPLICATION.**—The authority of the Secretary to transfer personal property under this section shall expire on September 30, 1992.

SEC. 1209. CIVIL AIR PATROL

To the extent funds are available under section 1201(f), the Secretary of Defense shall pay for expenses incurred by the Civil Air Patrol in conducting drug surveillance flights.

SEC. 1210. OPERATION OF EQUIPMENT USED TO TRANSPORT CIVILIAN LAW ENFORCEMENT PERSONNEL

Section 374(b)(2)(E) of title 10, United States Code, is amended by striking out “, the Attorney General” and all that follows through “outside the land area of the United States” and inserting in lieu thereof “and the Attorney General (and the Secretary of State in the case of a law enforcement operation outside of the land area of the United States)”.

SEC. 1211. RESTRICTION ON DIRECT PARTICIPATION BY MILITARY PERSONNEL

Section 375 of title 10, United States Code, is amended—

- (1) by striking out "the provision of any support" and inserting in lieu thereof "any activity";
- (2) by striking out "to any civilian law enforcement official"; and
- (3) by striking out "a search and seizure, an arrest," and inserting in lieu thereof "a search, seizure, arrest,".

SEC. 1212. ADDITIONAL SUPPORT FOR COUNTER-DRUG ACTIVITIES

At the request of the head of a Federal agency with counter-drug responsibilities, the Secretary of Defense during fiscal year 1990 may provide support for the counter-drug activities of that agency as follows:

- (1) Maintenance and repair of equipment that has been made available by the Department of Defense under chapter 18 of title 10, United States Code, in order to preserve the potential future utility of such equipment to the Department of Defense.
- (2) Transportation of personnel, supplies, and equipment for purposes of facilitating a counter-drug operation.
- (3) Establishment and operation of a base of operations for purposes of facilitating a counter-drug operation.
- (4) Loan of National Guard equipment, subject to such minimum standards of care and maintenance and such minimum training and proficiency requirements for persons who are to use such equipment as the Secretary considers appropriate.
- (5) Training of personnel.

SEC. 1213. REPORTS

(a) **BY THE PRESIDENT.**—Not later than April 1, 1990, the President shall submit to Congress a report—

President of U.S.

- (1) describing the progress made on implementation of the plan required by section 1103 of the National Defense Authorization Act, Fiscal Year 1989 (10 U.S.C. 374 note);
- (2) containing an analysis of the feasibility of establishing a National Drug Operations Center for the integration, coordination, and control of all drug interdiction operations; and
- (3) describing how intelligence activities relating to narcotics trafficking can be integrated, including—

- (A) coordinating the collection and analysis of intelligence information;
- (B) ensuring the dissemination of relevant intelligence information to officials with responsibility for narcotics policy and to agencies responsible for interdiction, eradication, law enforcement, and other counter-drug activities; and
- (C) coordinating and controlling all intelligence activities relating to counter-drug activities.

(b) **BY THE SECRETARY OF DEFENSE.**—(1) Not later than February 1, 1990, the Secretary of Defense shall submit a report to Congress—

- (A) on the specific drug-related research and development projects to be funded, and the planned allocation of funding for such projects, under section 1205;
- (B) on the feasibility of detailing officers in the Judge Advocate General's Corps of the military departments to the Department of Justice to assist in the prosecution of drug cases in

areas in which there is a lack of sufficient prosecutorial resources;

(C) on the feasibility of increasing the use of the resources and personnel of the Special Operations Command in drug interdiction and counter-drug activities; and

(D) on the desirability and feasibility of assigning active-duty members of the Armed Forces, at the request of the Secretary of the Treasury and with the approval of the Secretary of Defense, to assist the United States Customs Service in the inspection of cargo, vehicles, vessels, and aircraft at points of entry into the United States.

In preparing the report required by this paragraph, the Secretary shall consult with the Director of National Drug Control Policy and other appropriate heads of agencies.

(2) Not later than April 1, 1990, the Secretary of Defense shall submit a report to Congress on—

(A) the feasibility of establishing aerial and maritime navigational corridors by which civilian aircraft and vessels may travel through drug interdiction areas, as defined in section 1206(c);

(B) the feasibility of requiring the submission of navigational plans for all civilian aircraft and vessels that will travel in such areas; and

(C) the funding considered necessary to implement a plan to carry out the matters referred to in subparagraphs (A) and (B).

In preparing the report required by this paragraph, the Secretary shall consult with the Secretary of Transportation and the Director of National Drug Control Policy.

(3) Not later than February 1 of 1990 and 1991, the Secretary of Defense shall submit to Congress a report on the drug interdiction and counter-drug activities of the Department of Defense under chapter 18, United States Code, and other applicable provisions of law during the preceding fiscal year. The report shall include—

(A) specific information as to the size, scope, and results of Department of Defense drug interdiction operations;

(B) specific information on the nature and terms of inter-agency agreements with other agencies relating to drug interdiction; and

(C) any recommendations for additional legislation that the Secretary determines would assist in furthering the ability of the Department to perform its mission under that chapter or to assist other agencies.

SEC. 1214. SENSE OF CONGRESS ON NATIONAL NARCOTICS BORDER INTERDICTION SYSTEM

(a) FINDINGS.—Congress finds the following:

(1) The Anti-Drug Abuse Act of 1988 (Public Law 100-690) terminated the National Narcotics Border Interdiction System (NNBIS).

(2) The National Narcotics Border Interdiction System provided valuable information and support to State and local law enforcement agencies involved in drug interdiction activities.

(b) SENSE OF CONGRESS.—In light of the findings specified in subsection (a), it is the sense of Congress that the cooperation that existed between State and local law enforcement officials and the Federal agencies participating in the National Narcotics Border

Interdiction System should, to the extent possible, be continued and enhanced by the President.

SEC. 1215. COOPERATIVE EFFORTS AGAINST ILLEGAL DRUGS

(a) **AMENDMENT TO THE CONTROLLED SUBSTANCES ACT.**—Section 511(e)(3)(B) of the Controlled Substances Act (21 U.S.C. 881(e)(3)(B)), as added by section 6077(a) of the Asset Forfeiture Amendments Act of 1988 (Public Law 100-690; 102 Stat. 4324), is amended to read as follows:

“(B) will serve to encourage further cooperation between the recipient State or local agency and Federal law enforcement agencies.”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect as of October 1, 1989.

21 USC 881 note.

SEC. 1216. TECHNICAL AND CLERICAL AMENDMENTS RELATING TO MILITARY SUPPORT FOR CIVILIAN LAW ENFORCEMENT AGENCIES

(a) **CHAPTER DESIGNATION.**—The chapter following chapter 17 of title 10, United States Code (relating to military support for civilian law enforcement agencies), is redesignated as chapter 18.

(b) **REFERENCE TO TARIFF SCHEDULES.**—Section 374(b)(4) of such title is amended by striking out “general headnote 2 of the Tariff Schedules of the United States” in subparagraph (A)(iii) and inserting in lieu thereof “general note 2 of the Harmonized Tariff Schedule of the United States”.

(c) **CROSS-REFERENCE AMENDMENT.**—Section 374(c) of such title is amended by striking out “paragraph (2)” and inserting in lieu thereof “subsection (b)(2)”.

TITLE XIII—MILITARY APPELLATE PROCEDURES

SEC. 1301. COURT OF MILITARY APPEALS

(a) **REVIEW BY THE COURT UNDER ARTICLE 67.**—Section 867 (article 67) of title 10, United States Code, is amended—

(1) by striking out subsections (a), (g), (h), and (i); and

(2) by redesignating subsections (b), (c), (d), (e), and (f) as subsections (a), (b), (c), (d), and (e) respectively.

(b) **RESTATEMENT OF CERTIORARI PROVISION.**—Subchapter IX of chapter 47 of title 10, United States Code, is amended by inserting after section 867 (article 67) the following new section (article):

“§ 867a. Art. 67a. Review by the Supreme Court

“(a) Decisions of the United States Court of Military Appeals are subject to review by the Supreme Court by writ of certiorari as provided in section 1259 of title 28. The Supreme Court may not review by a writ of certiorari under this section any action of the Court of Military Appeals in refusing to grant a petition for review.

“(b) The accused may petition the Supreme Court for a writ of certiorari without prepayment of fees and costs or security therefor and without filing the affidavit required by section 1915(a) of title 28.”.

(c) **RESTATEMENT AND REVISION OF COMA CHARTER.**—Chapter 47 of such title is amended by adding at the end the following new subchapter:

"SUBCHAPTER XI—COURT OF MILITARY APPEALS

"Sec. Art.

"941. 141. Status.

"942. 142. Judges.

"943. 143. Organization and employees.

"944. 144. Procedure.

"945. 145. Annuities for judges and survivors.

"946. 146. Code committee.

"§ 941. Art. 141. Status

"There is a court of record known as the United States Court of Military Appeals. The court is established under article I of the Constitution. The court is located for administrative purposes only in the Department of Defense.

"§ 942. Art. 142. Judges

"(a) NUMBER.—The United States Court of Military Appeals consists of five judges.

"(b) APPOINTMENT; QUALIFICATION.—(1) Each judge of the court shall be appointed from civil life by the President, by and with the advice and consent of the Senate, for a specified term determined under paragraph (2). A judge may serve as a senior judge as provided in subsection (e).

"(2) The term of a judge shall expire as follows:

"(A) In the case of a judge who is appointed after March 31 and before October 1 of any year, the term shall expire on September 30 of the year in which the fifteenth anniversary of the appointment occurs.

"(B) In the case of a judge who is appointed after September 30 of any year and before April 1 of the following year, the term shall expire fifteen years after such September 30.

"(3) Not more than three of the judges of the court may be appointed from the same political party, and no person may be appointed to be a judge of the court unless the person is a member of the bar of a Federal court or the highest court of a State.

"(c) REMOVAL.—Judges of the court may be removed from office by the President, upon notice and hearing, for—

"(1) neglect of duty;

"(2) misconduct; or

"(3) mental or physical disability.

A judge may not be removed by the President for any other cause.

"(d) PAY AND ALLOWANCES.—Each judge of the court is entitled to the same salary and travel allowances as are, and from time to time may be, provided for judges of the United States Courts of Appeals.

"(e) SENIOR JUDGES.—(1) A former judge of the court who is receiving retired pay or an annuity under section 945 of this title (article 145) or under subchapter III of chapter 83 or chapter 84 of title 5 shall be a senior judge.

"(2)(A) The chief judge of the court may call upon a senior judge of the court, with the consent of the senior judge, to perform judicial duties with the court—

"(i) during a period a judge of the court is unable to perform his duties because of illness or other disability;

"(ii) during a period in which a position of judge of the court is vacant; or

"(iii) in any case in which a judge of the court recuses himself.

"(B) A senior judge shall be paid for each day on which he performs judicial duties with the court an amount equal to the daily equivalent of the annual rate of pay provided for a judge of the court. Such pay shall be in lieu of retired pay and in lieu of an

annuity under section 945 of this title (article 145), subchapter III of chapter 83 or subchapter II of chapter 84 of title 5, or any other retirement system for employees of the Federal Government.

“(3) A senior judge, while performing duties referred to in paragraph (2), shall be provided with such office space and staff assistance as the chief judge considers appropriate and shall be entitled to the per diem, travel allowances, and other allowances provided for judges of the court.

“(4) A senior judge shall be considered to be an officer or employee of the United States with respect to his status as a senior judge, but only during periods the senior judge is performing duties referred to in paragraph (2). For the purposes of section 205 of title 18, a senior judge shall be considered to be a special government employee during such periods. Any provision of law that prohibits or limits the political or business activities of an employee of the United States shall apply to a senior judge only during such periods.

“(5) The court shall prescribe rules for the use and conduct of senior judges of the court. The chief judge of the court shall transmit such rules, and any amendments to such rules, to the Committees on Armed Services of the Senate and the House of Representatives not later than 15 days after the issuance of such rules or amendments, as the case may be.

“(6) For purposes of subchapter III of chapter 83 of title 5 (relating to the Civil Service Retirement and Disability System) and chapter 84 of such title (relating to the Federal Employees’ Retirement System) and for purposes of any other Federal Government retirement system for employees of the Federal Government—

“(A) a period during which a senior judge performs duties referred to in paragraph (2) shall not be considered creditable service;

“(B) no amount shall be withheld from the pay of a senior judge as a retirement contribution under section 8334, 8343, 8422, or 8432 of title 5 or under any other such retirement system for any period during which the senior judge performs duties referred to in paragraph (2);

“(C) no contribution shall be made by the Federal Government to any retirement system with respect to a senior judge for any period during which the senior judge performs duties referred to in paragraph (2); and

“(D) a senior judge shall not be considered to be a reemployed annuitant for any period during which the senior judge performs duties referred to in paragraph (2).

“(f) SERVICE OF ARTICLE III JUDGES.—(1) The Chief Justice of the United States, upon the request of the chief judge of the court, may designate a judge of a United States court of appeals or of a United States district court to perform the duties of judge of the United States Court of Military Appeals—

“(A) during a period a judge of the court is unable to perform his duties because of illness or other disability; or

“(B) in any case in which a judge of the court recuses himself.

“(2) A designation under paragraph (1) may be made only with the consent of the designated judge and the concurrence of the chief judge of the court of appeals or district court concerned.

“(3) Per diem, travel allowances, and other allowances paid to the designated judge in connection with the performance of duties for the court shall be paid from funds available for the payment of per diem and such allowances for judges of the court.

“(g) **EFFECT OF VACANCY ON COURT.**—A vacancy on the court does not impair the right of the remaining judges to exercise the powers of the court.

“§ 943. **Art. 143. Organization and employees**

President of U.S.

“(a) **CHIEF JUDGE.**—The President shall designate from time to time one of the judges of the United States Court of Military Appeals to be chief judge of the court.

“(b) **PRECEDENCE OF JUDGES.**—The chief judge of the court shall have precedence and preside at any session that he attends. The other judges shall have precedence and preside according to the seniority of their original commissions. Judges whose commissions bear the same date shall have precedence according to seniority in age.

“(c) **STATUS OF ATTORNEY POSITIONS.**—(1) Attorney positions of employment under the Court of Military Appeals are excepted from the competitive service. Appointments to such positions shall be made by the court, without the concurrence of any other officer or employee of the executive branch, in the same manner as appointments are made to other executive branch positions of a confidential or policy-determining character for which it is not practicable to examine or to hold a competitive examination. Such positions shall not be counted as positions of that character for purposes of any limitation on the number of positions of that character provided in law.

“(2) In making appointments to the positions described in paragraph (1), preference shall be given, among equally qualified persons, to persons who are preference eligibles (as defined in section 2108(3) of title 5).

“§ 944. **Art. 144. Procedure**

“The United States Court of Military Appeals may prescribe its rules of procedure and may determine the number of judges required to constitute a quorum.

“§ 945. **Art. 145. Annuities for judges and survivors**

“(a) **RETIREMENT ANNUITIES FOR JUDGES.**—(1) A person who has completed a term of service for which he was appointed as a judge of the United States Court of Military Appeals is eligible for an annuity under this section upon separation from civilian service in the Federal Government.

“(2) A person who is eligible for an annuity under this section shall be paid that annuity if, at the time he becomes eligible to receive that annuity, he elects to receive that annuity in lieu of any other annuity for which he may be eligible at the time of such election (whether an immediate or a deferred annuity) under subchapter III of chapter 83 or subchapter II of chapter 84 of title 5 or any other retirement system for civilian employees of the Federal Government. Such an election may not be revoked.

“(3)(A) The Secretary of Defense shall notify the Director of the Office of Personnel Management whenever an election under paragraph (2) is made affecting any right or interest under subchapter III of chapter 83 or subchapter II of chapter 84 of title 5 based on service as a judge of the United States Court of Military Appeals.

“(B) Upon receiving any notification under subparagraph (A) in the case of a person making an election under paragraph (2), the Director shall determine the amount of the person's lump-sum

credit under subchapter III of chapter 83 or subchapter II of chapter 84 of title 5, as applicable, and shall request the Secretary of the Treasury to transfer such amount from the Civil Service Retirement and Disability Fund to the Department of Defense Military Retirement Fund. The Secretary of the Treasury shall make any transfer so requested.

“(C) In determining the amount of a lump-sum credit under section 8331(8) of title 5 for purposes of this paragraph—

“(i) interest shall be computed using the rates under section 8334(e)(3) of such title; and

“(ii) the completion of 5 years of civilian service (or longer) shall not be a basis for excluding interest.

“(b) AMOUNT OF ANNUITY.—The annuity payable under this section to a person who makes an election under subsection (a)(2) is 80 percent of the rate of pay for a judge in active service on the United States Court of Military Appeals as of the date on which the person is separated from civilian service.

“(c) RELATION TO THRIFT SAVINGS PLAN.—Nothing in this section affects any right of any person to participate in the thrift savings plan under section 8351 of title 5 or subchapter III of chapter 84 of such title.

“(d) SURVIVOR ANNUITIES.—The Secretary of Defense shall prescribe by regulation a program to provide annuities for survivors and former spouses of persons receiving annuities under this section by reason of elections made by such persons under subsection (a)(2). That program shall, to the maximum extent practicable, provide benefits and establish terms and conditions that are similar to those provided under survivor and former spouse annuity programs under other retirement systems for civilian employees of the Federal Government. The program may include provisions for the reduction in the annuity paid the person as a condition for the survivor annuity. An election by a judge (including a senior judge) or former judge to receive an annuity under this section terminates any right or interest which any other individual may have to a survivor annuity under any other retirement system for civilian employees of the Federal Government based on the service of that judge or former judge as a civilian officer or employee of the Federal Government (except with respect to an election under subsection (g)(1)(B)).

Regulations.

“(e) COST-OF-LIVING INCREASES.—The Secretary of Defense shall periodically increase annuities and survivor annuities paid under this section in order to take account of changes in the cost of living. The Secretary shall prescribe by regulation procedures for increases in annuities under this section. Such system shall, to the maximum extent appropriate, provide cost-of-living adjustments that are similar to those that are provided under other retirement systems for civilian employees of the Federal Government.

Regulations.

“(f) DUAL COMPENSATION.—A person who is receiving an annuity under this section by reason of service as a judge of the court and who is appointed to a position in the Federal Government shall, during the period of such person's service in such position, be entitled to receive only the annuity under this section or the pay for that position, whichever is higher.

“(g) ELECTION OF JUDICIAL RETIREMENT BENEFITS.—(1) A person who is receiving an annuity under this section by reason of service as a judge of the court and who later is appointed as a justice or judge of the United States to hold office during good behavior and who retires from that office, or from regular active service in that

office, shall be paid either (A) the annuity under this section, or (B) the annuity or salary to which he is entitled by reason of his service as such a justice or judge of the United States, as determined by an election by that person at the time of his retirement from the office, or from regular active service in the office, of justice or judge of the United States. Such an election may not be revoked.

“(2) An election by a person to be paid an annuity or salary pursuant to paragraph (1)(B) terminates (A) any election previously made by such person to provide a survivor annuity pursuant to subsection (d), and (B) any right of any other individual to receive a survivor annuity pursuant to subsection (d) on the basis of the service of that person.

“(h) SOURCE OF PAYMENT OF ANNUITIES.—Annuities and survivor annuities paid under this section shall be paid out of the Department of Defense Military Retirement Fund.

“§ 946. Art. 146. Code committee

“(a) ANNUAL SURVEY.—A committee shall meet at least annually and shall make an annual comprehensive survey of the operation of this chapter.

“(b) COMPOSITION OF COMMITTEE.—The committee shall consist of—

“(1) the judges of the United States Court of Military Appeals;

“(2) the Judge Advocates General of the Army, Navy, and Air Force, the Chief Counsel of the Coast Guard, and the Staff Judge Advocate to the Commandant of the Marine Corps; and

“(3) two members of the public appointed by the Secretary of Defense.

“(c) REPORTS.—(1) After each such survey, the committee shall submit a report—

“(A) to the Committees on Armed Services of the Senate and House of Representatives; and

“(B) to the Secretary of Defense, the Secretaries of the military departments, and the Secretary of Transportation.

“(2) Each report under paragraph (1) shall include the following:

“(A) Information on the number and status of pending cases.

“(B) Any recommendation of the committee relating to—

“(i) uniformity of policies as to sentences;

“(ii) amendments to this chapter; and

“(iii) any other matter the committee considers appropriate.

“(d) QUALIFICATIONS AND TERMS OF APPOINTED MEMBERS.—Each member of the committee appointed by the Secretary of Defense under subsection (b)(3) shall be a recognized authority in military justice or criminal law. Each such member shall be appointed for a term of three years.

“(e) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App. I) shall not apply to the committee.”.

10 USC 942 note.

(d) TRANSITION FROM THREE-JUDGE COURT TO FIVE-JUDGE COURT.—(1) Effective during the period before October 1, 1990—

(A) the number of members of the United States Court of Military Appeals shall (notwithstanding subsection (a) of section 942 of title 10, United States Code, as enacted by subsection (c)) be three; and

(B) the maximum number of members of the court who may be appointed from the same political party shall (notwithstanding subsection (b)(3) of section 942) be two.

(2) In the application of paragraph (2) of section 942(b) of title 10, United States Code (as enacted by subsection (c)) to the judges who are first appointed to the two new positions of the court created as of October 1, 1990—

(A) with respect to one such judge (as designated by the President at the time of appointment), the anniversary referred to in subparagraph (A) of that paragraph shall be treated as being the seventh anniversary and the number of years referred to in subparagraph (B) of that paragraph shall be treated as being seven; and

(B) with respect to the other such judge (as designated by the President at the time of appointment), the anniversary referred to in subparagraph (A) of that paragraph shall be treated as being the thirteenth anniversary and the number of years referred to in subparagraph (B) of that paragraph shall be treated as being thirteen.

(e) **TRANSITION RULES RELATING TO RETIREMENT OF NEW JUDGES.**—

10 USC 942 note.

(1) Except as otherwise provided in paragraphs (2) and (3), each judge to whom subsection (d)(2) applies shall be eligible for an annuity as provided in section 945 of title 10, United States Code, as enacted by subsection (c).

(2) The annuity of a judge referred to in paragraph (1) is computed under subsection (b) of such section 945 only if the judge—

(A) completes the term of service for which he is first appointed;

(B) is reappointed as a judge of the United States Court of Military Appeals at any time after the completion of such term of service;

(C) is separated from civilian service in the Federal Government after completing a total of 15 years as a judge of such court; and

(D) elects to receive an annuity under such section in accordance with subsection (a)(2) of such section.

(3) In the case of a judge referred to in paragraph (1) who is separated from civilian service after completing the term of service for which he is first appointed as a judge of the United States Court of Military Appeals and before completing a total of 15 years as a judge of such court, the annuity of such judge (if elected in accordance with section 945(a)(2) of title 10, United States Code) shall be $\frac{1}{2}$ of the amount computed under subsection (b) of such section times the number of years (including any fraction thereof) of such judge's service as a judge of the court.

(f) **APPLICABILITY OF AMENDED RETIREMENT PROVISIONS.**—Except as otherwise provided in subsections (c) and (d), section 945 of title 10, United States Code, as enacted by subsection (c), applies with respect to judges of the United States Court of Military Appeals whose terms of service on such court end after September 28, 1988, and to the survivors of such judges.

10 USC 942 note.

(g) **TERMS OF CURRENT JUDGES.**—Section 942(b) of title 10, United States Code, as enacted by subsection (c), shall not apply to the term of office of a judge of the United States Court of Military Appeals serving on such court on the date of the enactment of this Act. The term of office of such a judge shall expire on the later of (A) the date the term of such judge would have expired under section 867(a)(1) of

10 USC 942 note.

title 10, United States Code, as in effect on the day before such date of enactment, or (B) September 30 of the year in which the term of such judge would have expired under such section 867(a)(1).

10 USC 942 note.

(h) CIVIL SERVICE STATUS OF CURRENT EMPLOYEES.—Section 943(c) of title 10, United States Code, as enacted by subsection (c), shall not be applied to change the civil service status of any attorney who is an employee of the United States Court of Military Appeals on the day before the date of the enactment of this Act.

(i) TERMINATION OF AUTHORITY RELATING TO SERVICE OF ARTICLE III JUDGES AFTER 5 YEARS.—The authority of the Chief Justice of the United States under section 942(f) of title 10, United States Code, as enacted by subsection (c), shall terminate on September 30, 1995.

SEC. 1302. APPELLATE REVIEW OF ARTICLE 69 ACTIONS

(a) REVIEW.—Section 869 (article 69) of title 10, United States Code, is amended—

- (1) in subsection (a), by striking out the third sentence; and
- (2) by adding at the end the following:

“(d) A Court of Military Review may review, under section 866 of this title (article 66)—

“(1) any court-martial case which (A) is subject to action by the Judge Advocate General under this section, and (B) is sent to the Court of Military Review by order of the Judge Advocate General; and

“(2) any action taken by the Judge Advocate General under this section in such case.

“(e) Notwithstanding section 866 of this title (article 66), in any case reviewed by a Court of Military Review under this section, the Court may take action only with respect to matters of law.”

10 USC 869 note.

(b) EFFECTIVE DATE.—Subsection (e) of section 869 of title 10, United States Code, as added by subsection (a), shall apply with respect to cases in which a finding of guilty is adjudged by a general court-martial after the date of the enactment of this Act.

SEC. 1303. INVESTIGATION OF JUDICIAL MISCONDUCT

Subchapter I of chapter 47 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 806a. Art. 6a. Investigation and disposition of matters pertaining to the fitness of military judges

“(a) The President shall prescribe procedures for the investigation and disposition of charges, allegations, or information pertaining to the fitness of a military judge or military appellate judge to perform the duties of the judge’s position. To the extent practicable, the procedures shall be uniform for all armed forces.

“(b) The President shall transmit a copy of the procedures prescribed pursuant to this section to the Committees on Armed Services of the Senate and House of Representatives.”

SEC. 1304. TECHNICAL AND CONFORMING AMENDMENTS

(a) CLERICAL AMENDMENTS.—(1) The table of subchapters at the beginning of chapter 47 of title 10, United States Code, is amended by adding at the end the following new item:

“XII. Court of Military Appeals 941 141”.

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

"806a. 6a. Investigation and disposition of matters pertaining to the fitness of military judges."

(b) **CONFORMING AMENDMENTS.**—(1) Section 869(a) (article 69(a)) of title 10, United States Code, is amended by striking out "section 867(b)(2) of this title (article 67(b)(2))" in the third sentence and inserting in lieu thereof "section 867(a)(2) of this title (article 67(a)(2))".

(2) Section 8337(a) of title 5, United States Code, is amended by striking out "section 867(a)(2)" in the fourth sentence and inserting in lieu thereof "section 942(c)".

(3) Section 1259 of title 28, United States Code, is amended by striking out "section 867(b)(1)", "section 867(b)(2)", and "section 867(b)(3)" and inserting in lieu thereof "section 867(a)(1)", "section 867(a)(2)", and "section 867(a)(3)", respectively.

TITLE XIV—MILITARY SURVIVOR BENEFIT PLAN

SEC. 1401. SHORT TITLE

This title may be cited as the "Military Survivor Benefits Improvement Act of 1989".

SEC. 1402. REVISED PREMIUM COMPUTATION FOR SURVIVOR BENEFIT PLAN ANNUITIES

(a) **REVISION IN RETIRED PAY REDUCTION.**—Subsection (a) of section 1452 of title 10, United States Code, is amended by striking out the matter preceding paragraph (2) and inserting in lieu thereof the following:

"(a) **SPOUSE AND FORMER SPOUSE ANNUITIES.**—

"(1) **REQUIRED REDUCTION IN RETIRED PAY.**—Except as provided in subsection (b), the retired pay of a participant in the Plan who is providing spouse coverage (as described in paragraph (5)) shall be reduced as follows:

"(A) **STANDARD ANNUITY.**—If the annuity coverage being provided is a standard annuity, the reduction shall be as follows:

"(i) **DISABILITY AND NONREGULAR SERVICE RETIREES.**—In the case of a person who is entitled to retired pay under chapter 61 or chapter 67 of this title, the reduction shall be in whichever of the alternative reduction amounts is more favorable to that person.

"(ii) **MEMBERS AS OF ENACTMENT OF FLAT-RATE REDUCTION.**—In the case of a person who first became a member of a uniformed service before March 1, 1990, the reduction shall be in whichever of the alternative reduction amounts is more favorable to that person.

"(iii) **NEW ENTRANTS AFTER ENACTMENT OF FLAT-RATE REDUCTION.**—In the case of a person who first becomes a member of a uniformed service on or after March 1, 1990, and who is entitled to retired pay under a provision of law other than chapter 61 or chapter 67 of this title, the reduction shall be in an amount equal to 6½ percent of the base amount.

"(iv) **ALTERNATIVE REDUCTION AMOUNTS.**—For purposes of clauses (i) and (ii), the alternative reduction amounts are the following:

"(I) An amount equal to 6½ percent of the base amount.

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10 USC 1447
note.

“(II) An amount equal to 2½ percent of the first \$337 (as adjusted after November 1, 1989, under paragraph (4)) of the base amount plus 10 percent of the remainder of the base amount.

“(B) RESERVE-COMPONENT ANNUITY.—If the annuity coverage being provided is a reserve-component annuity, the reduction shall be in whichever of the following amounts is more favorable to that person:

“(i) An amount equal to 6½ percent of the base amount plus an amount determined in accordance with regulations prescribed by the Secretary of Defense as a premium for the additional coverage provided through reserve-component annuity coverage under the Plan.

“(ii) An amount equal to 2½ percent of the first \$337 (as adjusted after November 1, 1989, under paragraph (4)) of the base amount plus 10 percent of the remainder of the base amount plus an amount determined in accordance with regulations prescribed by the Secretary of Defense as a premium for the additional coverage provided through reserve-component annuity coverage under the Plan.”.

(b) PERSONS PROVIDING SPOUSE COVERAGE.—Such subsection is further amended by adding at the end the following new paragraph: “(5) For the purposes of paragraph (1), a participant in the Plan who is providing spouse coverage is a participant who—

“(A) has (i) a spouse or former spouse, or (ii) a spouse or former spouse and a dependent child; and

“(B) has not elected to provide an annuity to a person designated by him under section 1448(b)(1) of this title or, having made such an election, has changed his election in favor of his spouse under section 1450(f) of this title.”.

(c) CONFORMING AMENDMENT.—Subsection (a)(4) of such section is amended by striking out “amount under paragraph (1)(A)” in subparagraphs (A) and (B) and inserting in lieu thereof “amounts under paragraph (1)”.

(d) RECOMPUTATION OF SBP PREMIUM FOR CURRENT PARTICIPANTS.—

(1) RECOMPUTATION.—The Secretary concerned shall recompute the SBP premium of persons described in paragraph (2). Any such recomputation shall take effect on March 1, 1990.

(2) PERSONS COVERED.—A person referred to in paragraph (1) as described in this paragraph is a person who on March 1, 1990—

(A) is entitled to retired pay;

(B) is providing spouse coverage (as described in paragraph (5) of section 1452 of title 10, United States Code, as added by subsection (b)); and

(C) is subject to an SBP premium in excess of 6½ percent of the base amount of that person under the Survivor Benefit Plan.

(3) AMOUNT OF RECOMPUTED PREMIUM.—The amount of an SBP premium recomputed under this subsection shall be 6½ percent of the base amount under the Survivor Benefit Plan of the person whose premium is recomputed.

(4) SBP PREMIUM DEFINED.—For purposes of this subsection, the term “SBP premium” means a reduction in retired pay under section 1452 of title 10, United States Code.

SEC. 1403. CORRECTION OF ANNUITY COMPUTATION FOR SURVIVORS OF CERTAIN RETIREMENT-ELIGIBLE OFFICERS DYING WHILE ON ACTIVE DUTY

(a) **ANNUITY COMPUTATION BASED ON FINAL BASIC PAY.**—Paragraph (3) of section 1451(c) of title 10, United States Code, is amended to read as follows:

“(3) In the case of an annuity provided by reason of the service of a member described in section 1448(d)(1)(B) or 1448(d)(1)(C) of this title who first became a member of a uniformed service before September 8, 1980, the retired pay to which the member would have been entitled when he died shall be determined for purposes of paragraph (1) based upon the rate of basic pay in effect at the time of death for the grade in which the member was serving at the time of death, unless (as determined by the Secretary concerned) the member would have been entitled to be retired in a higher grade.”

(b) **ADJUSTMENT OF ANNUITIES ALREADY IN EFFECT.**—

(1) **RECOMPUTATION.**—The Secretary concerned shall recompute the annuity of any person who on the effective date specified in subsection (d) is entitled to an annuity under the Survivor Benefit Plan by reason of eligibility described in section 1448(d)(1)(B) or 1448(d)(1)(C) of title 10, United States Code, and who is further described in subsection (c).

(2) **AMOUNT OF RECOMPUTED ANNUITIES.**—The amount of the annuity as so recomputed shall be the amount that would be in effect for that annuity on the effective date specified in subsection (d) if the annuity had originally been computed subject to the provisions of paragraph (3) of section 1451(c) of title 10, United States Code, as amended by subsection (a).

(c) **PERSONS ELIGIBLE FOR RECOMPUTATION.**—A person is eligible to have an annuity under the Survivor Benefit Plan recomputed under subsection (b) if—

(1) the annuity is based upon the service of a member of the uniformed services who died on active duty during the period beginning on September 21, 1972, and ending on the effective date specified in subsection (d); and

(2) the retired pay of that member for the purposes of determining the amount of the annuity under the Survivor Benefit Plan was computed using a rate of basic pay lower than the rate of basic pay in effect at the time of death for the grade in which the member was serving at the time of death.

(d) **EFFECTIVE DATE.**—An annuity recomputed under subsection (b) shall take effect as so recomputed on March 1, 1990.

SEC. 1404. PROGRAM TO PROVIDE SUPPLEMENTAL SPOUSE ANNUITY FOR MILITARY RETIREES

(a) **ESTABLISHMENT OF PROGRAM.**—(1) Effective on October 1, 1991, chapter 73 of title 10, United States Code, is amended by adding at the end the following new subchapter:

“SUBCHAPTER III—SUPPLEMENTAL SURVIVOR BENEFIT PLAN

“Sec.

“1456. Supplemental spouse coverage: establishment of plan; definitions.

“1457. Supplemental spouse coverage: payment of annuity; amount.

“1458. Supplemental spouse coverage: eligible participants; elections of coverage.

“1459. Former spouse coverage: special rules.

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note.

Effective date.

"1460. Supplemental spouse coverage: reductions in retired pay.

"1460a. Incorporation of certain administrative provisions.

"1460b. Regulations.

"§ 1456. Supplemental spouse coverage: establishment of plan; definitions

"(a) ESTABLISHMENT OF SUPPLEMENTAL SURVIVOR BENEFIT PLAN.—

"(1) PLAN.—The Secretary of Defense shall carry out a program in accordance with this subchapter to enable participants in the Survivor Benefit Plan who are providing coverage for a spouse or former spouse beneficiary under that Plan to also provide a supplemental annuity for that spouse or former spouse beginning when the participant dies or when the spouse or former spouse becomes 62 years of age, whichever is later, in order to offset the effects of the two-tier annuity computation under the Survivor Benefit Plan.

"(2) NAME OF PLAN.—The program under this subchapter shall be known as the Supplemental Survivor Benefit Plan.

"(b) DEFINITIONS.—

"(1) INCORPORATION OF DEFINITIONS APPLICABLE TO SURVIVOR BENEFIT PLAN.—The definitions in section 1447 of this title apply in this subchapter.

"(2) SUPPLEMENTAL SPOUSE ANNUITY DEFINED.—In this subchapter, the term 'supplemental spouse annuity' means an annuity provided to a spouse or former spouse under this subchapter.

"§ 1457. Supplemental spouse coverage: payment of annuity; amount

"(a) COMMENCEMENT OF ANNUITY.—A supplemental spouse annuity commences on the later of—

"(1) the day on which an annuity under the Survivor Benefit Plan becomes payable to the beneficiary; or

"(2) the first day of the first month after the month in which the beneficiary becomes 62 years of age.

"(b) AMOUNT OF ANNUITY FOR BENEFICIARY OF PERSON PROVIDING STANDARD ANNUITY UNDER SBP.—In the case of a person providing a standard annuity for a spouse or former spouse beneficiary under the Survivor Benefit Plan and providing a supplemental spouse annuity for that beneficiary under this subchapter, the monthly annuity payable to the beneficiary under this subchapter shall be the amount equal to 20 percent of the base amount under the Survivor Benefit Plan of the person providing the annuity. The annuity shall be computed as of the date of the death of the person providing the annuity, notwithstanding that the annuity is not payable at that time by reason of subsection (a).

"(c) AMOUNT OF ANNUITY FOR BENEFICIARY OF PERSON PROVIDING RESERVE-COMPONENT ANNUITY UNDER SBP.—In the case of a person providing a reserve-component annuity for a spouse or former spouse beneficiary under the Survivor Benefit Plan and providing a supplemental spouse annuity for that beneficiary under this subchapter, the monthly annuity payable to that beneficiary under this subchapter shall be determined as follows:

"(1) BENEFICIARY INITIALLY 62 YEARS OF AGE OR OLDER.—If the beneficiary is 62 years of age or older when the beneficiary becomes entitled to the reserve-component annuity under the

Survivor Benefit Plan, the monthly amount of the supplemental spouse annuity is the difference between—

“(A) the amount of the reserve-component annuity under the Survivor Benefit Plan to which the beneficiary would be entitled if that beneficiary were under 62 years of age (as computed under section 1451(a)(2)(A) of this title); and

“(B) the amount of the reserve-component annuity to which the beneficiary is entitled (as computed under section 1451(a)(2)(B) of this title).

“(2) BENEFICIARY INITIALLY UNDER 62 YEARS OF AGE.—If the beneficiary is under 62 years of age when the beneficiary becomes entitled to the reserve-component annuity under the Survivor Benefit Plan, the monthly amount of the supplemental spouse annuity of that beneficiary (commencing on the date specified in subsection (a)(2)) is the amount by which the beneficiary’s annuity under the Survivor Benefit Plan is reduced (on the same day) under section 1451(d) of this title.

“(3) EXCLUSION OF DIC OFFSET.—Computations under paragraphs (1) and (2) shall be made without regard to any reduction required under section 1450(c) of this title (or any other provision of law) with respect to the receipt of dependency and indemnity compensation under section 411 of title 38.

“(d) ADJUSTMENTS IN ANNUITIES.—

“(1) PERIODIC ADJUSTMENTS (COLAS).—Whenever annuities under the Survivor Benefit Plan are increased under section 1451(g)(1) of this title (or any other provision of law) or recomputed under section 1451(i) of this title, each annuity under this subchapter shall be increased or recomputed at the same time. The increase shall, in the case of any such annuity, be by the same percent as the percent by which the annuity of that beneficiary is increased or recomputed under the Survivor Benefit Plan.

“(2) ROUNDING DOWN.—The monthly amount of an annuity payable under this subchapter, if not a multiple of \$1, shall be rounded to the next lower multiple of \$1.

“(e) TERMINATION OF ANNUITY.—A supplemental spouse annuity terminates effective as of the first day of the month in which the beneficiary dies or otherwise becomes ineligible to continue to receive an annuity under the Survivor Benefit Plan.

“§ 1458. Supplemental spouse coverage: eligible participants; elections of coverage

“(a) COVERAGE.—

“(1) IN GENERAL.—A person who provides an annuity for a spouse or former spouse under the Survivor Benefit Plan may elect in accordance with this section to provide a supplemental spouse annuity for that spouse or former spouse.

“(2) COVERAGE CONTINGENT ON CONCURRENT SBP COVERAGE.—When a person providing a supplemental spouse annuity under this subchapter ceases to be a participant under the Survivor Benefit Plan, that person’s coverage under this subchapter automatically terminates.

“(3) ELECTIONS TO BE VOLUNTARY.—A person may not be ordered or required to elect (or to enter into an agreement to elect) to provide a spouse or former spouse with a supplemental spouse annuity under this subchapter. Except as provided in section 1459(b) of this title, in no case shall a person be deemed

to have made an election to provide a supplemental annuity for a spouse or former spouse of such person.

“(b) LIMITATION ON ELIGIBILITY FOR CERTAIN SBP PARTICIPANTS NOT AFFECTED BY TWO-TIER ANNUITY COMPUTATION.—A person is not eligible to make an election under this section if (as determined by the Secretary concerned) the annuity of a spouse or former spouse beneficiary of that person under the Survivor Benefit Plan will be computed under section 1451(e) of this title. However, such a person may waive the right to have that annuity computed under section 1451(e) of this title. Any such election is irrevocable. A person making such a waiver may make an election under this section as in the case of any other participant in the Survivor Benefit Plan.

“(c) ELECTION OF SUPPLEMENTAL SPOUSE ANNUITY BEFORE BECOMING A PARTICIPANT IN SBP.—

“(1) IN GENERAL.—A person anticipating becoming a participant in the Survivor Benefit Plan who has a spouse or former spouse may elect to provide a supplemental spouse annuity under this subchapter for that spouse or former spouse.

“(2) CONDITIONS ON ELECTION.—An election under paragraph (1)—

“(A) must be made before the day on which the person making the election first becomes a participant in the Survivor Benefit Plan; and

“(B) shall be made in the same manner as an election under section 1448 of this title that is available to that person at the same time.

“(3) REQUIREMENT OF SPOUSE ANNUITY UNDER SBP.—If upon becoming a participant in the Survivor Benefit Plan under section 1448 of this title the person is not providing an annuity for the person’s spouse or former spouse, an election under this section to provide a supplemental spouse annuity shall be void.

“(4) SPECIAL RULE FOR RCSBP PARTICIPANTS.—For the purposes of this subsection, a person providing a reserve-component annuity under the Survivor Benefit Plan shall not be considered to have become a participant in that Plan until the end of the 90-day period referred to in clause (iii) of section 1448(a)(2)(B) of this title.

“(d) ELECTION OF FORMER SPOUSE AFTER BECOMING ELIGIBLE FOR SURVIVOR BENEFIT PLAN.—

“(1) ELECTION OF COVERAGE.—A person who elects under section 1448(b)(3) of this title to provide coverage under the Survivor Benefit Plan for a former spouse may elect to provide a supplemental spouse annuity for that former spouse. Any such election must be signed by the person and received by the Secretary concerned within one year after the date of the decree of divorce, dissolution, or annulment.

“(2) EFFECTIVE DATE OF ELECTION.—An election under paragraph (1) is effective as of the same day as the election under section 1448(b)(3) of this title.

“(e) NOTICE TO SPOUSE OF FORMER SPOUSE COVERAGE.—If a married person who is eligible to provide an annuity under the Survivor Benefit Plan elects to provide an annuity under that Plan for a former spouse (or for a former spouse and dependent child) and elects under this section to provide a supplemental spouse annuity for that former spouse, the notification to the person’s spouse under

section 1448(a)(3)(E) or 1448(b)(3)(D) of this title shall include notice of the election under this section.

“(f) IRREVOCABILITY OF ELECTIONS.—

“(1) STANDARD ANNUITY.—An election under subsection (c) to provide a supplemental spouse annuity by a person providing a standard annuity under the Survivor Benefit Plan is irrevocable if not revoked on the day before the date on which the person first becomes a participant in that Plan.

“(2) RESERVE-COMPONENT ANNUITY.—An election under subsection (c) to provide a supplemental spouse annuity by a person providing a reserve-component annuity under the Survivor Benefit Plan is irrevocable if not revoked before the end of the 90-day period with respect to that person referred to in clause (iii) of section 1448(a)(2)(B) of this title.

“(3) FORMER SPOUSE ELECTIONS.—An election under subsection (d) may not be revoked except in accordance with subsection (h).

“(g) REMARRIAGE AFTER RETIREMENT.—

“(1) ELECTION UPON REMARRIAGE.—A person—

“(A) who is a participant in the Survivor Benefit Plan and is providing coverage under that Plan for a spouse (or a spouse and child) but is not a participant in the Supplemental Survivor Benefit Plan;

“(B) who does not have an eligible spouse beneficiary under that Plan; and

“(C) who remarries,

may (subject to paragraph (2)) elect to provide a supplemental spouse annuity under this subchapter for the person's spouse.

“(2) LIMITATIONS ON ELECTION.—A person may not make an election under paragraph (1) if the person elects under section 1448(a)(6)(A) of this title not to provide coverage under the Survivor Benefit Plan for the person's spouse.

“(3) CONDITIONS ON ELECTION.—An election under paragraph (1)—

“(A) is irrevocable;

“(B) shall be made within one year after the remarriage; and

“(C) shall be made in such form and manner as may be prescribed in regulations under section 1460b of this title.

“(h) CHANGE OF FORMER SPOUSE BENEFICIARY TO SPOUSE OR CHILD BENEFICIARY.—If a person who is providing an annuity for a former spouse under the Survivor Benefit Plan and a supplemental spouse annuity for that former spouse under this subchapter elects under section 1450(f)(1) of this title to change the beneficiary of the annuity under the Survivor Benefit Plan in order to provide an annuity under that Plan to that person's spouse or to a dependent child—

“(1) the beneficiary under the supplemental spouse annuity shall be deemed to be changed to that spouse also, if the change under section 1450(f)(1) was to provide the annuity for the person's spouse; and

“(2) participation in the supplemental spouse annuity program shall be terminated, if the change under section 1450(f)(1) of this title was to provide the annuity for a dependent child.

“(i) REINSTATEMENT OF DISCONTINUED ANNUITY UPON REINSTATEMENT OF SBP ANNUITY.—If a person who is providing an annuity for a former spouse under the Survivor Benefit Plan and a supplemental spouse annuity for that former spouse under this subchapter discontinues participation in the Survivor Benefit Plan under any

provision of law and subsequently resumes participation in that Plan under any provision of law, the participation of that person in the Supplemental Survivor Benefit Plan under this chapter shall be reinstated effective on the day on which participation in the Survivor Benefit Plan resumes.

“§ 1459. Former spouse coverage: special rules

“(a) DISCLOSURE OF VOLUNTARY WRITTEN AGREEMENT WITH FORMER SPOUSE.—A person who elects under section 1458 of this title to provide a supplemental spouse annuity for a former spouse shall, at the time of making the election, provide the Secretary concerned with a written statement (in a form to be prescribed by that Secretary and signed by such person and former spouse) setting forth whether the election is being made pursuant to a written agreement previously entered into voluntarily by such person as a part of or incident to a proceeding of divorce, dissolution, or annulment and (if so) whether such voluntary written agreement has been incorporated in, or ratified or approved by, a court order.

“(b) ENFORCEMENT OF VOLUNTARY WRITTEN AGREEMENTS INCIDENT TO DIVORCE, ETC.—

“(1) ELECTIONS DEEMED TO HAVE BEEN MADE.—If a person who is eligible to elect under section 1458 of this title to provide a supplemental spouse annuity for a former spouse voluntarily enters, incident to a proceeding of divorce, dissolution, or annulment, into a written agreement to elect to provide a supplemental annuity for a former spouse and that agreement is incorporated in or ratified or approved by a court order or is filed with the court of appropriate jurisdiction in accordance with applicable State law, and such person then fails or refuses to make the election as set forth in the voluntary agreement, such person shall be deemed to have made the election if the Secretary concerned—

“(A) receives from the former spouse concerned a written request, in such manner as the Secretary shall prescribe, requesting that the election be deemed to have been made; and

“(B) receives (i) a copy of the court order, regular on its face, which incorporates, ratifies, or approves the written agreement of such person, or (ii) a statement from the clerk of the court (or other appropriate official) that such agreement has been filed with the court in accordance with applicable State law.

“(2) TIME LIMIT FOR REQUEST TO SECRETARY CONCERNED.—An election may not be deemed to have been made under paragraph (1) in the case of any person unless the Secretary concerned receives a request from the former spouse within one year after the date of the court order or filing involved.

“(3) EFFECTIVE DATE OF DEEMED ELECTION.—An election deemed to have been made under paragraph (1) shall become effective on the first day of the first month which begins after the date of the court order or filing involved.

“§ 1460. Supplemental spouse coverage: reductions in retired pay

“(a) REDUCTION REQUIRED.—The retired pay of a person who elects to provide a supplemental spouse annuity shall be reduced each month as required under regulations prescribed under subsection (b).

“(b) REGULATIONS DETERMINING AMOUNT OF REDUCTION.—Regulations for the purposes of subsection (a) shall be prescribed by the Secretary of Defense. Those regulations shall be based upon assumptions used by the Department of Defense Retirement Board of Actuaries in the valuation of military retirement and survivor benefit programs under chapter 74 of this title (including assumptions relating to mortality, interest rates, and inflation) and shall ensure the following:

“(1) That reductions in retired pay under this section are made in amounts sufficient to provide that the Supplemental Survivor Benefit Plan operates on an actuarially neutral basis.

“(2) That such reductions are stated, with respect to the base amount (under the Survivor Benefit Plan) of any person, as a constant percentage of that base amount.

“(3) That the amounts of such reductions in retired pay of persons participating in the Supplemental Survivor Benefit Plan (stated as a percentage of base amount)—

“(A) are based on the age of the participant at the time participation in that Plan is first effective under this subchapter; and

“(B) are not determined by any other demographic differentiation among participants in the Plan.

“(4) That such reductions are otherwise determined in accordance with generally accepted actuarial principles and practices.

“(c) SUSPENSION OF REDUCTION WHEN THERE IS NO SPOUSE BENEFICIARY.—A reduction in retired pay under this section shall not be made in the case of any person during any month in which there is no eligible spouse or former spouse beneficiary.

“(d) ADJUSTMENTS IN AMOUNT OF REDUCTION.—Whenever the amount of the reduction in retired pay of a participant in the Survivor Benefit Plan is increased under section 1452(h) of this title or recomputed under section 1452(i) of this title, the amount of the reduction in that retired pay under this section shall be increased or recomputed, as the case may be, at the same time and in the same manner as that increase or recomputation.

“(e) ADMINISTRATIVE PROVISIONS.—The provisions of subsections (d) and (f) of section 1452 of this title apply with respect to the participation of a person in the Supplemental Survivor Benefit Plan in the same manner that those provisions apply under the Survivor Benefit Plan.

“§ 1460a. Incorporation of certain administrative provisions

“(a) APPLICABILITY OF CERTAIN PROVISIONS OF SBP LAW.—The provisions of section 1449, 1452(g), 1453, and 1454 of this title are applicable to a person eligible to make an election, and to an election, under this subchapter in the same manner as if made under subchapter II.

“(b) OTHER APPLICABLE PROVISIONS.—Except to the extent otherwise provided in regulations prescribed under section 1460b of this title, the provisions of subsections (h), (i), and (l) of section 1450 of this title apply to supplemental spouse annuities in the same manner that those provisions apply to annuities under the Survivor Benefit Plan.

“§ 1460b. Regulations

“The President shall prescribe regulations to carry out this subchapter. Those regulations shall, so far as practicable, be uniform

President of U.S.

for the uniformed services and shall, so far as practicable, incorporate provisions of the regulations in effect under section 1455 of this title.”

Effective date.

(2) Effective on October 1, 1991, the table of subchapters at the beginning of chapter 73 of such title is amended by adding at the end the following new item:

“III. Supplemental Spouse Coverage for Survivor Benefit Plan Participants.... 1456”.

(b) CONFORMING AMENDMENTS.—(1) Section 1331(d) of title 10, United States Code, is amended by inserting “and the Supplemental Survivor Benefit Plan established under subchapter III of that chapter,” after “this title”.

(2) Section 3101(c)(1) of title 38, United States Code, is amended by striking out “of subchapter I or II”.

(3) The amendments made by paragraphs (1) and (2) shall take effect on October 1, 1991.

Effective date.

10 USC 1331

note.

10 USC 1448

note.

SEC. 1405. OPEN ENROLLMENT PERIOD

(a) PERSONS NOT CURRENTLY PARTICIPATING IN SURVIVOR BENEFIT PLAN.—

(1) ELECTION OF SBP COVERAGE.—An eligible retired or former member may elect to participate in the Survivor Benefit Plan during the open enrollment period specified in subsection (f).

(2) ELECTION OF SUPPLEMENTAL ANNUITY COVERAGE.—An eligible retired or former member who elects under paragraph (1) to participate in the Survivor Benefit Plan may also elect during the open enrollment period to participate in the Supplemental Survivor Benefit Plan established under subchapter III of chapter 73 of title 10, United States Code, as added by section 1404.

(3) ELIGIBLE RETIRED OR FORMER MEMBER.—For purposes of paragraphs (1) and (2), an eligible retired or former member is a member or former member of the uniformed services who on the day before the first day of the open enrollment period is not a participant in the Survivor Benefit Plan and—

(A) is entitled to retired pay; or

(B) would be entitled to retired pay under chapter 67 of title 10, United States Code, but for the fact that such member or former member is under 60 years of age.

(4) STATUS UNDER SBP OF PERSONS MAKING ELECTIONS.—

(A) STANDARD ANNUITY.—A person making an election under paragraph (1) by reason of eligibility under paragraph (3)(A) shall be treated for all purposes as providing a standard annuity under the Survivor Benefit Plan.

(B) RESERVE-COMPONENT ANNUITY.—A person making an election under paragraph (1) by reason of eligibility under paragraph (3)(B) shall be treated for all purposes as providing a reserve-component annuity under the Survivor Benefit Plan.

(b) ELECTION TO INCREASE COVERAGE UNDER SBP.—A person who on the day before the first day of the open enrollment period is a participant in the Survivor Benefit Plan but is not participating at the maximum base amount or is providing coverage under the Plan for a dependent child and not for the person's spouse or former spouse may, during the open enrollment period elect to—

(1) participate in the Plan at a higher base amount (not in excess of the participant's retired pay); or

(2) provide annuity coverage under the Plan for the person's spouse or former spouse at a base amount not less than the base amount provided for the dependent child.

(c) ELECTION FOR CURRENT SBP PARTICIPANTS TO PARTICIPATE IN SUPPLEMENTAL SBP.—

(1) **ELECTION.**—A person who is eligible to make an election under this paragraph may elect during the open enrollment period to participate in the Supplemental Survivor Benefit Plan established under subchapter III of chapter 73 of title 10, United States Code, as added by section 1404.

(2) **PERSONS ELIGIBLE.**—Except as provided in paragraph (3), a person is eligible to make an election under paragraph (1) if on the day before the first day of the open enrollment period the person is a participant in the Survivor Benefit Plan and under that Plan is providing annuity coverage for the person's spouse or a former spouse.

(3) **LIMITATION ON ELIGIBILITY FOR CERTAIN SBP PARTICIPANTS NOT AFFECTED BY TWO-TIER ANNUITY COMPUTATION.**—A person is not eligible to make an election under paragraph (1) if (as determined by the Secretary concerned) the annuity of a spouse or former spouse beneficiary of that person under the Survivor Benefit Plan will be computed under section 1451(e) of title 10, United States Code. However, such a person may during the open enrollment period waive the right to have that annuity computed under such section. Any such election is irrevocable. A person making such a waiver may make an election under paragraph (1) as in the case of any other participant in the Survivor Benefit Plan.

(d) **MANNER OF MAKING ELECTIONS.**—An election under this section must be made in writing, signed by the person making the election, and received by the Secretary concerned before the end of the open enrollment period. Any such election shall be made subject to the same conditions, and with the same opportunities for designation of beneficiaries and specification of base amount, that apply under the Survivor Benefit Plan or the Supplemental Survivor Benefit Plan, as the case may be. A person making an election under subsection (a) to provide a reserve-component annuity shall make a designation described in section 1448(e) of title 10, United States Code.

(e) **EFFECTIVE DATE FOR ELECTIONS.**—Any such election shall be effective as of the first day of the first calendar month following the month in which the election is received by the Secretary concerned.

(f) **OPEN ENROLLMENT PERIOD DEFINED.**—The open enrollment period is the one-year period beginning on October 1, 1991.

(g) **EFFECT OF DEATH OF PERSON MAKING ELECTION WITHIN TWO YEARS OF MAKING ELECTION.**—If a person making an election under this section dies before the end of the two-year period beginning on the effective date of the election, the election is void and the amount of any reduction in retired pay of the person that is attributable to the election shall be paid in a lump sum to the person who would have been the deceased person's beneficiary under the voided election if the deceased person had died after the end of such two-year period.

(h) **APPLICABILITY OF CERTAIN PROVISIONS OF LAW.**—The provisions of sections 1449, 1453, and 1454 of title 10, United States Code, are applicable to a person making an election, and to an election, under this section in the same manner as if the election were made under

the Survivor Benefit Plan or the Supplemental Survivor Benefit Plan, as the case may be.

(i) **REPORT CONCERNING OPEN SEASON.**—Not later than June 1, 1990, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the open season authorized by this section for the Survivor Benefit Plan. The report shall include—

- (1) a description of the Secretary's plans for implementation of the open season;
- (2) the Secretary's estimates of the costs associated with the open season, including any anticipated effect of the open season on the actuarial status of the Department of Defense Military Retirement Fund; and
- (3) any recommendation by the Secretary for further legislative action.

10 USC 1448
note.

SEC. 1406. DEFINITIONS

For the purpose of this title:

- (1) The term "Survivor Benefit Plan" means the program established under subchapter II of chapter 73 of title 10, United States Code.
- (2) The term "retired pay" includes retainer pay paid under section 6330 of title 10, United States Code.
- (3) The terms "uniformed services" and "Secretary concerned" have the meanings given those terms in section 101 of title 37, United States Code.

SEC. 1407. MISCELLANEOUS TECHNICAL AND CLERICAL AMENDMENTS

(a) **GENERAL AMENDMENTS.**—Subchapter II of chapter 73 of title 10, United States Code, is amended as follows:

- (1) Section 1447 is amended—
 - (A) in paragraph (5), by striking out "this clause" both places it appears and inserting in lieu thereof "this paragraph";
 - (B) in paragraph (11), by inserting "paid under section 6330 of this title" after "retainer pay"; and
 - (C) by adding at the end the following new paragraph:

"(14) The term 'reserve-component retired pay' means retired pay under chapter 67 of this title."
- (2) Sections 1447(2)(B), 1447(2)(C)(ii), 1448(a)(1)(B), 1448(a)(2)(B), 1448(f)(1)(A), 1448(f)(1)(B), and 1450(1)(1) are amended by striking out "retired pay under chapter 67 of this title" and inserting in lieu thereof "reserve-component retired pay".
- (3) Sections 1447(2)(C)(i), 1447(3), 1447(4), 1448(a)(4)(A), 1449, and 1450(1)(2) are amended by striking out "or retainer".
- (4) Section 1450(f)(3)(B) is amended—
 - (A) by striking out "before October 1, 1985, or"; and
 - (B) by striking out ", whichever is later".
- (5) Section 1451(c)(4) is amended by inserting "by reason of the service of a person who first became a member of a uniformed service before September 8, 1980" after "of this title".
- (6) Section 1451(e)(1) is amended by striking out "plan" in the matter preceding subparagraph (A) and inserting in lieu thereof "Plan".
- (7) Section 1451(e)(1)(B) is amended—
 - (A) by striking out "is" each place it appears and inserting in lieu thereof "was";

(B) by striking out "has" in clause (ii) and inserting in lieu thereof "had"; and

(C) by striking out "would be" in clause (iii) and inserting in lieu thereof "would have been".

(8) Section 1451(e)(2) is amended by striking out "(as the base amount is adjusted from time to time under section 1401a of this title)" in subparagraphs (A) and (B).

(9) Section 1452(h) is amended—

(A) by inserting "(or any other provision of law)" after "of this title" the first place it appears; and

(B) by striking out "increased under section 1401a of this title" and inserting in lieu thereof "so increased".

(10)(A) The heading of section 1454 is amended to read as follows:

"§ 1454. Correction of administrative errors".

(B) The item relating to that section in the table of sections at the beginning of that subchapter is amended to read as follows:

"1454. Correction of administrative errors."

(b) **PARITY OF TREATMENT OF FORMER SPOUSES AND SURVIVING SPOUSES.**—(1) Section 1451(e) of title 10, United States Code, is amended by inserting "or former spouse" in paragraphs (3)(A) and (4)(A) after "widow or widower".

(2) The amendments made by paragraph (1) shall apply only with respect to the computation of an annuity for a person who becomes a former spouse under a divorce that becomes final after the date of the enactment of this Act.

10 USC 1451
note.

TITLE XV—MILITARY CHILD CARE

SEC. 1501. SHORT TITLE; DEFINITIONS

(a) **SHORT TITLE.**—This title may be cited as the "Military Child Care Act of 1989".

(b) **DEFINITIONS.**—For purposes of this title:

(1) The term "military child development center" means a facility on a military installation (or on property under the jurisdiction of the commander of a military installation) at which child care services are provided for members of the Armed Forces or any other facility at which such child care services are provided that is operated by the Secretary of a military department.

(2) The term "family home day care" means home-based child care services that are provided for members of the Armed Forces by an individual who (A) is certified by the Secretary of the military department concerned as qualified to provide those services, and (B) provides those services on a regular basis for compensation.

(3) The term "child care employee" means a civilian employee of the Department of Defense who is employed to work in a military child development center (regardless of whether the employee is paid from appropriated funds or nonappropriated funds).

(4) The term "child care fee receipts" means those nonappropriated funds that are derived from fees paid by members of the Armed Forces for child care services provided at military child development centers.

Military Child
Care Act of 1989.
10 USC 113 note.

SEC. 1502. FUNDING FOR MILITARY CHILD CARE FOR FISCAL YEAR 1990

(a) **FISCAL YEAR 1990 FUNDING.**—(1) It is the policy of Congress that the amount of appropriated funds available during fiscal year 1990 for operating expenses for military child development centers shall not be less than the amount of child care fee receipts that are estimated to be received by the Department of Defense during that fiscal year. Of the amount authorized to be appropriated for the Department of Defense for fiscal year 1990, \$102,000,000 shall be available for operating expenses for military child development centers.

(2) In addition to the amount referred to in paragraph (1), \$26,000,000 shall be available for child care and child-related services of the Department other than military child development centers.

(3) In using the funds referred to in paragraph (1), the Secretary shall give priority to—

(A) increasing the number of child care employees who are directly involved in providing child care for members of the Armed Forces; and

(B) expanding the availability of child care for members of the Armed Forces.

(b) **FUNDS DERIVED FROM PARENT FEES TO BE USED FOR EMPLOYEE COMPENSATION AND OTHER CHILD CARE SERVICES.**—(1) Except as provided in paragraph (2), child care fee receipts may be used during fiscal year 1990 only for compensation of child care employees who are directly involved in providing child care.

(2) If the Secretary of Defense determines that compliance with the limitation in paragraph (1) would result in an uneconomical and inefficient use of such fee receipts, the Secretary may (to the extent that such compliance would be uneconomical and inefficient) use such receipts—

(A) first, for the purchase of consumable or disposable items for military child development centers; and

(B) if the requirements of such centers for consumable or disposable items for fiscal year 1990 have been met, for other expenses of those centers.

(c) **REPORT.**—(1) Not later than December 31, 1989, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on how the Secretary intends to use the funds referred to in subsection (a), including how the Secretary intends to achieve the priorities specified in paragraph (3) of that subsection.

(2) If at the time such report is submitted the Secretary proposes to use the authority provided by subsection (b)(2), the Secretary shall include in the report under paragraph (1) a description of the use proposed to be made of that authority and a statement of the reasons why the Secretary determined that compliance with the limitation in subsection (b)(1) would result in an uneconomical and inefficient use of child care fee receipts, together with supporting cost information and other information justifying the determination.

(3) If the Secretary uses such authority after December 31, 1989, the Secretary shall promptly inform the committees of the use of the authority and of the reasons for its use.

SEC. 1503. CHILD CARE EMPLOYEES

(a) **REQUIRED TRAINING.**—(1) The Secretary of Defense shall establish, and prescribe regulations to implement, a training program for child care employees. Those regulations shall apply uniformly among the military departments. Subject to paragraph (2), satisfactory completion of the training program shall be a condition of employment of any person as a child care employee.

Regulations.

(2) Under those regulations, the Secretary shall require that each child care employee complete the training program not later than six months after the date on which the employee is employed as a child care employee (except that, in the case of a child care employee hired before the date on which the training program is established, the Secretary shall require that the employee complete the program not later than six months after that date).

(3) The training program established under this subsection shall cover, at a minimum, training in the following:

(A) Early childhood development.

(B) Activities and disciplinary techniques appropriate to children of different ages.

(C) Child abuse prevention and detection.

(D) Cardiopulmonary resuscitation and other emergency medical procedures.

(b) **TRAINING AND CURRICULUM SPECIALISTS.**—(1) The Secretary of Defense shall require that at least one employee at each military child development center be a specialist in training and curriculum development. The Secretary shall ensure that such employees have appropriate credentials and experience.

(2) The duties of such employees shall include the following:

(A) Special teaching activities at the center.

(B) Daily oversight and instruction of other child care employees at the center.

(C) Daily assistance in the preparation of lesson plans.

(D) Assistance in the center's child abuse prevention and detection program.

(E) Advising the director of the center on the performance of other child care employees.

(3) Each employee referred to in paragraph (1) shall be an employee in a competitive service position.

(c) **PROGRAM TO TEST COMPETITIVE RATES OF PAY.**—(1) For the purpose of improving the capability of the Department of Defense to provide military child development centers with a qualified and stable civilian workforce, the Secretary of Defense shall conduct a program as provided in this subsection to increase the compensation of child care employees. The Secretary shall begin the program not later than six months after the date of the enactment of this Act. The program shall be in effect for a period of at least two years.

(2) The program shall apply to all child care employees who—

(A) are directly involved in providing child care; and

(B) are paid from nonappropriated funds.

(3) Under the program, child care employees at a military installation who are described in paragraph (2) shall be paid—

(A) in the case of the entry-level employees, at rates of pay competitive with the rates of pay paid to other entry-level employees at that installation who are drawn from the same labor pool; and

(B) in the case of other employees, at rates of pay substantially equivalent to the rates of pay paid to other employees at that installation with similar training, seniority, and experience.

(d) **EMPLOYMENT PREFERENCE TEST PROGRAM FOR MILITARY SPOUSES.**—(1) The Secretary of Defense shall conduct a test program under which qualified spouses of members of the Armed Forces shall be given a preference in hiring for the position of child care employee in a position paid from nonappropriated funds if the spouse is among persons determined to be best qualified for the position. A spouse who is provided a preference under this subsection at a military child development center may not be precluded from obtaining another preference, in accordance with section 806 of the Military Family Act of 1985 (10 U.S.C. 113 note), in the same geographical area as the military child development center.

(2) The test program under this subsection shall run concurrently with the program under subsection (c).

(e) **REPORT ON COMPENSATION AND SPOUSE EMPLOYMENT PREFERENCE PROGRAMS.**—Not later than March 1, 1991, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the programs under subsections (c) and (d). The report shall include the findings of the Secretary concerning the effect of each of the programs on the quality of child care provided in military child development centers and the effect of the spouse employment preference program on employee turnover at such centers.

(f) **ADDITIONAL CHILD CARE POSITIONS.**—(1) The Secretary of Defense shall make available for child care programs of the Department of Defense, not later than September 30, 1990, at least 1,000 competitive service positions in addition to the number of competitive service positions in such programs as of September 30, 1989. During fiscal year 1991, the Secretary shall make available to child care programs of the Department additional competitive service positions so that the number of competitive service positions in such programs as of September 30, 1991, is at least 3,700 greater than the number of competitive service positions in such programs as of September 30, 1989.

(2) The Secretary may waive the increase otherwise required by the second sentence of paragraph (1) to the extent that the Secretary determines that such increase is not executable. If the Secretary issues such a waiver, the Secretary shall promptly submit to the Committees on Armed Services of the Senate and House of Representatives a report on the waiver. Any such report shall specify the number of such positions waived and the reasons for the waiver.

(3) The additional positions provided for in paragraph (1), and the workyears associated with those positions, that are used outside the United States shall not be counted for purpose of applying any limitation on the total number of positions or workyears, respectively, available to the Department of Defense outside the United States (or any limitation on the availability of appropriated funds for such positions or workyears for any fiscal year).

(g) **COMPETITIVE SERVICE POSITION DEFINED.**—For purposes of this section, the term “competitive service position” means a position in the competitive service, as defined in section 2102(a)(1) of title 5, United States Code.

Reports.

SEC. 1504. PARENT FEES

The Secretary of Defense shall prescribe regulations establishing fees to be charged parents for the attendance of children at military child development centers. Those regulations shall be uniform for the military departments and shall require that, in the case of children who attend the centers on a regular basis, the fees shall be based on family income.

Regulations.

SEC. 1505. CHILD ABUSE PREVENTION AND SAFETY AT FACILITIES

(a) **CHILD ABUSE TASK FORCE.**—The Secretary of Defense shall establish and maintain a special task force to respond to allegations of widespread child abuse at a military installation. The task force shall be composed of personnel from appropriate disciplines, including, where appropriate, medicine, psychology, and childhood development. In the case of such allegations, the task force shall provide assistance to the commander of the installation, and to parents at the installation, in helping them to deal with such allegations.

Establishment.

(b) **NATIONAL HOTLINE.**—(1) The Secretary of Defense shall establish and maintain a national telephone number for persons to use to report suspected child abuse or safety violations at a military child development center or family home day care site. The Secretary shall ensure that such reports may be made anonymously if so desired by the person making the report. The Secretary shall establish procedures for following up on complaints and information received over that number.

Communications and telecommunications.

(2) The Secretary shall establish such national telephone number not later than 90 days after the date of the enactment of this Act and shall publicize the existence of the number.

Effective date.

(c) **ASSISTANCE FROM LOCAL AUTHORITIES.**—The Secretary of Defense shall prescribe regulations requiring that, in a case of allegations of child abuse at a military child development center or family home day care site, the commander of the military installation or the head of the task force established under subsection (a) shall seek the assistance of local child protective authorities if such assistance is available.

Regulations.

(d) **SAFETY REGULATIONS.**—The Secretary of Defense shall prescribe regulations on safety and operating procedures at military child development centers. Those regulations shall apply uniformly among the military departments.

(e) **INSPECTIONS.**—The Secretary of Defense shall require that each military child development center be inspected not less often than four times a year. Each such inspection shall be unannounced. At least one inspection a year shall be carried out by a representative of the installation served by the center, and one inspection a year shall be carried out by a representative of the major command under which that installation operates.

(f) **REMEDIES FOR VIOLATIONS.**—(1) Except as provided in paragraph (2), any violation of a safety, health, or child welfare law or regulation (discovered at an inspection or otherwise) at a military child development center shall be remedied immediately.

(2) In the case of a violation that is not life threatening, the commander of the major command under which the installation concerned operates may waive the requirement that the violation be remedied immediately for a period of up to 90 days beginning on the date of the discovery of the violation. If the violation is not remedied as of the end of that 90-day period, the military child development center shall be closed until the violation is remedied. The Secretary

of the military department concerned may waive the preceding sentence and authorize the center to remain open in a case in which the violation cannot reasonably be remedied within that 90-day period or in which major facility reconstruction is required.

Reports.

(3) If a military child development center is closed under paragraph (2), the Secretary of the military department concerned shall promptly submit to the Committees on Armed Services of the Senate and House of Representatives a report notifying those committees of the closing. The report shall include—

(A) notice of the violation that resulted in the closing and the cost of remedying the violation; and

(B) a statement of the reasons why the violation has not been remedied as of the time of the report.

(g) **REPORT ON COOPERATION WITH DEPARTMENT OF JUSTICE.**—(1) The Secretary of Defense, in consultation with the Attorney General, shall study matters relating to military child care that are of concern to the Department of Justice. The matters studied shall include the following:

(A) Improving communication between the Department of Defense and the Department of Justice in investigations of child abuse in military programs and in the coordination of the conduct of such investigations.

(B) Eliminating overlapping responsibilities between the two departments.

(C) Making better use of government and non-government experts in child abuse investigations and prosecutions.

(D) Improving communication with affected families by the Department of Defense, the Department of Justice, and appropriate State and local agencies.

(2) Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the study required by paragraph (1). The report shall include recommendations on methods for improving the matters studied.

(3) Not later than nine months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report evaluating the findings in the report submitted under paragraph (2).

Establishment.

SEC. 1506. PARENT PARTNERSHIPS WITH CHILD DEVELOPMENT CENTERS

(a) **PARENT BOARDS.**—The Secretary of Defense shall require that there be established at each military child development center a board of parents, to be composed of parents of children attending the center. The board shall meet periodically with staff of the center and the commander of the installation served by the center for the purpose of discussing problems and concerns. The board, together with the staff of the center, shall be responsible for coordinating the parent participation program described in subsection (b).

(b) **PARENT PARTICIPATION PROGRAMS.**—The Secretary of Defense shall require the establishment of a parent participation program at each military child development center. As part of such program, the Secretary of Defense may establish fees for attendance of children at such a center, in the case of parents who participate in the parent participation program at that center, at rates lower than the rates that otherwise apply.

SEC. 1507. REPORT ON FIVE-YEAR DEMAND FOR CHILD CARE

(a) **REPORT REQUIRED.**—Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the expected demand for child care by military and civilian personnel of the Department of Defense during fiscal years 1991 through 1995.

(b) **PLAN FOR MEETING DEMAND.**—The report shall include—

(1) a plan for meeting the expected child care demand identified in the report; and

(2) an estimate of the cost of implementing that plan.

(c) **MONITORING OF FAMILY DAY CARE PROVIDERS.**—The report shall also include a description of methods for monitoring family home day care programs of the military departments.

SEC. 1508. SUBSIDIES FOR FAMILY HOME DAY CARE

The Secretary of Defense may use appropriated funds available for military child care purposes to provide assistance to family home day care providers so that family home day care services can be provided to members of the Armed Forces at a cost comparable to the cost of services provided by military child development centers. The Secretary shall prescribe regulations for the provision of such assistance.

Regulations.

SEC. 1509. EARLY CHILDHOOD EDUCATION DEMONSTRATION PROGRAM

(a) **DEMONSTRATION PROGRAM FOR ACCREDITED CENTERS.**—(1) The Secretary of Defense shall carry out a program to demonstrate the effect on the development of preschool children of requiring that military child development centers meet standards of operation necessary for accreditation by an appropriate national early childhood programs accrediting body. To carry out such demonstration program, the Secretary shall ensure that not later than June 1, 1991, at least 50 military child development centers are accredited by such an appropriate national early childhood accrediting body.

(2) Each military child development center so accredited shall be designated as an early childhood education demonstration project and shall serve as a program model for other military child development centers and family home day care providers at military installations.

(b) **PLAN FOR IMPLEMENTATION.**—Not later than April 1, 1990, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a plan for carrying out the requirements of subsection (a).

(c) **EVALUATION.**—The Secretary shall obtain an independent evaluation of the demonstration program carried out under subsection (a) to determine the extent to which the imposition of a requirement that military child development centers meet accreditation standards effectively promotes the development of preschool children of members of the Armed Forces. The Secretary shall report the results of the evaluation to Congress, together with such comments and recommendations as the Secretary considers appropriate, not later than July 15, 1992.

Reports.

SEC. 1510. DEADLINE FOR REGULATIONS

Regulations required to be prescribed by this title shall be prescribed not later than 90 days after the date of the enactment of this Act.

TITLE XVI—GENERAL PROVISIONS

PART A—FINANCIAL AND BUDGET MATTERS

SEC. 1601. TRANSFER AUTHORITY

(a) **AUTHORITY TO TRANSFER AUTHORIZATIONS.**—(1) Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 1990 between any such authorizations (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) The total amount of authorizations that the Secretary of Defense may transfer under the authority of this section may not exceed \$3,000,000,000.

(b) **LIMITATIONS.**—The authority provided by this section to transfer authorizations—

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

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) **EFFECT ON OBLIGATION LIMITATIONS.**—A transfer made under the authority of this section increases by the amount of the transfer the obligation limitation provided in this division on the account (or other amount) to which the transfer is made.

(d) **NOTICE TO CONGRESS.**—The Secretary of Defense shall promptly notify Congress of transfers made under the authority of this section.

SEC. 1602. RESTATEMENT AND CLARIFICATION OF REQUIREMENT FOR CONSISTENCY IN THE BUDGET PRESENTATIONS OF THE DEPARTMENT OF DEFENSE

(a) **RESTATEMENT AND CLARIFICATION.**—(1) Chapter 2 of title 10, United States Code, is amended by inserting after section 114 the following new section:

“§ 114a. Five-Year Defense Program: submission to Congress; consistency in budgeting

“(a) The Secretary of Defense shall submit to Congress each year, at or about the time that the President’s budget is submitted to Congress that year under section 1105(a) of title 31, the current five-year defense program (including associated annexes) reflecting the estimated expenditures and proposed appropriations included in that budget.

“(b)(1) The Secretary of Defense shall ensure that amounts described in subparagraph (A) of paragraph (2) for any fiscal year are consistent with amounts described in subparagraph (B) of paragraph (2) for that fiscal year.

“(2) Amounts referred to in paragraph (1) are the following:

“(A) The amounts specified in program and budget information submitted to Congress by the Secretary in support of expenditure estimates and proposed appropriations in the budget submitted to Congress by the President under section 1105(a) of title 31 for any fiscal year, as shown in the five-year defense program submitted pursuant to subsection (a).

“(B) The total amounts of estimated expenditures and proposed appropriations necessary to support the programs, projects, and activities of the Department of Defense included pursuant to paragraph (5) of section 1105(a) of title 31 in the budget submitted to Congress under that section for any fiscal year.

“(c) Nothing in this section shall be construed to prohibit the inclusion in the five-year defense program of amounts for management contingencies, subject to the requirements of subsection (b).”.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 114 the following new item:

“114a. Five-Year Defense Program: submission to Congress; consistency in budgeting.”.

(b) CONFORMING AMENDMENT.—Section 114 of title 10, United States Code, is amended by striking out subsections (f) and (g).

SEC. 1603. LIMITATION ON RESTORATION OF WITHDRAWN UNOBLIGATED BALANCES

(a) CONDITIONS ON RESTORATION.—(1) Chapter 165 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 2782. Unobligated balances withdrawn from availability for obligation: limitations on restoration

“(a)(1) If a defense funds restoral to provide funds for a program, project, or activity to cover amounts required for late contract changes would cause the the total amount of such restorals during a fiscal year for late contract changes for that program, project or activity to exceed \$4,000,000, the restoral action may only be carried out if—

“(A) the Secretary of the military department concerned, or the Secretary of Defense, with respect to a program, project, or activity administered by a Defense Agency, determines that such action is necessary to pay obligations and make adjustments under an existing contract; and

“(B) the action is approved by the Secretary of Defense (or an officer of the Department of Defense within the Office of the Secretary of Defense to whom the Secretary has delegated the authority to approve such an action).

“(2) A contract change shall be considered to be a late contract change for purposes of paragraph (1) if it is made after the end of the period of availability for obligation of the account to which funds are to be restored under the restoral action.

“(b) In a case in which any defense funds restoral to provide funds for a program, project, or activity of the Department of Defense would cause the total amount so restored during a fiscal year for that program, project or activity to exceed \$25,000,000, the restoral action may not be taken until—

“(1) the Secretary of Defense submits to the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives a notice in writing of the intent to restore such funds, together with a description of the legal basis for the proposed action and the policy reasons for the proposed action; and

“(2) a period of 30 days has elapsed after the notice is submitted.

“(c) In this section:

“(1) The term ‘defense funds restoral’ means a restoration of funds authorized by section 1552(a)(2) of title 31 to an appropriation account of the Department of Defense.

“(2) The term ‘contract change’ means a change to a contract under which the contractor is required to perform additional work. Such term does not include adjustments to pay claims or increases under a so-called ‘escalation clause.’”

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

“2782. Unobligated balances withdrawn from availability for obligation: limitations on restoration.”

(b) **REPORT ON STATUS OF AIR FORCE FUNDS IN TREASURY M ACCOUNT.**—The Secretary of Defense shall submit to the congressional defense committees a report on the status of the availability of expired or lapsed funds of the Department of the Air Force in the Department of Treasury Account known as the “M Account”. The report shall include an accounting of all funds for the B-1B aircraft program that have been transferred to that account and the amount of those funds that have been withdrawn or obligated from that account. The report shall be submitted concurrently with the submission to Congress of the budget for fiscal year 1991.

31 USC 1531
note.

SEC. 1604. PROHIBITION ON TRANSFER OF FUNDS TO OTHER DEPARTMENTS AND AGENCIES

Funds made available pursuant to this or any other Act for military functions of the Department of Defense may not be made available to any other department or agency of the Federal Government pursuant to a provision of law enacted after the date of the enactment of this Act unless, not less than 30 days before such funds are made available to such other department or agency, the Secretary of Defense submits to the congressional defense committees a report describing the effect on military preparedness of making such funds available to such department or agency.

SEC. 1605. AUTHORITY TO TRANSFER FUNDS TO DEPARTMENT OF ENERGY

(a) **TRANSFERS FOR ATOMIC ENERGY DEFENSE ACTIVITIES.**—During fiscal year 1990, the Secretary of Defense may transfer to the Department of Energy, from funds appropriated to the Department of Defense, such sums (not to exceed \$135,000,000) as the Secretary of Defense and the Secretary of Energy, with the approval of the President, determine are necessary for Atomic Energy Defense Activities. Funds so transferred shall be merged with, and shall be available for the same time period as, the appropriation account to which transferred.

(b) **CONGRESSIONAL NOTICE-AND-WAIT.**—A transfer may not be made under subsection (a) until—

(1) the Secretary of Defense notifies the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives in writing of the proposed transfer and of the source of the funds for the proposed transfer; and

(2) a period of 30 days elapses after the notice is received by those committees.

SEC. 1606. ONE-YEAR DELAY IN ANY CHANGE IN POLICY RESPECTING REIMBURSEMENT OF DEPARTMENT OF DEFENSE FUNDS FOR SALARIES OF MEMBERS OF THE ARMED FORCES ASSIGNED TO DUTY IN CONNECTION WITH FOREIGN MILITARY SALES PROGRAMS

(a) **ONE-YEAR DELAY.**—Charges for administrative services calculated under section 21(e) of the Arms Export Control Act (22 U.S.C. 2761(e)) in connection with the sale of defense articles or defense services may not exclude recovery of administrative expenses incurred by the Department of Defense before October 1, 1990, that are attributable to salaries of members of the Armed Forces if the recovery of such administrative expenses would have been allowed under the law in effect on September 30, 1989. Reimbursement of Department of Defense military personnel appropriation accounts for the value of services provided during fiscal year 1990 in connection with the sale of defense articles or defense services may not be denied or limited except to the extent permitted under the law in effect on September 30, 1989.

(b) **STATUTORY CONSTRUCTION.**—A provision of law enacted after the date of the enactment of this Act may not be construed as modifying or superseding this section unless that provision specifically refers to this section and specifically states that such provision of law modifies or supersedes this section.

SEC. 1607. REPAIR AND REPLACEMENT OF PROPERTY OF THE DEPARTMENT OF DEFENSE DAMAGED OR DESTROYED BY HURRICANE HUGO

(a) Subject to subsection (b), the Secretary of Defense may take such action as he considers necessary to repair damage to real property, facilities, equipment, and other property of the Department of Defense caused by hurricane Hugo in September 1989 or to replace any such property damaged beyond economical repair by that hurricane.

(b) The authority of the Secretary under subsection (a) is subject to the availability of appropriations that may be used for the purposes described in such subsection.

PART B—NAVAL VESSELS AND SHIPYARDS

SEC. 1611. IDENTIFICATION AND HANDLING OF HAZARDOUS WASTES IN NAVAL SHIP REPAIR WORK

(a) **REVISION OF REQUIRED CONTRACT PROVISIONS.**—Section 7311 of title 10, United States Code, is amended to read as follows:

“§ 7311. Repair or maintenance of naval vessels: handling of hazardous waste

“(a) **CONTRACTUAL PROVISIONS.**—The Secretary of the Navy shall ensure that each contract entered into for work on a naval vessel (other than new construction) includes the following provisions:

“(1) **IDENTIFICATION OF HAZARDOUS WASTES.**—A provision in which the Navy identifies the types and amounts of hazardous wastes that are required to be removed by the contractor from the vessel, or that are expected to be generated, during the performance of work under the contract, with such identification by the Navy to be in a form sufficient to enable the contractor to comply with Federal and State laws and regula-

tions on the removal, handling, storage, transportation, or disposal of hazardous waste.

“(2) **COMPENSATION.**—A provision specifying that the contractor shall be compensated under the contract for work performed by the contractor for duties of the contractor specified under paragraph (3).

“(3) **STATEMENT OF WORK.**—A provision specifying the responsibilities of the Navy and of the contractor, respectively, for the removal (including the handling, storage, transportation, and disposal) of hazardous wastes.

“(4) **ACCOUNTABILITY FOR HAZARDOUS WASTES.**—(A) A provision specifying the following:

“(i) In any case in which the Navy is the sole generator of hazardous waste that is removed, handled, stored, transported, or disposed of by the contractor in the performance of the contract, all contracts, manifests, invoices, and other documents related to the removal, handling, storage, transportation, or disposal of such hazardous waste shall bear a generator identification number issued to the Navy pursuant to applicable law.

“(ii) In any case in which the contractor is the sole generator of hazardous waste that is removed, handled, stored, transported, or disposed of by the contractor in the performance of the contract, all contracts, manifests, invoices, and other documents related to the removal, handling, storage, transportation, or disposal of such hazardous waste shall bear a generator identification number issued to the contractor pursuant to applicable law.

“(iii) In any case in which both the Navy and the contractor are generators of hazardous waste that is removed, handled, stored, transported, or disposed of by the contractor in the performance of the contract, all contracts, manifests, invoices, and other documents related to the removal, handling, storage, transportation, or disposal of such hazardous waste shall bear both a generator identification number issued to the Navy and a generator identification number issued to the contractor pursuant to applicable law.

“(B) A determination under this paragraph of whether the Navy is a generator, a contractor is a generator, or both the Navy and a contractor are generators, shall be made in the same manner provided under subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.) and regulations promulgated under that subtitle.

“(b) **RENEGOTIATION OF CONTRACT.**—The Secretary of the Navy shall renegotiate a contract described in subsection (a) if—

“(1) the contractor, during the performance of work under the contract, discovers hazardous wastes different in type or amount from those identified in the contract; and

“(2) those hazardous wastes originated on, or resulted from material furnished by the Government for, the naval vessel on which the work is being performed.

“(c) **REMOVAL OF WASTES.**—The Secretary of the Navy shall remove known hazardous wastes from a vessel before the vessel's arrival at a contractor's facility for performance of a contract, to the extent such removal is feasible.

“(d) **RELATIONSHIP TO SOLID WASTE DISPOSAL ACT.**—Nothing in this section shall be construed as altering or otherwise affecting those

provisions of the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.) that relate to generators of hazardous waste. For purposes of this section, any term used in this section for which a definition is provided by the Solid Waste Disposal Act (or regulations promulgated pursuant to such Act) has the meaning provided by that Act or regulations."

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply with respect to any contract for work on a naval vessel (other than new construction) entered into after the end of the 90-day period beginning on the date of the enactment of this Act.

10 USC 7311
note.

SEC. 1612. PROGRESS PAYMENTS UNDER NAVAL VESSEL REPAIR CONTRACTS

Section 7312 of title 10, United States Code, is amended—

(1) by striking out "90 percent" and "85 percent" in subsection (a) and inserting in lieu thereof "95 percent" and "90 percent", respectively; and

(2) by striking out "(other than a nuclear-powered vessel) for work required to be performed in one year or less" in subsection (b).

SEC. 1613. FUNDING FOR SHIP PRODUCTION ENGINEERING

10 USC 7291
note.

(a) **CATEGORY FOR FUNDING.**—Any request submitted to Congress for appropriations for ship production engineering necessary to support the procurement of any ship included (at the time the request is submitted) in the five-year shipbuilding and conversion plan of the Navy shall be set forth in the Shipbuilding and Conversion account of the Navy (rather than in research and development accounts).

(b) **APPLICABILITY.**—Subsection (a) shall apply only with respect to appropriations for a fiscal year after fiscal year 1990.

SEC. 1614. DEPOT-LEVEL MAINTENANCE OF SHIPS HOMEPORTED IN JAPAN

(a) **REQUIREMENT THAT CERTAIN WORK BE PERFORMED IN UNITED STATES.**—The Secretary of the Navy shall require that, to the extent feasible and consistent with policies of the Navy regarding family separations, not less than one-half of the depot-level maintenance work described in subsection (b) (measured in cost) shall be carried out in shipyards in the United States (including the territories of the United States).

10 USC 7291
note.

(b) **WORK COVERED.**—Depot-level maintenance work referred to in subsection (a) is depot-level maintenance work for naval vessels that is scheduled as of October 1, 1989, to be carried out in Japan during fiscal years 1990, 1991, and 1992.

(c) **CONFORMING REPEAL.**—Section 1226 of Public Law 100-456 (102 Stat. 2055) is repealed.

10 USC 7291
note.

SEC. 1615. REPORT ON ALTERNATIVES TO NAVY OXYGEN BREATHING APPARATUS FOR SHIPBOARD FIREFIGHTING

(a) **STUDY.**—The Secretary of the Navy shall evaluate alternatives to the Oxygen Breathing Apparatus (OBA) of the Navy used in shipboard firefighting. The evaluation shall include consideration of—

(1) firefighting breathing devices which are used by other government agencies;

(2) firefighting breathing devices which are commercially available; and

(3) undeveloped technologies which could lead to the development of a more effective breathing device for shipboard firefighting.

(b) **CRITERIA.**—In performing the evaluation under subsection (a), the Secretary shall consider the following criteria for firefighting breathing devices:

- (1) Uninterrupted breathing duration.
- (2) Adaptability to shipboard space limitations.
- (3) Portability in use.
- (4) Training requirements for effective use.
- (5) Cost.
- (6) Availability.

(c) **REPORT.**—(1) The Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the evaluation under subsection (a). The report shall include an acquisition plan for providing an improved breathing apparatus for shipboard firefighting as soon as possible. In preparing that plan, the Secretary shall consider the use of any available expedited research and development and acquisition procedures.

(2) The report shall be submitted no later than 180 days after the date of the enactment of this Act.

SEC. 1616. STRIPPING OF NAVAL VESSELS TO BE USED FOR EXPERIMENTAL PURPOSES

Section 7306 of title 10, United States Code, is amended—

- (1) by inserting “(a)” before “The Secretary of the Navy,”; and
- (2) by adding at the end the following:

“(b)(1) Before using any vessel for an experimental purpose pursuant to this section, the Secretary shall carry out such stripping of the vessel as is practicable.

“(2) Amounts received as a result of stripping of vessels pursuant to this subsection shall be credited to applicable appropriations available for the procurement of scrapping services under this subsection, to the extent necessary for the procurement of those services. Amounts received which are in excess of amounts necessary for procuring those services shall be deposited into the general fund of the Treasury.

“(3) In providing for stripping of a vessel pursuant to this subsection, the Secretary shall ensure that such stripping does not destroy or diminish the structural integrity of the vessel.”.

PART C—TECHNICAL CORRECTIONS AND GENERAL TECHNICAL AND CLERICAL AMENDMENTS

SEC. 1621. TECHNICAL AMENDMENTS TO CONFORM REFERENCES TO CREATION OF DEPARTMENT OF VETERANS AFFAIRS

(a) **TITLE 10 UNITED STATES CODE.**—Title 10, United States Code, is amended as follows:

- (1) The following sections are amended by striking out “Veterans’ Administration” and inserting in lieu thereof “Department of Veterans Affairs”: sections 176(a)(3), 772(g), 1174(h)(2), 1201(3)(B), 1203(4)(A), 1203(4)(B), 1203(4)(C), 1204(4)(B), 1206(4), 1209, 1210(c), 1210(d), 1210(e), 1212(c), 1218(a)(1), 1431(b)(1), 1433 (in two places), 1441, 1449, 1450(h), 1452(g)(1), 1452(g)(5), 1476(b), 2641(a), 2641(b)(1) (in two places), 2641(d)(2), 4342(a)(1), 4621(d),

4683(a)(1), 4713(c), 6954(a)(1), 7603, 9342(a)(1), 9621(d), and 9713(c).

(2) The following sections are amended by striking out "Administrator of Veterans' Affairs" and inserting in lieu thereof "Secretary of Veterans Affairs": sections 1074(b), 1216(c), 1476(a)(2), 1477(b)(5)(C), 1480(b), 1480(c), 1552(e), 1553(a), 1553(c), 1554(c), 2006(d), 2641(b) (in two places), and 6160(b).

(3) Section 1086(g) is amended by striking out "Veterans' Administration facilities" and inserting in lieu thereof "facilities of the Department of Veterans Affairs".

(4) Sections 1168(b) and 1218(c) are amended by striking out "Veterans' Administration facility" and inserting in lieu thereof "facility of the Department of Veterans Affairs".

(5) Section 1480(c) is amended by striking out "the Secretary or the Administrator" and inserting in lieu thereof "the Secretary concerned or the Secretary of Veterans Affairs".

(6) Section 2006(d) is amended by striking out "the Administrator" in the second sentence and inserting in lieu thereof "the Secretary of Veterans Affairs".

(7)(A) The heading of section 2185 is amended to read as follows:

"§ 2185. Programs to be consistent with programs administered by the Department of Veterans Affairs".

(B) The item relating to such section in the table of sections at the beginning of chapter 110 is amended to read as follows:

"2185. Programs to be consistent with programs the Department of Veterans Affairs."

(8) Section 2641(b)(1) is amended by striking out "the Administrator requests" and inserting in lieu thereof "the Secretary of Veterans Affairs requests".

(9) Section 2679 is amended—

(A) in subsection (a)—

(i) by striking out "Administrator of Veterans' Affairs" and inserting in lieu thereof "Secretary of Veterans Affairs";

(ii) by inserting "concerned" after "Secretary" the second and third places it appears; and

(iii) by striking out "the Administrator," and inserting in lieu thereof "the Secretary of Veterans Affairs," and

(B) in subsection (c), by striking out "the Administrator" and inserting in lieu thereof "the Secretary of Veterans Affairs".

(10) The text of each of sections 3446 and 8446 is amended to read as follows:

"The President may retain on active duty a disabled officer until—

"(1) the physical condition of the officer is such that the officer will not be further benefited by retention in a military hospital or a medical facility of the Department of Veterans Affairs; or

"(2) the officer is processed for physical disability benefits as provided by law."

(b) TITLE 37 UNITED STATES CODE.—Title 37, United States Code, is amended as follows:

(1) Section 602(b)(5) is amended by striking out "Veterans' Administration" and inserting in lieu thereof "Department of Veterans Affairs".

(2) Section 603 is amended by striking out "Administrator of Veterans' Affairs" and inserting in lieu thereof "Secretary of Veterans Affairs".

SEC. 1622. MISCELLANEOUS TECHNICAL AND CLERICAL AMENDMENTS TO TITLE 10, UNITED STATES CODE

(a) **CORRECTION OF DUPLICATE SECTION NUMBERS.**—The second section 7313 of title 10, United States Code (enacted by section 1225 of Public Law 100-456), is redesignated as section 7314, and the item relating to that section in the table of sections at the beginning of chapter 633 of such title is revised to reflect that redesignation.

(b) **TRANSFER AND REDESIGNATION OF SECTION.**—(1) Section 975 of title 10, United States Code, is transferred to chapter 141, inserted after section 2389, and redesignated as section 2390.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2389 the following new item:

"2390. Prohibition on the sale of certain defense articles from the stocks of the Department of Defense."

(3) The table of sections at the beginning of chapter 49 of such title is amended by striking out the item relating to section 975.

(c) **PUNCTUATION AND CAPITALIZATION CORRECTIONS.**—Title 10, United States Code, is further amended as follows:

(1) Section 113(j)(2)(B) is amended by striking out "Five-Year Defense Program" and inserting in lieu thereof "five-year defense program".

(2) The item relating to section 421 in the table of sections at the beginning of chapter 21 is amended to read as follows:

"421. Funds for foreign cryptologic support."

(3) Section 421(c) is amended—

(A) by inserting "of Representatives" after "of the House"; and

(B) by striking out "National Security Act of 1947, as amended, and funds" and inserting in lieu thereof "National Security Act of 1947 (50 U.S.C. 413 et seq.). Funds".

(4) Section 1482(e) is amended by striking out "chapter 10, title 37" and inserting in lieu thereof "chapter 10 of title 37".

(5) Section 2325(d) is amended by striking out "previously-developed" and inserting in lieu thereof "previously developed".

(6) Subparagraph (D) of section 2326(g)(1) is amended by striking out "(D) Congressionally-mandated" and inserting in lieu thereof "(D) Congressionally mandated".

(7) Sections 2463(b) and 2464(b)(3)(A) are amended by striking out "Committee on Appropriations" and inserting in lieu thereof "Committees on Appropriations".

(8) Section 7309(a) is amended by inserting a comma after "armed forces".

(d) **REVISION TO PART HEADING.**—

(1) The heading of part III of subtitle A of title 10, United States Code, is amended to read as follows:

"PART III—TRAINING AND EDUCATION".

(2) The item relating to that part in the table of chapters at the beginning of subtitle A of that title is amended to read as follows:

"PART III—TRAINING AND EDUCATION".

(e) **DEFINITIONS.**—Title 10, United States Code, is further amended as follows:

(1) Section 138(a)(2) is amended—

(A) by striking out "(A) 'Operational'" and inserting in lieu thereof "(A) The term 'operational'"; and

(B) by striking out "(B) 'Major'" and inserting in lieu thereof "(B) The term 'major'".

(2) Section 1032(d) is amended—

(A) by striking out "(1) 'Dependent'" and inserting in lieu thereof "(1) The term 'dependent'"; and

(B) by inserting "The term" after "(2)".

(3) Section 1094(d) is amended—

(A) by striking out "(1) 'License'" and inserting in lieu thereof "(1) The term 'license'"; and

(B) by striking out "(2) 'Health-care'" and inserting in lieu thereof "(2) The term 'health-care'".

(4) Section 1586(g) is amended—

(A) by striking out "For the purposes of this section—" and inserting in lieu thereof "In this section:";

(B) by inserting "The term" in paragraphs (1) and (2) after the paragraph designation; and

(C) by striking out "; and" at the end of paragraph (1) and inserting in lieu thereof a period.

(5) Sections 1095(g), 4348(d), and 9348(d) are amended by inserting "the term" after "In this section,".

(6) Section 1408(a) is amended—

(A) by inserting "The term" in each paragraph after the paragraph designation; and

(B) by revising the first word after the open quotation marks in each paragraph so that the initial letter of that word is lower case.

(7) Section 1461(b) is amended by inserting "the term" after "In this chapter,".

(8) Sections 5441, 6964(a), and 7081(a) are amended by inserting "the term" after "In this chapter,".

(f) **AMENDMENTS FOR STYLISTIC CONSISTENCY.**—Title 10, United States Code, is further amended as follows:

(1) Section 2575(a) is amended by striking out "of this section" in the first sentence.

(2) Section 7422(c)(2)(B) is amended by striking out "one hundred eighty days prior to" and inserting in lieu thereof "180 days before".

(g) **DATE OF ENACTMENT REFERENCE.**—Section 6334(a) of title 10, United States Code, is amended by striking out "the date of the enactment of this section" and inserting in lieu thereof "December 4, 1987".

(h) **OBSOLETE PROVISIONS.**—(1) Section 194 of title 10, United States Code, is amended by striking out "After September 30, 1989, the" in subsections (a) and (b) and inserting in lieu thereof "The".

(2) Section 601 of Public Law 99-433 (10 U.S.C. 194 note) is amended by striking out "Effective on October 1, 1988, the" in subsection (a)(1) and inserting in lieu thereof "The".

SEC. 1623. AMENDMENTS TO SECTION 8125 OF PUBLIC LAW 100-463

Section 8125 of Public Law 100-463 (10 U.S.C. 113 note; 102 Stat. 2270-41) is amended as follows:

- (1) Subsection (c) is amended—
 - (A) by striking out "incude" and inserting in lieu thereof "include";
 - (B) by inserting a comma after "burdensharing";
 - (C) by striking out "assistance costs: *Provided*, That the" and inserting in lieu thereof "assistance costs. The"; and
 - (D) by striking out "Department of" and inserting in lieu thereof "Secretaries of".
- (2) Subsection (d) is amended—
 - (A) by striking out "in the budgets" and inserting in lieu thereof "in each budget";
 - (B) by striking out "for fiscal years after fiscal year 1989" and inserting in lieu thereof "(1)"; and
 - (C) by inserting "(2)" after "military units, and".
- (3) Subsection (f) is amended—
 - (A) in the first sentence, by striking out "after fiscal year 1989"; and
 - (B) in the second sentence—
 - (i) by striking out "provided for" and inserting in lieu thereof "in";
 - (ii) by inserting "(1)" after "if and when"; and
 - (iii) by inserting "(2)" after "that nation, and".
- (4) Subsection (g) is amended—
 - (A) by striking out "Department of Defense" before "budget submissions" in paragraph (1);
 - (B) by striking out "1989, and shall detail: (A) a description of" in paragraph (1) and inserting in lieu thereof "1989 and shall set forth a detailed description of (A)";
 - (C) by striking out "the House and Senate" in paragraph (2) and inserting in lieu thereof "the Senate and House of Representatives,"; and
 - (D) by inserting "outside the United States" in paragraph (2) after "duty stations ashore".

SEC. 1624. REPORT ON RECURRING PROVISIONS OF DEFENSE APPROPRIATIONS ACT

(a) **REPORT.**—Not later than April 1, 1990, the Secretary of Defense shall submit to the defense committees of Congress a report on recurring provisions of law enacted in the General Provisions title of the Department of Defense Appropriations Act, 1990.

(b) **MATTERS TO BE INCLUDED.**—With respect to each provision covered by the report, the report shall indicate the following:

- (1) When the provision (or a substantially similar provision) was first included in an annual Department of Defense Appropriations Act.
- (2) The original policy reason (as nearly as the Secretary can determine) for the inclusion of such a provision.
- (3) The Secretary's assessment as to whether that reason still pertains and whether there are additional policy reasons for the

continuing inclusion of the provision in annual Acts making appropriations for the Department of Defense.

(4) The Secretary's recommendation as to whether the policy of that provision should continue to be provided by law and, if the recommendation is that the policy should not continue to be provided by law, a detailed statement of the reasons for such recommendation.

(5) In the case of each provision which the Secretary recommends under paragraph (4) should continue to be provided by law, the recommendation of the Secretary as to whether such provision should continue to be included in annual Acts making appropriations for the Department of Defense or whether it would be desirable for Congress to enact such provision as permanent law and, if the recommendation is that the policy should not be enacted as permanent law, a detailed statement of the reasons for such recommendation.

(c) **DRAFT OF PROPOSED LEGISLATION.**—The report shall include a draft of proposed legislation for the codification into title 10, United States Code, or other appropriate statutes of those provisions covered by the report which the Secretary recommends (under subsection (b)(5)) would be desirable for Congress to enact as permanent law.

(d) **UPDATE OF EARLIER REPORT.**—The report shall be an update of the report submitted by the General Counsel of the Department of Defense pursuant to section 1267 of the Department of Defense Authorization Act, 1984 (Public Law 98-94; 97 Stat. 705).

(e) **DEFINITIONS.**—For purposes of this section:

(1) The term "defense committees of Congress" means the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives.

(2) The term "recurring provision" means a provision of an appropriations Act which (1) is not permanent law, and (2) has been enacted in substantially the same form in previous Acts making appropriations for the same purpose.

PART D—MISCELLANEOUS

SEC. 1631. STUDY OF PROTECTION OF UNITED STATES CIVIL AVIATION FROM TERRORIST ACTIVITIES OVERSEAS

(a) **STUDY.**—The Secretary of Defense shall conduct a study on the feasibility and desirability of the United States, at the request of a foreign government, deploying military personnel or providing military equipment in areas under the jurisdiction of that government to assist that government in the protection of United States civil aviation interests from terrorist activity. The study should also undertake to determine what programs of the Department of Defense (1) have application to enhancing civil aviation security, and (2) could be quickly adopted by the Federal Aviation Administration for that purpose.

(b) **RESEARCH AND DEVELOPMENT MATTERS TO BE STUDIED.**—The study shall include a review of United States Government programs concerning research and development in areas relating to explosives detection, terrorist identification, and anti-terrorist operations.

(c) **INTERAGENCY COORDINATION.**—The study shall be conducted in consultation with the Secretary of State and the Administrator of the Federal Aviation Administration.

(d) **SUBMISSION OF REPORT.**—The Secretary shall submit to Congress a report on the study (including the Secretary's findings, conclusions, and recommendations) within six months after the date of enactment of this Act.

SEC. 1632. DEDICATION OF CORRIDOR IN PENTAGON TO SERVICE MEMBERS WHO SERVED IN SPACE-RELATED ACTIVITIES

It is the sense of Congress that the Secretary of Defense should dedicate an appropriate corridor in the Pentagon building to commemorate the service of the members of the Armed Forces who have served in space-related activities, including service with the National Aeronautics and Space Administration, the United States Space Command, and the Strategic Defense Initiative Organization.

SEC. 1633. DELEGATION AUTHORITY WITH RESPECT TO ADMIRALTY CLAIMS BY OR AGAINST THE UNITED STATES

Sections 4802(c), 4803(c), 7622(c), 7623(c), 9802(c), and 9803(c) of title 10, United States Code, are each amended by striking out "\$10,000" and inserting in lieu thereof "\$100,000".

SEC. 1634. AUTHORITY TO ACCEPT VOLUNTARY SERVICES FOR NATURAL RESOURCES PROGRAMS

Section 1588(a) of title 10, United States Code, is amended by striking out "a museum" and inserting in lieu thereof "a museum, a natural resources program,".

SEC. 1635. FINDINGS AND CONGRESSIONAL DECLARATIONS CONCERNING SERVICE IN THE NATIONAL GUARD AND RESERVES

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

(1) Citizens and nationals of the United States have taken up arms to defend their homes and communities, and to secure and preserve the independence of the United States, from the earliest days of the Nation.

(2) The concept of the citizen-soldier has been a keystone of the defense strategy of the Nation.

(3) Members of the National Guard and Reserves have served proudly and honorably in every war or conflict involving United States Armed Forces.

(4) The Total Force Policy of the United States, by placing significant portions of wartime mission capability and selected day-to-day operations in the National Guard and Reserve, has reinforced the proposition that the Guard and Reserve are essential elements of the national defense establishment of the United States.

(5) During the 1980's, Congress and the Department of Defense have demonstrated their increasing reliance and confidence in the National Guard and Reserve by expanding missions, increasing training requirements, and providing new state-of-the-art weapons and support equipment.

(6) The National Guard and Reserve represent a very cost-effective arm of the Total Force, preserving combat capability and retaining valuable trained human resources, especially during periods of austere defense budgets.

(7) Participation by citizens in the National Guard and Reserve enhances the military readiness of the United States and demonstrates the resolve of the citizenry to protect and preserve American values.

(8) Participation in the National Guard and Reserve improves the economy by providing individuals with job skills and education.

(b) CONGRESSIONAL DECLARATIONS.—In light of the findings in subsection (a), Congress—

(1) reaffirms that service in the National Guard and Reserve is in the highest traditions of military service to the country and acknowledges the valuable contribution that the men and women who serve in the National Guard and Reserve are making to their country;

(2) encourages Guard and Reserve participation by all elements of American society; and

(3) continues to support reliance on the National Guard and Reserve as full partners in the Total Force.

SEC. 1636. EXPANSION OF SCOPE OF CIVIL RESERVE AIR FLEET ENHANCEMENT PROGRAM

(a) DEFINITIONS.—(1) Paragraph (2) of section 9511 of title 10, United States Code, is amended to read as follows:

“(2) The term ‘passenger-cargo combined aircraft’ means a civil aircraft equipped so that its main deck can be used to carry both passengers and property (including mail) simultaneously.”.

(2) Paragraph (5) of such section is amended to read as follows:

“(5) The term ‘cargo-convertible aircraft’ means a passenger aircraft equipped or designed so that all or substantially all of the main deck of the aircraft can be readily converted for the carriage of property or mail.”.

(3) Paragraph (8) of such section is amended by striking out “a civil aircraft” in clause (A) and all that follows through “defense purposes” and inserting in lieu thereof “a new or existing aircraft and who contracts with the Secretary to modify that aircraft by including or incorporating specified defense features”.

(4) Such section is further amended by adding at the end the following new paragraph:

“(12) The term ‘defense feature’ means equipment or design features included or incorporated in a civil aircraft which ensures the interoperability of such aircraft with the Department of Defense airlift system. Such term includes any equipment or design feature which enables such aircraft to be readily modified for use as a cargo-convertible, cargo-capable, or passenger-cargo combined aircraft.”.

(b) CONTRACT AUTHORITY.—Section 9512 of such title is amended to read as follows:

“§ 9512. Contracts for the inclusion or incorporation of defense features

Aircraft and air carriers.

“(a) Subject to the provisions of chapter 137 of this title, and to the extent that funds are otherwise available for obligation, the Secretary—

“(1) may contract with any citizen of the United States for the inclusion or incorporation of defense features in any new or existing aircraft to be owned or controlled by that citizen; and

“(2) may contract with United States aircraft manufacturers for the inclusion or incorporation of defense features in new aircraft to be operated by a United States air carrier.

“(b) Each contract entered into under subsection (a) shall include the terms required by section 9513 of this title and a provision that

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

“(1) the aircraft is destroyed or becomes unusable, as defined in the contract;

“(2) the defense features specified in the contract are rendered unusable or are removed from the aircraft;

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

“(4) the registration of the aircraft under section 501 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1401) is terminated for any reason not beyond the control of the contractor.

“(c)(1) A contract under subsection (a) for the inclusion or incorporation of defense features in an aircraft may include a provision authorizing the Secretary—

“(A) to contract, with the concurrence of the contractor, directly with another person for the performance of the work necessary for the inclusion or incorporation of defense features in such aircraft; and

“(B) to pay such other person directly for such work.

“(2) A contract entered into pursuant to paragraph (1) may include such specifications for work and equipment as the Secretary considers necessary to meet the needs of the United States.”.

(c) CLERICAL AMENDMENTS.—(1) The heading of section 9513 is amended to read as follows:

“§ 9513. Commitment of aircraft to the Civil Reserve Air Fleet”

(2) The items relating to sections 9512 and 9513 in the table of sections at the beginning of chapter 931 of title 10, United States Code, are amended to read as follows:

“9512. Contracts for the inclusion or incorporation of defense features.

“9513. Commitment of aircraft to the Civil Reserve Air Fleet.”.

SEC. 1637. REPORT ON CERTAIN PERSONS PARTICIPATING IN RADIATION-RISK ACTIVITIES

(a) REPORT.—The Secretary of Defense shall prepare, in consultation with the Secretary of Veterans Affairs, a report identifying the number of persons who, while serving on active-duty for training, inactive-duty training, or as a military technician of the National Guard, participated in a radiation-risk activity, but are not covered under section 312(c) of title 38, United States Code (as added by the Radiation-Exposed Veterans Compensation Act of 1988; Public Law 100-321). For purposes of the report, the term “radiation-risk activity” has the meaning given that term by section 312(c)(4) of such title.

(b) DEADLINE.—The report required by subsection (a) shall be submitted to Congress not later than February 15, 1990.

SEC. 1638. CONGRESSIONAL FINDINGS AND SENSE OF CONGRESS CONCERNING KIDNAPPING AND MURDER OF LIEUTENANT COLONEL HIGGINS

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

(1) The radical, Lebanese-based terrorist organization which calls itself the “Organization of the Oppressed of the Earth” announced on July 31, 1989, that it had executed Lieutenant

Colonel William R. Higgins, a United States Marine assigned for service with the United Nations in the U.N. Truce Supervision Organization (UNTSO), who was kidnapped in southern Lebanon on February 17, 1988.

(2) That organization claimed to have executed Lieutenant Colonel Higgins in response to the capture on July 28, 1989, by Israeli commandos of a radical Muslim Shiite leader, Sheik Abdul Karim Obeid, believed to be associated with that organization.

Abdul Karim
Obeid.

(3) That organization released to certain news agencies a videotape showing Lieutenant Colonel Higgins killed by hanging, though many forensic experts believe the videotape indicates that the person shown did not die from hanging.

(4) The kidnapping of Lieutenant Colonel Higgins, who was engaged only in carrying out the legitimate United Nations peacekeeping activities to which he had been assigned, was wholly unjustified.

(5) It is absolutely clear that the kidnapping and the murder of Lieutenant Colonel Higgins were outrageous acts of terrorism that deserve the condemnation of all civilized people.

(6) There is strong evidence that the Government of Iran has supported the organization responsible for Lieutenant Colonel Higgins' kidnapping and murder, as well as other terrorist and extremist forces inside Lebanon and throughout the Middle East.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) Congress is outraged by the kidnapping and murder of Lieutenant Colonel Higgins and condemns those actions as barbaric, cowardly, and utterly incompatible with the standards of conduct upheld by civilized people;

(2) the President should use all available resources of the United States Government, including diplomatic and intelligence channels, to determine the identity of those persons responsible for the kidnapping and murder and the details regarding those terrorist acts;

(3) the President should determine whether it would be possible to identify and bring to justice, or to retaliate against, those persons responsible for the kidnapping and murder in a manner consistent with United States and international legal requirements that would reduce the risk to Americans from terrorism;

(4) the President should take strong and decisive action, possibly including the use of military force, to prevent or respond to acts of international terrorism. Such actions should be taken in concert with other nations where practicable, but the President should be prepared to act unilaterally, if necessary;

(5) the United States should make clear to the new leadership in Iran (A) that the United States will not tolerate a continuation of past policies of support of groups which undertake terrorist actions against American citizens or direct assaults on American vital interests in the Middle East or elsewhere, and (B) that if such support should continue, the United States will hold the authorities in Iran accountable for that support and act accordingly;

(6) the Secretary General of the United Nations should take all necessary steps to help ensure that the body of Lieutenant Colonel Higgins is returned to his country and family and that

those responsible for his kidnapping and murder are immediately brought to justice;

(7) the President should engage in urgent and continuing diplomatic contacts with all other governments concerning their policies and actions which might have relevance to the interests of the United States Government or increase the vulnerability of the United States citizens to attacks by terrorists; and

(8) the President should continue to consult with other nations to ensure international cooperation and coordination to end terrorist attacks.

SEC. 1639. REPORTS ON CONTROLS ON TRANSFER OF MISSILE TECHNOLOGY AND CERTAIN WEAPONS TO OTHER NATIONS

(a) **REQUIREMENT FOR SUBMISSION OF PREVIOUSLY REQUIRED REPORT.**—Section 901(c) of the National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180; 101 Stat. 1135) is amended by striking out “February 1, 1988” and inserting in lieu thereof “60 days after the date of enactment of the National Defense Authorization Act for Fiscal Year 1990”.

(b) **REPORT ON MANPOWER REQUIRED TO IMPLEMENT EXPORT CONTROLS ON CERTAIN WEAPONS TRANSFERS.**—(1) Not later than February 1, 1990, the Secretary of Defense shall submit to Congress a report relating to Department of Defense manpower required to implement export controls on certain weapons transfers. In the report, the Secretary shall—

(A) identify the role of the Department of Defense in implementing export controls on nuclear, chemical, and biological weapons;

(B) describe the number and skills of personnel currently available in the Department of Defense to perform such role; and

(C) assess the adequacy of the level of personnel resources described in subparagraph (B) for the effective performance of such role.

(2) The report required by paragraph (1) shall identify the total number of current Department of Defense full-time employees or military personnel, and the grades of such personnel and the special knowledge, experience, and expertise of such personnel, required to carry out each of the following activities of the Department in implementing export controls on nuclear, chemical, and biological weapons:

(A) Review of private-sector export license applications and government-to-government cooperative activities.

(B) Intelligence analysis and activities.

(C) Policy coordination.

(D) International liaison activity.

(E) Technology security operations.

(F) Technical review.

(3) The report shall include the Secretary's assessment of the adequacy of staffing in each of the categories specified in subparagraphs (A) through (F) of paragraph (2) and shall make recommendations concerning measures, including legislation if necessary, to eliminate any identified staffing deficiencies and to improve interagency coordination with respect to implementing export controls on nuclear, chemical, and biological weapons.

(c) **REPORT ON MISSILE TECHNOLOGY CONTROL REGIME ENFORCEMENT.**—(1) The Secretary of Defense shall include in the report under subsection (b) information concerning the Missile Technology Control Regime (MTCR). In the report, the Secretary shall review the existing regulations covering the issues addressed by the MTCR and shall assess whether those regulations—

(A) appropriately cover each item listed in the MTCR annex; and

(B) sufficiently stress consideration of ultimate end use of an item as a factor in issuance of export licenses with respect to that item.

(2) In the report, the Secretary shall also assess whether, in the case of a request for an export license involving a country that is considered to be a suspect country for purposes of the regime, or involving a commodity that is considered to be a suspect commodity for purposes of the regime, sufficient information on that request is brought to the attention of the Department of Defense before such a license is issued and, if not, what measures could be taken to improve Department of Defense oversight of the issuance of export licenses in such cases.

(3) In the report, the Secretary may also address whatever other initiatives for the enforcement of the regime the Secretary considers would help strengthen the regime.

SEC. 1640. REVIEWS AND REPORTS ON DECONTROL OF CERTAIN PERSONAL COMPUTERS

(a) **REVIEWS.**—The Secretary of Defense and the Secretary of Commerce shall each conduct an independent review on the foreign availability of the personal computers known as AT-compatible microcomputers. Each Secretary, in conducting his review, shall, at a minimum, determine the availability of such microcomputers from sources other than member nations of the Coordinating Committee for Multilateral Export Controls or other nations that control the export of such computers. The Secretary of Defense, in conducting his review, also shall assess the military significance of such microcomputers for the Soviet Union and its Warsaw Pact allies.

(b) **REPORTS.**—The Secretary of Defense and the Secretary of Commerce shall each submit to the Committee on Banking, Housing, and Urban Affairs of the Senate, the Committee on Foreign Affairs of the House of Representatives, and the Committees on Armed Services of the Senate and House of Representatives a report containing the results of the respective reviews required by subsection (a).

(c) **DEADLINE FOR REPORTS.**—The reports required by subsection (b) shall be submitted not later than January 1, 1990.

SEC. 1641. ANNUAL DEPARTMENT OF DEFENSE CONVENTIONAL STANDOFF WEAPONS MASTER PLAN AND REPORT ON STANDOFF MUNITIONS

(a) **ANNUAL SUBMISSION OF MASTER PLAN FOR JOINT STANDOFF WEAPONS.**—Not later than March 31 of each year, the Secretary of Defense shall submit to the congressional defense committees a plan (known as a "Department of Defense Conventional Standoff Weapons Master Plan") for the development of standoff weapons which can adequately address the needs of more than one of the Armed Forces. Each such report shall include a description of all technology

10 USC 2431
note.

Science and
technology.

base projects that could contribute to the fielding of standoff weapons.

(b) **UNIFIED COMMANDERS REPORTS ON STANDOFF MUNITIONS.**—(1) In the first report under subsection (a) submitted after the enactment of this Act, the Secretary of Defense shall include the reports of the unified commanders submitted to the Secretary pursuant to paragraph (2).

(2) The Secretary shall require the commander of each unified combatant command to submit to the Secretary a report on the results of the study conducted by the commander pursuant to subsection (c). Such reports shall be submitted to the Secretary at such time as specified by the Secretary so that they may be included in the report of the Secretary referred to in paragraph (1).

(c) **STUDY OF STANDOFF MUNITIONS BY COMMANDERS OF UNIFIED COMBATANT COMMANDS.**—The Secretary of Defense shall require the commander of each unified combatant command to conduct a study of the status of forces assigned to his command in terms of the standoff munitions available to those forces and the survivability of the launching platforms in the absence of standoff munitions. Each such study shall include the following:

(1) The commander's evaluation of the threat posed to combat aircraft under his command by potential enemy forces in his region of responsibility and the extent to which those aircraft are vulnerable to attack.

(2) The commander's evaluation of the current capabilities of those aircraft that are programmed to be assigned to the commander in the event of conflict in his region of responsibility to carry out standoff attacks.

(3) The commander's evaluation of the adequacy of the inventories of munitions in general, and of standoff munitions in particular, in the component forces that would be assigned to the commander in time of war.

(4) The commander's evaluation of the extent to which the survivability of combat aircraft is threatened by the absence of standoff munitions and a statement of the priority which the commander would give to providing standoff munitions for such aircraft to improve their survivability.

(5) Identification of those standoff munitions programs the commander considers most promising for the improvement of the survivability of combat aircraft.

Military
Construction
Authorization
Act for Fiscal
Years 1990 and
1991.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE

This division may be cited as the "Military Construction Authorization Act for Fiscal Years 1990 and 1991".

TITLE XXI—ARMY

PART A—FISCAL YEAR 1990

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS

(a) **INSIDE THE UNITED STATES.**—The Secretary of the Army may acquire real property and may carry out military construction

projects in the amounts shown for each of the following installations and locations inside the United States:

ALABAMA

Anniston Army Depot, \$2,300,000.
Fort McClellan, \$2,750,000.
Redstone Arsenal, \$18,390,000.
Fort Rucker, \$3,600,000.

ALASKA

Fort Richardson, \$3,350,000.
Fort Wainwright, \$14,800,000.

ARIZONA

Fort Huachuca, \$9,900,000.
Yuma Proving Ground, \$11,400,000.

CALIFORNIA

Fort Irwin, \$4,950,000.
Fort Ord, \$2,450,000.
Sacramento Army Depot, \$3,900,000.

COLORADO

Fitzsimons Army Medical Center, \$2,100,000.
Fort Carson, \$4,700,000.

DISTRICT OF COLUMBIA

Walter Reed Army Medical Center, \$11,000,000.

FLORIDA

Key West Naval Air Station, \$6,100,000.

GEORGIA

Fort Benning, \$12,146,000.
Fort Gordon, \$4,000,000.
Fort Stewart, \$5,200,000.

HAWAII

Fort Shafter, \$9,300,000.
Schofield Barracks, \$10,000,000.

ILLINOIS

Melvin Price Support Center, \$3,750,000.
Savanna Army Depot, \$850,000.

INDIANA

Fort Benjamin Harrison, \$359,000.

KANSAS

Fort Leavenworth, \$3,000,000.
Fort Riley, \$12,680,000.

KENTUCKY

Fort Campbell, \$30,450,000.
Fort Knox, \$13,400,000.

LOUISIANA

Fort Polk, \$23,350,000.

MARYLAND

Aberdeen Proving Ground, \$1,700,000.
Fort Detrick, \$1,300,000.
Fort Meade, \$6,200,000.
Fort Ritchie, \$630,000.

MASSACHUSETTS

Fort Devens, \$3,550,000.

MISSOURI

Fort Leonard Wood, \$10,450,000.

NEW JERSEY

Fort Monmouth, \$8,600,000.
Picatinny Arsenal, \$11,800,000.

NEW YORK

Fort Drum, \$70,600,000.

NORTH CAROLINA

Fort Bragg, \$65,300,000.

OKLAHOMA

Fort Sill, \$13,170,000.
McAlester Army Ammunition Plant, \$2,200,000.

PENNSYLVANIA

New Cumberland Army Depot, \$14,000,000.

SOUTH CAROLINA

Fort Jackson, \$23,000,000.

TEXAS

Corpus Christi Army Depot, \$5,200,000.
Fort Bliss, \$16,600,000.
Fort Hood, \$21,400,000.

UTAH

Dugway Proving Ground, \$2,400,000.

VIRGINIA

Fort Belvoir, \$23,000,000.

Fort Lee, \$10,050,000.

Fort Monroe, \$1,100,000.

Fort Story, \$3,350,000.

WASHINGTON

Fort Lewis, \$770,000.

VARIOUS LOCATIONS

Classified Location, \$3,400,000.

Classified Location, \$600,000.

Classified Location, \$3,900,000.

(b) OUTSIDE THE UNITED STATES.—The Secretary of the Army may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations outside the United States:

GERMANY

Ansbach, \$2,900,000.

Augsburg, \$600,000.

Grafenwoehr, \$6,500,000.

Hanau, \$14,800,000.

Hohenfels, \$4,950,000.

Mainz, \$26,400,000.

Stuttgart, \$9,400,000.

Wuerzburg, \$12,000,000.

Various locations, \$4,150,000.

KOREA

H-220 Heliport, \$4,050,000.

KWAJALEIN ATOLL

Kwajalein, \$9,500,000.

PUERTO RICO

Fort Buchanan, \$690,000.

TURKEY

Location 276, \$1,950,000.

CLASSIFIED LOCATIONS

Classified locations, \$6,100,000.

SEC. 2102. FAMILY HOUSING

(a) CONSTRUCTION AND ACQUISITION.—The Secretary of the Army may construct or acquire family housing units (including land acquisition), using amounts appropriated pursuant to section

2104(a)(6)(A), at the following installations and locations in the number of units, and in the amounts, shown for each installation:

Fort Rucker, Alabama, two units, \$400,000.

Helemano, Hawaii, ninety units, \$10,322,000.

Hickam Air Force Base, Hawaii, twenty units, \$2,500,000.

Kaneohe, Hawaii, forty units, \$4,700,000.

Hawaii, various locations, one hundred and eighty units, \$18,000,000.

Fort Lee, Virginia, one unit, \$210,000.

(b) **PLANNING AND DESIGN.**—The Secretary of the Army may, using amounts appropriated pursuant to section 2104(a)(6)(A), carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed \$1,349,000.

(c) **WAIVER OF SPACE LIMITATIONS.**—(1) The family housing units authorized by subsection (a) to be constructed at Fort Rucker, Alabama, and at Fort Lee, Virginia, shall be constructed for assignment to general officers, who hold positions as commanders or who hold special command positions (as designated by the Secretary of Defense), and notwithstanding section 2826 of title 10, United States Code, the units may be constructed with the net floor area of not more than 3,000 square feet.

(2) For the purpose of this subsection, the term “net floor area” has the meaning given that term by section 2826(f) of title 10, United States Code.

SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS

(a) **IN GENERAL.**—Subject to section 2825 of title 10, United States Code, the Secretary of the Army may, using amounts appropriated pursuant to section 2104(a)(6)(A), improve existing military family housing in an amount not to exceed \$36,329,000.

(b) **WAIVER OF MAXIMUM PER UNIT COST FOR CERTAIN IMPROVEMENT PROJECTS.**—Notwithstanding the maximum amount per unit for an improvement project under section 2825(b) of title 10, United States Code, the Secretary of the Army may—

(1) carry out projects to improve existing military family housing units, in the number of units shown and in the amount shown, at—

(A) Fort Leavenworth, Kansas, one unit, \$95,900, of which \$86,900 is for concurrent repairs; and

(B) Fort Monmouth, New Jersey, one hundred and twenty-four units, \$6,500,000; and

(2) carry out projects to improve four units at Fort Sill, Oklahoma, the improvement of which was authorized by the Military Construction Authorization Act, 1989 (division B of Public Law 100-456; 102 Stat. 2087), in the amount of \$178,088.

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY

(a) **IN GENERAL.**—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1989, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of \$2,239,165,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), \$554,445,000.

(2) For military construction projects outside the United States authorized by section 2101(b), \$103,990,000.

(3) For the construction of the Central Distribution Center, Phase III, Red River Army Depot, Texas, as authorized by section 2101(a) of the Military Construction Authorization Act, 1989 (division B of Public Law 100-456; 102 Stat. 2087), \$39,000,000.

(4) For unspecified minor construction projects authorized under section 2805 of title 10, United States Code, \$11,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$74,420,000.

(6) For military family housing functions—

(A) for construction and acquisition of military family housing and facilities, \$73,810,000; and

(B) for support of military family housing (including the functions described in section 2833 of title 10, United States Code), \$1,377,400,000, of which not more than \$319,142,000 may be obligated or expended for the leasing of military family housing worldwide.

(7) For the Homeowners Assistance Program as authorized by section 2832 of title 10, United States Code, \$5,100,000, to remain available until expended.

(b) **LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.**—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

SEC. 2105. EXTENSION OF CERTAIN PRIOR YEAR AUTHORIZATIONS

(a) **EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 1985 PROJECTS.**—Notwithstanding the provisions of section 607(a) of the Military Construction Authorization Act, 1985 (Public Law 98-407; 98 Stat. 1514), authorization for the following projects authorized in section 101 of that Act, as extended by section 2107(b) of the Military Construction Authorization Act, 1987 (division B of Public Law 99-661; 100 Stat. 4020), section 2105(a) of the Military Construction Authorization Act, 1988 and 1989 (division B of Public Law 100-180; 101 Stat. 1184), and section 2106(a) of the Military Construction Authorization Act, 1989 (Public Law 100-456; 102 Stat. 2092) shall remain in effect until October 1, 1990, or the date of enactment of an Act (other than this Act) authorizing funds for military construction for fiscal year 1991, whichever is later:

(1) Barracks modernization in the amount of \$660,000 at Argyroupolis, Greece.

(2) Barracks modernization in the amount of \$660,000 at Perivolaki, Greece.

(b) **EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 1986 PROJECTS.**—Notwithstanding the provisions of section 603(a) of the Military Construction Authorization Act, 1986 (Public Law 99-167; 99 Stat. 981), authorizations for the following projects authorized in sections 101 and 102 of that Act, as extended by section 2105(b) of the Military Construction Authorization Act, 1988 and 1989 (division B of Public Law 99-180; 101 Stat. 1185) and section 2106(b) of the Military Construction Authorization Act, 1989 (division B of Public Law 100-456; 102 Stat. 2092), shall remain in effect until October 1, 1990, or the date of enactment of an Act (other than this Act)

authorizing funds for military construction for fiscal year 1991, whichever is later:

(1) Modified record fire range in the amount of \$2,850,000 at Nuernberg, Germany.

(2) Family housing, new construction, six units, in the amount of \$596,000 at Fort Myer, Virginia.

(3) Flight simulator building in the amount of \$2,900,000 at Wiesbaden, Germany.

(c) **EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 1987 PROJECTS.**—Notwithstanding the provisions of section 2701(a) of the Military Construction Authorization Act, 1987 (division B of Public Law 99-661; 100 Stat. 4040), authorizations for the following projects authorized in sections 2101, 2102, and 2103 of that Act, as extended by section 2106(c) of the Military Construction Authorization Act, 1989 (division B of Public Law 100-456; 102 Stat. 2092), shall remain in effect until October 1, 1990, or the date of the enactment of an Act (other than this Act) authorizing funds for military construction for fiscal year 1991, whichever is later:

(1) Aircraft maintenance hangar in the amount of \$7,100,000 at Hanau, Germany.

(2) Family housing, new construction, forty units in the amount of \$4,100,000 at Crailsheim, Germany.

(d) **EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 1988 PROJECTS.**—Notwithstanding the provisions of section 2171 of the Military Construction Authorization Act, 1988 and 1989 (division B of Public Law 100-180; 101 Stat. 1206), authorizations for the following projects authorized in sections 2101 and 2102 of that Act shall remain in effect until October 1, 1990, or the date of the enactment of an Act (other than this Act) authorizing funds for military construction for fiscal year 1991, whichever is later:

(1) Child development center in the amount of \$1,050,000 at Rheinberg, Germany.

(2) Training exercise facility in the amount of \$5,900,000 at Einsiedlerhof, Germany.

(3) Operations building modifications in the amount of \$5,400,000 at Stuttgart, Germany.

(4) Hardstand/tactical equipment shop in the amount of \$2,250,000 at Wiesbaden, Germany.

(5) Family housing, new construction, twenty-five units, in the amount of \$2,200,000 at Fort A.P. Hill, Virginia.

(6) Family housing, new construction, one hundred six units, in the amount of \$11,200,000 at Bamberg, Germany.

(7) Family housing, new construction, one hundred fifty-two units, in the amount of \$12,600,000 at Baumholder, Germany.

(8) Troop support facility upgrade in the amount of \$4,150,000 in Honduras.

(9) Wartime host nation support in the amount of \$4,500,000, in Europe, various locations.

PART B—FISCAL YEAR 1991

SEC. 2121. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS

The Secretary of the Army may acquire real property and may carry out military construction projects in the amounts shown for

each of the following installations and locations inside the United States:

ALABAMA

Anniston Army Depot, \$34,300,000.

ARKANSAS

Pine Bluff Arsenal, \$17,100,000.

OREGON

Umatilla Depot Activity, \$45,500,000.

SEC. 2122. AUTHORIZATION OF APPROPRIATIONS, ARMY

(a) **IN GENERAL.**—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1990, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of \$1,803,180,000 as follows:

(1) For military construction projects inside the United States authorized by section 2121, \$96,900,000.

(2) For the construction of the Central Distribution Center, Phase III, Red River Army Depot, Texas, as authorized by section 2101(a) of the Military Construction Authorization Act, 1989 (division B of Public Law 100-456; 102 Stat. 2087), \$39,000,000.

(3) For unspecified minor construction projects authorized under section 2805 of title 10, United States Code, \$12,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$96,530,000.

(5) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), \$1,558,750,000, of which not more than \$453,884,000 may be obligated or expended for the leasing of military family housing worldwide.

(b) **LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.**—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2121 of this Act may not exceed the total amount authorized to be appropriated under subsection (a)(1).

TITLE XXII—NAVY

PART A—FISCAL YEAR 1990

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS

(a) **INSIDE THE UNITED STATES.**—The Secretary of the Navy may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations inside the United States:

ALABAMA

Mobile, Navy Station, \$3,965,000.

ALASKA

Adak, Naval Air Station, \$18,870,000.

ARIZONA

Yuma, Marine Corps Air Station, \$900,000.

CALIFORNIA

Camp Pendleton, Marine Corps Air Station, \$2,100,000.
Camp Pendleton, Marine Corps Base, \$57,600,000.
China Lake, Naval Weapons Center, \$17,500,000.
Concord, Naval Weapons Station, \$5,640,000.
Coronado, Naval Amphibious Base, \$7,770,000.
Coronado, Surface Warfare Officers School Command Detachment, \$4,360,000.
El Centro, Naval Air Facility, \$7,200,000.
Lemoore, Naval Air Station, \$2,100,000.
Moffett Field, Naval Air Station, \$1,000,000.
Monterey, Fleet Numerical Oceanography Center, \$6,760,000.
Monterey, Naval Post Graduate School, \$18,690,000.
North Island, Naval Air Station, \$6,160,000.
San Diego, Fleet Anti-Submarine Warfare Training Center, Pacific, \$820,000.
San Diego, Fleet Combat Training Center, Pacific, \$3,670,000.
San Diego, Fleet Intelligence Training Center, Pacific, \$2,500,000.
San Diego, Fleet Training Center, \$12,800,000.
San Diego, Integrated Combat Systems Test Facility, \$4,100,000.
San Diego, Marine Corps Recruit Depot, \$3,070,000.
San Diego, Naval Ocean Systems Center, \$1,300,000.
San Diego, Naval Station, \$1,000,000.
San Diego, Naval Submarine Base, \$10,800,000.
San Diego, Naval Training Center, \$7,150,000.
San Diego, Naval Public Works Center, \$4,400,000.
San Francisco, Navy Public Works Center, \$3,910,000.
Seal Beach, Naval Weapons Station, \$9,000,000.
Tustin, Marine Corps Air Station, \$2,990,000.
Twentynine Palms, Marine Corps Air-Ground Combat Center, \$3,140,000.
Vallejo, Mare Island Naval Shipyard, \$9,000,000.

CONNECTICUT

New London, Naval Submarine Base, \$24,250,000.
New London, Naval Submarine School, \$8,200,000.
New London, Naval Underwater Systems Center, \$12,600,000.

DISTRICT OF COLUMBIA

Washington, Commandant, Naval District, \$420,000.
Washington, Naval Observatory, \$2,500,000.

FLORIDA

Cecil Field, Naval Air Station, \$1,970,000.
Jacksonville, Naval Hospital, \$2,080,000.
Mayport, Naval Station, \$20,000,000.
Orlando, Naval Training Center, \$18,400,000.
Panama City, Naval Diving and Salvage Training Center,
\$4,300,000.
Panama City, Naval Experimental Diving Unit, \$2,900,000.
Pensacola, Navy Public Works Center, \$2,100,000.

GEORGIA

Albany, Marine Corps Logistics Base, \$4,550,000.
Athens, Navy Supply Corps School, \$1,000,000.
Kings Bay, Naval Submarine Base, \$66,689,000.

HAWAII

Kaneohe Bay, Marine Corps Air Station, \$13,150,000.
Lualualei, Naval Magazine, \$4,600,000.
Pearl Harbor, Naval Submarine Base, \$18,600,000.
Pearl Harbor, Naval Submarine Training Center, Pacific,
\$5,550,000.
Pearl Harbor, Navy Public Works Center, \$750,000.
Wahiawa, Naval Communication Area Master Station East-
ern Pacific, \$8,000,000.

ILLINOIS

Great Lakes, Naval Hospital, \$12,270,000.
Great Lakes, Naval Training Center, \$15,900,000.

INDIANA

Crane, Naval Weapons Support Center, \$4,000,000.
Indianapolis, Naval Avionics Center, \$8,000,000.

MAINE

Brunswick, Naval Air Station, \$1,000,000.
Brunswick, Naval Branch Medical Clinic, \$2,650,000.
Kittery, Portsmouth Naval Shipyard, \$1,000,000.

MARYLAND

Indian Head, Naval Explosive Ordnance Disposal Technology
Center, \$7,700,000.
Indian Head, Naval Ordnance Station, \$10,670,000.
Patuxent River, Naval Air Test Center, \$17,000,000.
St. Inigoes, Naval Electronic Systems Engineering Activity,
\$2,950,000.

MISSISSIPPI

Meridian, Naval Air Station, \$11,800,000.
Pascagoula, Naval Station, \$2,220,000.

MISSOURI

Kansas City, Marine Corps Support Activity, \$10,000,000.

NEVADA

Fallon, Naval Air Station, \$1,000,000.

NEW JERSEY

Bayonne, Navy Publications and Printing Service Detachment Office, \$1,000,000.

Earle, Naval Weapons Station, \$14,270,000.

NEW MEXICO

Elephant Butte, Naval Space Surveillance Field Station, \$4,700,000.

NEW YORK

New York, Naval Station, \$25,640,000.

NORTH CAROLINA

Camp Lejeune, Marine Corps Base, \$21,210,000.

Cherry Point, Marine Corps Air Station, \$10,750,000.

New River, Marine Corps Air Station, \$21,100,000.

OKLAHOMA

Tinker Air Force Base, Naval Air Detachment, \$21,500,000.

PENNSYLVANIA

Philadelphia, Naval Shipyard, \$10,000,000.

RHODE ISLAND

Newport, Naval Education and Training Center, \$8,290,000.

SOUTH CAROLINA

Beaufort, Marine Corps Air Station, \$4,920,000.

Charleston, Naval Supply Center, \$700,000.

Charleston, Naval Weapons Station, \$4,600,000.

TENNESSEE

Memphis, Naval Air Station, \$10,000,000.

TEXAS

Ingleside, Naval Station, \$19,720,000.

Lackland Air Force Base, Naval Technical Training Center Detachment, \$4,500,000.

VIRGINIA

Chesapeake, Naval Security Group Activity, Northwest, \$1,300,000.

Dahlgren, Naval Surface Warfare Center, \$1,000,000.

Dam Neck, Marine Environmental Systems Facility, \$8,000,000.

Little Creek, Naval Amphibious Base, \$5,200,000.

Norfolk, Naval Air Station, \$4,400,000.

Norfolk, Naval Eastern Oceanography Center, \$680,000.
 Norfolk, Naval Public Works Center, \$332,000.
 Norfolk, Naval Supply Center, \$6,500,000.
 Oceana, Naval Air Station, \$12,555,000.
 Portsmouth, Norfolk Naval Shipyard, \$9,700,000.
 Quantico, Marine Corps Combat Development Command,
 \$3,450,000.
 Williamsburg, Cheatham Annex, Naval Supply Center,
 \$18,500,000.
 Yorktown, Naval Weapons Station, \$21,420,000.

WASHINGTON

Bremerton, Naval Hospital, \$1,000,000.
 Bremerton, Puget Sound Naval Shipyard, \$19,900,000.
 Bremerton, Puget Sound Naval Supply Center, \$690,000.
 Everett, Naval Station, \$11,200,000.
 Keyport, Naval Undersea Warfare Engineering Station,
 \$12,250,000.
 Oso, Jim Creek Naval Radio Station, \$1,200,000.

VARIOUS LOCATIONS

Land acquisition, \$22,300,000.

(b) OUTSIDE THE UNITED STATES.—The Secretary of the Navy may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations outside the United States:

ASCENSION ISLAND

Naval Communication Detachment, \$3,500,000.

AUSTRALIA

Exmouth, Harold E. Holt Naval Communication Station,
 \$610,000.

GUAM

Camp Covington, Mobile Construction Battalion, \$4,300,000.
 Navy Public Works Center, \$4,150,000.

ICELAND

Keflavik, Naval Air Station, \$7,500,000.
 Keflavik, Naval Communication Station, \$8,450,000.

ITALY

Naples, Naval Support Activity, \$46,600,000.

PUERTO RICO

Roosevelt Roads, Naval Communication Station, \$1,300,000.

SPAIN

Rota, Naval Station, \$1,900,000.

UNITED KINGDOM

Edzell, Scotland, Naval Security Group Activity, \$5,820,000.

VARIOUS LOCATIONS

Classified location, \$5,800,000.

Host Nation Infrastructure Support, \$1,000,000.

SEC. 2202. FAMILY HOUSING

(a) **CONSTRUCTION AND ACQUISITION.**—The Secretary of the Navy may, using amounts appropriated pursuant to section 2204(a)(6)(A), construct or acquire family housing units (including land acquisition), at the following installations in the number of units, and in the amount, shown for each installation:

Camp Pendleton, Marine Corps Base, California, two hundred and ninety-five units, \$25,150,000.

El Toro, Marine Corps Air Station, California, two hundred units, \$15,000,000.

Moffett Field, Naval Air Station, California, seventy-four units, \$6,600,000.

San Francisco, Navy Public Works Center, California, three hundred and forty-four units, \$28,350,000.

Glenview Naval Air Station, Illinois, one hundred forty units, \$15,300,000.

Thurmont, Naval Support Facility, Maryland, eleven units, \$1,160,000.

Guantanamo, Naval Station, Cuba, two hundred and fifty-four units, \$31,669,000.

Keflavik, Naval Air Station, Iceland, one hundred twelve units, \$23,213,000.

(b) **PLANNING AND DESIGN.**—The Secretary of the Navy may carry out architectural and engineering services and construction design activities, using amounts appropriated pursuant to section 2204(a)(6)(A), with respect to the construction or improvement of military family housing units in an amount not to exceed \$3,100,000.

(c) **PROJECT.**—(1) The Secretary of the Navy may construct one family housing unit, at a cost not to exceed \$140,000, on the Naval Air Station at Kingsville, Texas, in accordance with applicable provisions of law.

(2) Funds appropriated to the Department of the Navy for any fiscal year before fiscal year 1991 for military family housing projects that remain available, as savings, for obligation are hereby authorized to be made available, to the extent provided in appropriation Acts, to carry out paragraph (1).

Termination
date.

(3) The authority to carry out this subsection shall expire on October 1, 1994.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS

(a) **IN GENERAL.**—Subject to section 2825 of title 10, United States Code, the Secretary of the Navy may, using amounts appropriated pursuant to section 2204(a)(6)(A), improve existing military family housing units in the amount of \$41,748,000.

(b) **WAIVER OF MAXIMUM PER UNIT COST FOR CERTAIN IMPROVEMENT PROJECTS.**—Notwithstanding the maximum amount per unit for an improvement project under section 2825(b) of title 10, United States Code, the Secretary of the Navy may carry out projects to improve existing military family housing units at the following

installations in the number of units, and in the amount, shown for each installation:

Long Beach, Naval Station, California, forty-four units, \$2,208,200.

San Diego, Navy Public Works Center, California, one unit, \$79,900.

Great Lakes, Navy Public Works Center, Illinois, two hundred and sixty-two units, \$17,198,100.

Lakehurst, Naval Air Engineering Center, New Jersey, thirty-two units, \$1,946,400.

Lakehurst, Naval Air Engineering Center, New Jersey, one unit, \$80,100.

New York, Naval Station, New York, ten units, \$842,000.

New York, Naval Station, New York, ten units, \$719,100.

Cherry Point, Marine Corps Air Station, North Carolina, two hundred and fourteen units, \$13,398,000.

Newport, Naval Education and Training Center, Rhode Island, two hundred and twenty units, \$13,700,000.

Bangor, Naval Submarine Base, Washington, one hundred units, \$5,844,200.

Guantanamo Bay, Naval Station, Cuba, one unit, \$104,700.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY

(a) **IN GENERAL.**—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1989, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of \$1,962,935,000 as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), \$915,511,000.

(2) For military construction projects outside the United States authorized by section 2201(b), \$90,930,000.

(3) For unspecified minor construction projects under section 2805 of title 10, United States Code, \$14,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$84,970,000.

(5) For advances to the Secretary of Transportation for construction of defense access roads under section 210 of title 23, United States Code, \$5,810,000.

(6) For military family housing functions—

(A) for construction and acquisition of military family housing and facilities, \$191,290,000; and

(B) for support of military housing (including functions described in section 2833 of title 10, United States Code), \$660,424,000, of which not more than \$40,800,000 may be obligated or expended for the leasing of military family housing units worldwide.

(b) **LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.**—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

SEC. 2205. EXTENSION OF CERTAIN PRIOR YEAR AUTHORIZATIONS

Notwithstanding the provisions of section 2171(a) of the Military Construction Authorization Act, 1988 and 1989 (division B of Public Law 100-180; 101 Stat. 1206), authorizations for the following projects authorized in section 2121 of that Act shall remain in effect until October 1, 1990, or the date of the enactment of an Act (other than this Act) authorizing funds for military construction for fiscal year 1991, whichever is later:

- (1) Physical security improvements in the amount of \$2,460,000 at Naval Air Station, Sigonella, Italy.
- (2) Cold-iron utilities support in the amount of \$7,480,000 at Naval Support Office, La Maddalena, Italy.
- (3) Command, Control, Communications and Intelligence Complex in the amount of \$19,400,000 at Naval Support Activity, Naples, Italy.

SEC. 2206. STUDY AND SOLICITATION OF BIDS FOR OFFICE SPACE

Virginia.

(a) **STUDY.**—The Secretary of the Navy shall conduct a study to determine the location or locations in the State of Virginia at which the Department of the Navy can most efficiently and effectively carry out the operations it currently performs in such State within the National Capital Region.

(b) **REPORT.**—The Secretary shall, within 90 days after the date of the enactment of this Act, transmit a report to the Committees on Armed Services of the Senate and the House of Representatives containing the findings and conclusions of such study.

(c) **SOLICITATION OF BIDS.**—After the 30-day period beginning on the date on which the report described in subsection (b) is transmitted, the Administrator of General Services may issue one or more solicitations of bids, in accordance with applicable law, for office space in the State of Virginia for use by the Department of the Navy in carrying out the operations of the Department currently being performed in such State within the National Capital Region.

SEC. 2207. COMMUNITY SUPPORT CENTER, MARINE CORPS AIR STATION, TUSTIN, CALIFORNIA

(a) **PROJECT AUTHORIZATION.**—(1) Section 2201(a) of the Military Construction Authorization Act, 1989 (Public Law 100-456; 102 Stat. 2093), is amended by striking out "\$10,990,000" after "Marine Corps Air Station, Tustin," under the heading "California" and inserting in lieu thereof "\$12,036,000".

(2) Section 2202(a) of such Act (102 Stat. 2097) is amended by striking out "and eighty mobile home spaces, \$10,120,000" in the item relating to Marine Corps Air Station, El Toro, California, and inserting in lieu thereof "\$9,074,000".

(b) **AUTHORIZATION OF APPROPRIATIONS.**—(1) Section 2205(a)(1) of such Act (102 Stat. 2099) is amended by striking out "\$1,296,450,000" and inserting in lieu thereof "\$1,297,496,000".

(2) Section 2205(a)(6)(A) of such Act (102 Stat. 2099) is amended by striking out "\$250,770,000" and inserting in lieu thereof "\$249,724,000".

PART B—FISCAL YEAR 1991

SEC. 2221. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS

(a) **INSIDE THE UNITED STATES.**—The Secretary of the Navy may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations inside the United States:

ARIZONA

Yuma, Marine Corps Air Station, \$3,000,000.

CALIFORNIA

Bridgeport, Marine Corps Mountain Warfare Training Center, California, \$8,000,000.

Twentynine Palms, Marine Corps Air-Ground Combat Center, \$3,600,000.

FLORIDA

Orlando, Naval Training Center, \$17,950,000.

GEORGIA

Kings Bay, Naval Submarine Base, \$75,231,000.

NORTH CAROLINA

Camp Lejeune, Marine Corps Base, \$3,000,000.

Cherry Point, Marine Corps Air Station, \$1,050,000.

TEXAS

Lackland Air Force Base, Naval Technical Training Center Detachment, \$11,800,000.

VIRGINIA

Dam Neck, Marine Environmental Systems Facility, \$8,000,000.

Little Creek, Naval Amphibious Base, \$12,400,000.

WASHINGTON

Everett, Naval Station, \$22,150,000.

(b) **OUTSIDE THE UNITED STATES.**—The Secretary of the Navy may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations outside the United States:

ICELAND

Keflavik, Naval Air Station, \$1,030,000.

SEC. 2222. FAMILY HOUSING

The Secretary of the Navy may, using amounts appropriated pursuant to section 2223(a)(5)(A), construct or acquire family housing units (including land acquisition), at the following installations

in the number of units, and in the amount, shown for each installation:

New York, Naval Station, New York, one hundred fifty units, \$19,600,000.

Keflavik, Naval Air Station, Iceland, one hundred twelve units, \$27,200,000.

SEC. 2223. AUTHORIZATION OF APPROPRIATIONS, NAVY

(a) **IN GENERAL.**—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1990, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of \$986,410,000 as follows:

(1) For military construction projects inside the United States authorized by section 2221(a), \$166,181,000.

(2) For military construction projects outside the United States authorized by section 2221(b), \$1,030,000.

(3) For unspecified minor construction projects under section 2805 of title 10, United States Code, \$15,500,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$81,999,000.

(5) For military family housing functions—

(A) for construction and acquisition of military family housing and facilities, \$46,800,000; and

(B) for support of military housing (including functions described in section 2833 of title 10, United States Code), \$674,900,000, of which not more than \$66,421,000 may be obligated or expended for the leasing of military family housing units worldwide.

(b) **LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.**—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2221 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

TITLE XXIII—AIR FORCE

PART A—FISCAL YEAR 1990

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS

(a) **INSIDE THE UNITED STATES.**—The Secretary of the Air Force may acquire real property and may carry out military construction projects in the amounts shown for each of the installations and locations inside the United States:

ALABAMA

Gunter Air Force Base, \$12,100,000.

Maxwell Air Force Base, \$1,520,000.

ALASKA

Clear Air Force Station, \$5,000,000.

Eielson Air Force Base, \$21,000,000.

Elmendorf Air Force Base, \$2,400,000.
King Salmon Airport, \$8,000,000.
Shemya Air Force Base, \$22,700,000.

ARIZONA

Davis-Monthan Air Force Base, \$8,200,000.
Luke Air Force Base, \$3,970,000.
Williams Air Force Base, \$1,850,000.

ARKANSAS

Ira Eaker Air Force Base, \$4,050,000.

CALIFORNIA

Beale Air Force Base, \$13,472,000.
Castle Air Force Base, \$3,900,000.
Edwards Air Force Base, \$12,400,000.
McClellan Air Force Base, \$27,730,000.
Onizuka Air Force Station, \$14,800,000.
Travis Air Force Base, \$9,000,000.
Vandenberg Air Force Base, \$13,550,000.

COLORADO

Lowry Air Force Base, \$21,250,000.

DELAWARE

Dover Air Force Base, \$8,300,000.

FLORIDA

Cape Canaveral Air Force Station, \$89,000,000.
Eglin Air Force Base, \$12,100,000.
Eglin Air Force Base, Auxiliary Field 9, \$21,900,000.
Homestead Air Force Base, \$7,350,000.
MacDill Air Force Base, \$4,490,000.
Patrick Air Force Base, \$3,800,000.
Tyndall Air Force Base, \$8,500,000.

GEORGIA

Robins Air Force Base, \$33,350,000.

HAWAII

Hickam Air Force Base, \$530,000.

ILLINOIS

Scott Air Force Base, \$8,400,000.

INDIANA

Grissom Air Force Base, \$6,800,000.

KANSAS

McConnell Air Force Base, \$5,200,000.

LOUISIANA

Barksdale Air Force Base, \$7,700,000.
England Air Force Base, \$10,300,000.

MAINE

Loring Air Force Base, \$8,500,000.

MARYLAND

Andrews Air Force Base, \$5,550,000.

MASSACHUSETTS

Hanscom Air Force Base, \$5,600,000.

MICHIGAN

K.I. Sawyer Air Force Base, \$4,300,000.

MISSISSIPPI

Columbus Air Force Base, \$1,200,000.

MISSOURI

Whiteman Air Force Base, \$72,500,000.

MONTANA

Malmstrom Air Force Base, \$32,100,000.

NEBRASKA

Offutt Air Force Base, \$1,150,000.

NEVADA

Nellis Air Force Base, \$4,800,000.

NEW JERSEY

McGuire Air Force Base, \$4,900,000.

NEW MEXICO

Holloman Air Force Base, \$17,350,000.
Kirtland Air Force Base, \$18,350,000.

NEW YORK

Griffis Air Force Base, \$7,400,000.
Plattsburgh Air Force Base, \$9,900,000.

NORTH CAROLINA

Seymour Johnson Air Force Base, \$4,500,000.

NORTH DAKOTA

Grand Forks Air Force Base, \$1,900,000.

OHIO

Newark Air Force Base, \$2,980,000.
Wright Patterson Air Force Base, \$11,760,000.

OKLAHOMA

Altus Air Force Base, \$5,200,000.
Tinker Air Force Base, \$56,800,000.

SOUTH CAROLINA

Charleston Air Force Base, \$4,650,000.
Myrtle Beach Air Force Base, \$2,350,000.
Shaw Air Force Base, \$5,700,000.

SOUTH DAKOTA

Ellsworth Air Force Base, \$11,350,000.

TEXAS

Bergstrom Air Force Base, \$2,400,000.
Carswell Air Force Base, \$650,000.
Goodfellow Air Force Base, \$3,300,000.
Kelly Air Force Base, \$17,930,000.
Lackland Air Force Base, \$34,250,000.
Lackland Training Annex, \$1,994,000.
Laughlin Air Force Base, \$5,350,000.
Randolph Air Force Base, \$630,000.
Reese Air Force Base, \$4,630,000.

UTAH

Hill Air Force Base, \$16,950,000.

VIRGINIA

Langley Air Force Base, \$3,300,000.

WASHINGTON

Fairchild Air Force Base, \$14,200,000.

WYOMING

F. E. Warren Air Force Base, \$104,850,000.

(b) OUTSIDE THE UNITED STATES.—The Secretary of the Air Force may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations outside the United States:

CANADA

Various Locations, \$24,000,000.

GERMANY

Hahn Air Base, \$4,120,000.
Sembach Air Base, \$1,250,000.
Spangdahlem Air Base, \$1,250,000.

Zweibrucken Air Base, \$6,100,000.

GUAM

Andersen Air Force Base, \$6,500,000.

ICELAND

Naval Air Station, Keflavik, \$7,400,000.

ITALY

Aviano Air Base, \$2,250,000.

San Vito Air Station, \$2,750,000.

KOREA

Kunsan Air Base, \$7,900,000.

OMAN

Seeb, \$2,200,000.

Thumrait, \$23,600,000.

PORTUGAL

Lajes Field, \$10,000,000.

TURKEY

Balikesir Radio Relay Site, \$3,600,000.

Erhac Air Base, \$2,750,000.

Incirlik Air Base, \$1,100,000.

UNITED KINGDOM

Bovingdon Radio Relay Site, \$400,000.

RAF Alconbury, \$1,300,000.

RAF Barford St. John, \$490,000.

RAF Bentwaters, \$2,450,000.

RAF Christmas Common Radio Relay Site, \$210,000.

RAF Fairford, \$1,350,000.

RAF Mildenhall, \$1,650,000.

RAF Upper Heyford, \$5,350,000.

VARIOUS LOCATIONS

Classified location, \$740,000.

SEC. 2302. FAMILY HOUSING

(a) CONSTRUCTION AND ACQUISITION.—The Secretary of the Air Force may, using amounts appropriated pursuant to section 2304(a)(7)(A), construct or acquire family housing units (including land acquisition) at the following installations in the number of units, and in the amount, shown for each installation:

Kelly Air Force Base, Texas, eleven units, \$1,619,000.

Ramstein Air Base, Germany, two hundred units, \$18,722,000.

(b) PLANNING AND DESIGN.—The Secretary of the Air Force may, using amounts appropriated pursuant to section 2304(a)(7)(A), carry out architectural and engineering services and construction design

activities with respect to the construction or improvement of military family housing units in an amount not to exceed \$8,000,000.

SEC. 2303. IMPROVEMENT TO MILITARY FAMILY HOUSING UNITS

(a) **IN GENERAL.**—Subject to section 2825 of title 10, United States Code, the Secretary of the Air Force may, using amounts appropriated pursuant to section 2304(a)(7)(A), improve existing military family housing units in an amount not to exceed \$173,349,000.

(b) **WAIVER OF MAXIMUM PER UNIT COST FOR CERTAIN IMPROVEMENT PROJECTS.**—Notwithstanding the maximum amount per unit for an improvement project under section 2825(b) of title 10, United States Code, the Secretary of the Air Force may carry out projects to improve existing military family housing units at the following installations in the number of units shown, and in the amount shown, for each installation:

Maxwell Air Force Base, Alabama, eight units, \$357,000; eight units, \$800,000; one unit, \$108,000; thirty-two units, \$1,548,000.

Elmendorf Air Force Base, Alaska, eighty-eight units, \$9,578,000; forty units, \$4,451,000.

Davis-Monthan Air Force Base, Arizona, five units, \$200,000.

Travis Air Force Base, California, one hundred forty-two units, \$7,691,000.

Peterson Air Force Base, Colorado, thirty-two units, \$1,438,000.

Bolling Air Force Base, District of Columbia, forty units, \$1,683,000.

Tyndall Air Force Base, Florida, forty units, \$2,441,000.

Scott Air Force Base, Illinois, four units, \$250,000; eighty units, \$4,076,000.

England Air Force Base, Louisiana, one hundred one units, \$4,208,000.

Whiteman Air Force Base, Missouri, fifteen units, \$970,000.

Nellis Air Force Base, Nevada, thirty-two units, \$1,727,000.

Holloman Air Force Base, New Mexico, one hundred twenty-three units, \$5,710,000; one unit, \$47,000.

Bergstrom Air Force Base, Texas, two units, \$149,000.

Carswell Air Force Base, Texas, one hundred nineteen units, \$5,432,000.

Kelly Air Force Base, Texas, seventy-nine units, \$3,650,000.

Randolph Air Force Base, Texas, one hundred twenty-four units, \$4,136,000; one unit, \$78,000.

Langley Air Force Base, Virginia, eighty-six units, \$5,398,000.

Fairchild Air Force Base, Washington, two hundred thirty units, \$12,162,000.

Ramstein Air Base, Germany, one unit, \$137,000; twenty-four units, \$2,180,000; thirty-eight units, \$2,681,000.

Spangdahlem Air Base, Germany, four units, \$302,000.

Andersen Air Base, Guam, two hundred units, \$17,817,000.

RAF Alconbury, United Kingdom, one unit, \$55,000.

RAF Bentwaters, United Kingdom, eighty-three units, \$4,610,000.

RAF Chicksands, United Kingdom, thirty-four units, \$3,027,000.

RAF Lakenheath, United Kingdom, fourteen units, \$1,153,000; sixty units, \$3,408,000.

RAF Mildenhall, United Kingdom, two units, \$89,000.

(c) WAIVER OF SPACE LIMITATIONS FOR FAMILY HOUSING UNITS.—

(1) The Secretary of the Air Force may carry out improvement projects to add to and alter existing family housing units and, notwithstanding section 2826(a) of title 10, United States Code, to—

(A) increase the net floor area of one family housing unit at Ramstein Air Base, Germany, to not more than 3,045 square feet;

(B) increase the net floor area of four family housing units at Scott Air Force Base, Illinois, to not more than 2,470 square feet; and

(C) increase the net floor area of two family housing units at Hill Air Force Base, Utah, to not more than 2,315 square feet.

(2) The Secretary of the Air Force may, notwithstanding section 2826(a) of title 10, United States Code, carry out new construction projects to build five family housing units at Kelly Air Force Base, Texas, to not more than 3,000 square feet.

(3) For purposes of this subsection, the term “net floor area” has the same meaning given that term by section 2826(f) of title 10, United States Code.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE

(a) **IN GENERAL.**—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1989, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of \$2,193,638,000, as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), \$945,836,000.

(2) For military construction projects outside the United States authorized by section 2301(b), \$120,710,000.

(3) For the construction of the Large Rocket Test Facility, Arnold Engineering Development Center, Tennessee, as authorized by section 2301(a) of the Military Construction Authorization Act, 1989 (division B of Public Law 100-456; 102 Stat. 2101), \$66,000,000.

(4) For unspecified minor construction projects under section 2805 of title 10, United States Code, \$7,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$106,094,000.

(6) For advances to the Secretary of Transportation for construction of defense access roads under section 210 of title 23, United States Code, \$3,000,000.

(7) For military family housing functions—

(A) for construction and acquisition of military family housing and facilities, \$201,690,000; and

(B) for support of military housing (including functions described in section 2833 of title 10, United States Code), \$743,308,000, of which not more than \$96,000,000 may be obligated or expended for leasing of military family housing units worldwide.

(b) **LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.**—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

(c) **AUTHORIZED PROJECTS.**—(1) The Secretary of the Air Force may use not more than \$248,900 of the amount appropriated pursuant to the authorization in subsection (a) to acquire a depot operations logistics facility at Tinker Air Force Base, Oklahoma.

(2) The Secretary of the Air Force may provide not more than \$7,250,000 of the amount appropriated pursuant to the authorization in subsection (a)(1) to the Douglas School District, South Dakota, for the construction of a middle school primarily for the dependents of Armed Forces personnel assigned to duty at Ellsworth Air Base, South Dakota.

SEC. 2305. EXTENSION OF CERTAIN PRIOR YEAR AUTHORIZATIONS

(a) **EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 1986 PROJECT.**—Notwithstanding the provisions of section 606(a) of the Military Construction Authorization Act, 1986 (Public Law 99-167; 99 Stat. 982), authorization for the following project authorized in section 301 of that Act shall remain in effect until October 1, 1990, or the date of the enactment of an Act (other than this Act) authorizing funds for military construction for fiscal year 1991, whichever is later:

GEODSS Site 5, Portugal, Composite Support Facility in the amount of \$2,250,000 and Spacetrack Observation Facility in the amount of \$12,400,000.

(b) **EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 1987 PROJECT.**—Notwithstanding the provisions of section 2701(a) of the Military Construction Authorization Act, 1987 (division B of Public Law 99-661; 100 Stat. 4040), authorization for the following project authorized in section 2301 of that Act shall remain in effect until October 1, 1990, or the date of the enactment of an Act (other than this Act) authorizing funds for military construction for fiscal year 1991, whichever is later:

KC-135 CPT Simulator Facility in the amount of \$760,000 at Beale Air Force Base, California.

(c) **EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 1988 PROJECTS.**—Notwithstanding the provisions of section 2171(a) of the Military Construction Authorization Act, 1988 and 1989 (division B of Public Law 100-180; 101 Stat. 1206), authorization for the following projects authorized in sections 2131 and 2132 of that Act shall remain in effect until October 1, 1990, or the date of the enactment of an Act (other than this Act) authorizing funds for military construction for fiscal year 1991, whichever is later:

(1) KC-135 CPT Simulator Facility, in the amount of \$1,150,000 at Loring Air Force Base, Maine.

(2) Thirty-four family housing units in the amount of \$2,530,000 at Holbrook, Arizona.

SEC. 2306. LUKE AIR FORCE BASE, ARIZONA

Section 2301(a) of the Military Construction Authorization Act, 1989 (division B of Public Law 100-456; 102 Stat. 2101) is amended—

(1) by striking out “Williams Air Force Base, \$11,130,000.” under the heading “Arizona” and inserting in lieu thereof “Williams Air Force Base, \$9,230,000.”; and

(2) by striking out “Luke Air Force Base, \$4,550,000.” under the heading “Arizona” and inserting in lieu thereof “Luke Air Force Base, \$6,450,000.”.

SEC. 2307. ARNOLD ENGINEERING DEVELOPMENT CENTER, TENNESSEE

(a) **PROJECT AMOUNT.**—Section 2301(a) of the Military Construction Authorization Act, 1989 (division B of Public Law 100-456; 102 Stat. 2101), is amended by striking out “Arnold Engineering Development Center, \$213,800,000.” under the heading “Tennessee” and inserting in lieu thereof “Arnold Engineering Development Center, \$256,800,000.”

(b) **TITLE TOTAL.**—Section 2304(b)(2) of such Act (102 Stat. 2108) is amended by striking out “\$133,000,000” and inserting in lieu thereof “\$176,000,000”.

SEC. 2308. REFERENCE TO LIMITATION ON OBLIGATION OF FUNDS FOR MX RAIL GARRISON PROGRAM

Limitations with respect to the obligation of funds for construction in connection with the the MX Rail Garrison program are set forth in section 231.

PART B—FISCAL YEAR 1991**SEC. 2321. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS**

(a) **INSIDE THE UNITED STATES.**—The Secretary of the Air Force may acquire real property and may carry out military construction projects in the amounts shown for each of the installations and locations inside the United States:

ALASKA

Shemya Air Force Base, \$48,200,000.

COLORADO

Falcon Air Force Station, \$2,000,000.
Peterson Air Force Base, \$17,750,000.

OKLAHOMA

Altus Air Force Base, \$7,900,000.

SOUTH CAROLINA

Charleston Air Force Base, \$8,740,000.

TEXAS

Lackland Air Force Base, \$22,550,000.

UTAH

Hill Air Force Base, \$2,350,000.

(b) **OUTSIDE THE UNITED STATES.**—The Secretary of the Air Force may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations outside the United States:

GERMANY

Hahn Air Base, \$7,200,000.

WORLDWIDE CLASSIFIED

Classified locations, \$5,910,000.

SEC. 2322. FAMILY HOUSING

The Secretary of the Air Force may, using amounts appropriated pursuant to section 2323(a)(6)(A), construct or acquire family housing units (including land acquisition) at the following installation:

Malmstrom Air Force Base, Montana, one unit, \$180,000.

SEC. 2323. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE

(a) **IN GENERAL.**—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1990, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of \$1,150,836,000, as follows:

(1) For military construction projects inside the United States authorized by section 2321(a), \$109,490,000.

(2) For military construction projects outside the United States authorized by section 2321(b), \$13,110,000.

(3) For the construction of the Large Rocket Test Facility, Arnold Engineering Development Center, Tennessee, as authorized by section 2301(a) of the Military Construction Authorization Act, 1989 (division B of Public Law 100-456; 102 Stat. 2101), \$66,300,000.

(4) For unspecified minor construction projects under section 2805 of title 10, United States Code, \$12,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$114,756,000.

(6) For military family housing functions—

(A) for construction and acquisition of military family housing and facilities, \$180,000; and

(B) for support of military family housing (including functions described in section 2833 of title 10, United States Code), \$835,000,000, of which not more than \$138,632,000 may be obligated or expended for leasing of military family housing units worldwide.

(b) **LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.**—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2321 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

TITLE XXIV—DEFENSE AGENCIES

PART A—FISCAL YEAR 1990

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS

(a) **INSIDE THE UNITED STATES.**—The Secretary of Defense may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations inside the United States:

DEFENSE LOGISTICS AGENCY

Defense Depot, Tracy, California, \$24,000,000.
 Defense Reutilization and Marketing Office, Eglin Air Force Base, Florida, \$2,750,000.
 Defense Fuel Support Point, Searsport, Maine, \$2,700,000.
 Defense Construction Supply Center, Columbus, Ohio, \$26,600,000.
 Defense Personnel Support Center, Philadelphia, Pennsylvania, \$3,800,000.
 Defense General Supply Center, Richmond, Virginia, \$6,066,000.
 Defense Fuel Support Point, Manchester, Washington, \$22,600,000.

DEFENSE MEDICAL FACILITIES OFFICE

Maxwell Air Force Base, Alabama, \$1,600,000.
 Naval Air Station, Mobile, Alabama, \$3,000,000.
 Naval Air Station, Adak, Alaska, \$18,000,000.
 Marine Corps Air Station, Twentynine Palms, California, \$38,000,000.
 Fitzsimons Army Medical Center, Colorado, \$5,200,000.
 Hurlburt Field, Florida, \$6,000,000.
 Naval Air Station, Jacksonville, Florida, \$2,400,000.
 Patrick Air Force Base, Florida, \$2,700,000.
 Andrews Air Force Base, Maryland, \$2,900,000.
 Naval Station, Pascagoula, Mississippi, \$2,548,000.
 Nellis Air Force Base, Nevada, \$62,000,000.
 Lackland Air Force Base, Texas, \$6,000,000.
 Naval Station, Ingleside, Texas, \$2,300,000.
 Portsmouth Naval Hospital, Virginia, \$330,000,000.

DEFENSE NUCLEAR AGENCY

Armed Forces Radiobiology Research Institute, Bethesda, Maryland, \$900,000.

NATIONAL SECURITY AGENCY

Fort George G. Meade, Maryland, \$21,444,000.

OFFICE OF THE SECRETARY OF DEFENSE

The Pentagon, Arlington, Virginia, \$3,500,000.
 Classified Location, \$4,500,000.

UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES

Bethesda, Maryland, \$600,000.

STRATEGIC DEFENSE INITIATIVE ORGANIZATION

Nellis Air Force Base, Nevada, \$6,542,000.

(b) OUTSIDE THE UNITED STATES.—The Secretary of Defense may acquire real property and may carry out military construction projects in the amounts shown for each of the following installations and locations outside the United States:

DEFENSE MEDICAL FACILITIES OFFICE

Camp Carroll, Korea, \$1,500,000.
Camp Garry Owen, Korea, \$800,000.

DEFENSE NUCLEAR AGENCY

Johnston Atoll, \$6,168,000.

DEPARTMENT OF DEFENSE SCHOOLS

Naval Air Station, Bermuda, \$4,810,000.
Augsburg, Germany, \$6,300,000.
Frankfurt, Germany, \$7,101,000.
Grafenwoehr, Germany, \$4,186,000.
Hohenfels, Germany, \$17,079,000.
Royal Air Force, Bicester, United Kingdom, \$6,275,000.
Royal Air Force, Upwood, United Kingdom, \$4,175,000.
Various Locations, \$6,600,000.

DEPARTMENT OF DEFENSE SECTION VI SCHOOLS

Fort Buchanan, Puerto Rico, \$1,155,000.
Roosevelt Roads, Puerto Rico, \$6,541,000.

NATIONAL SECURITY AGENCY

Classified Location, \$23,000,000.

SEC. 2402. FAMILY HOUSING

The Secretary of Defense may, using amounts appropriated pursuant to section 2405(a)(10)(A), construct or acquire three family housing units (including land acquisition) at classified locations in the total amount not to exceed \$400,000.

Classified
information.

SEC. 2403. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS

Subject to section 2825 of title 10, United States Code, the Secretary of Defense may, using amounts appropriated pursuant to section 2405(a)(10)(A), improve existing military family housing units in an amount not to exceed \$200,000.

SEC. 2404. CONFORMING STORAGE FACILITIES

Section 2404(a) of the Military Construction Authorization Act, 1987 (division B of Public Law 99-661; 100 Stat. 4037) is amended to read as follows:

“(a) **AUTHORITY TO CONSTRUCT.**—The Secretary of Defense may, using not more than \$10,000,000 appropriated for fiscal year 1987, not more than \$5,000,000 appropriated for fiscal year 1988, not more than \$9,300,000 appropriated for fiscal year 1989, and not more than \$11,000,000 appropriated for fiscal year 1990, carry out military construction projects not otherwise authorized by law for conforming storage facilities.”

SEC. 2405. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES

(a) **IN GENERAL.**—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1989, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), in the total amount of \$562,720,000, as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), \$235,150,000.

(2) For military construction projects outside the United States authorized by section 2401(b), \$95,690,000.

(3) For military construction projects at Fort Sill, Oklahoma, as authorized by section 2401(a) of the Military Construction Authorization Act, 1989 (division B of Public Law 100-456; 102 Stat. 2109), \$27,000,000.

(4) For military construction projects at Fort Sam Houston, Texas, authorized by section 2401(a) of the Military Construction Authorization Act, 1987 (division B of Public Law 99-661; 100 Stat. 4034), \$53,000,000.

(5) For military construction projects at Fort Lewis, Washington, authorized by section 101 of the Military Construction Authorization Act, 1985 (Public Law 98-407; 98 Stat. 1495), \$16,000,000.

(6) For unspecified minor construction projects under section 2805 of title 10, United States Code, \$13,100,000.

(7) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, \$10,000,000.

(8) For architectural and engineering services and for construction design under section 2807 of title 10, United States Code, \$80,480,000.

(9) For conforming storage facilities construction under the authority of section 2404 of the Military Construction Authorization Act, 1987 (division B of Public Law 99-661; 100 Stat. 4037), \$11,000,000.

(10) For military family housing functions—

(A) for construction and acquisition of military family housing facilities, \$600,000; and

(B) for support of military housing (including functions described in section 2833 of title 10, United States Code), \$20,700,000, of which not more than \$17,825,000 may be obligated or expended for the leasing of military family housing units worldwide.

(b) **LIMITATION OF TOTAL COST OF CONSTRUCTION PROJECTS.**—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variations authorized by law, the total cost of all projects carried out under section 2401 may not exceed—

(1) the total amount authorized to be appropriated under paragraph (1) and (2) of subsection (a);

(2) \$321,500,000 (the balance of the amount authorized under section 2401(a) for the construction of a medical facility at Portsmouth Naval Hospital, Virginia); and

(3) \$52,000,000 (the balance of the amount authorized by section 2401(a) for the construction of a hospital at Nellis Air Force Base, Nevada).

SEC. 2406. EXTENSION OF CERTAIN PREVIOUS AUTHORIZATIONS

(a) **EXTENSION OF CERTAIN 1987 PROJECT.**—Notwithstanding the provisions of section 2701(a) of the Military Construction Authorization Act, 1987 (division B of Public Law 99-661; 100 Stat. 4040), the authorization for the Defense Fuel Support Point, Charleston, South Carolina, in the amount of \$5,530,000, in section 2401(a) of that Act shall remain in effect until October 1, 1990, or until the date of

enactment of an Act (other than this Act) authorizing funds for military construction for fiscal year 1991, whichever is later.

(b) **EXTENSION OF CERTAIN 1988 PROJECTS.**—Notwithstanding the provisions of section 2171(a) of the Military Construction Authorization Act, 1988 and 1989 (division B of Public Law 100-180; 101 Stat. 1206), authorizations for the following projects authorized in section 2141 of that Act shall remain in effect until October 1, 1990, or until the date of enactment of an Act (other than this Act) authorizing funds for military construction for fiscal year 1991, whichever is later:

(1) Fuel Tankage, in the amount of \$9,400,000 at Defense Fuel Supply Point, Key West, Florida.

(2) Second Echelon Medical Storage Facility, Iraklion, Greece, \$340,000.

(3) Composite Medical Facility, Misawa Air Base, Japan, \$4,700,000.

SEC. 2407. MEDICAL FACILITY, FORT SILL, OKLAHOMA

(a) **PROJECT AMOUNT.**—Section 2401 of the Military Construction Authorization Act, 1989 (division B of Public Law 100-456; 102 Stat. 2109) is amended in the items listed under the heading "Defense Medical Facilities Office", by striking out "Fort Sill, Oklahoma, \$54,000,000." and inserting in lieu thereof "Fort Sill, Oklahoma, \$68,000,000."

(b) **TITLE TOTAL.**—Section 2407(b)(2) of such Act (102 Stat. 2112) is amended by striking out "\$27,000,000" and inserting in lieu thereof "\$41,000,000".

PART B—FISCAL YEAR 1991

SEC. 2421. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS

The Secretary of Defense may acquire real property and may carry out military construction projects in the amount shown for the following installation outside the United States.

DEPARTMENT OF DEFENSE SECTION VI SCHOOLS

Fort Buchanan, Puerto Rico, \$4,200,000.

SEC. 2422. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES

(a) **IN GENERAL.**—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1990, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), in the total amount of \$456,100,000, as follows:

(1) For military construction projects outside the United States authorized by section 2421, \$4,200,000.

(2) For military construction projects at Fort Sam Houston, Texas, authorized by section 2401(a) of the Military Construction Authorization Act, 1987 (division B of Public Law 99-661; 100 Stat. 4034), \$84,000,000.

(3) For military construction projects at Portsmouth Naval Hospital, Virginia, authorized by section 2401(a), \$176,000,000.

(4) For military construction projects at Nellis Air Force Base, Nevada, authorized by section 2401(a), \$52,000,000.

(5) For unspecified minor construction projects under section 2805 of title 10, United States Code, \$14,200,000.

(6) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, \$10,000,000.

(7) For architectural and engineering services and for construction design under section 2807 of title 10, United States Code, \$94,400,000.

(8) For support of military family housing (including functions described in section 2833 of title 10, United States Code), \$21,300,000, of which not more than \$18,135,000 may be obligated or expended for the leasing of military family housing units worldwide.

(b) **LIMITATION OF TOTAL COST OF CONSTRUCTION PROJECTS.**—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variations authorized by law, the total cost of all projects carried out under section 2421 may not exceed the total amount authorized to be appropriated under paragraph (1) of subsection (a).

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Infrastructure Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 of this Act and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1989, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Infrastructure Program as authorized by section 2501 of this Act, in the amount of \$424,714,000.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

PART A—FISCAL YEAR 1990

SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1989, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 133 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, \$187,411,000, and

(B) for the Army Reserve, \$80,800,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserve, \$56,600,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, \$198,628,000, and

(B) for the Air Force Reserve, \$46,200,000.

PART B—FISCAL YEAR 1991

SEC. 2621. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1990, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 133 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, \$119,500,000, and

(B) for the Army Reserve, \$62,800,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserve, \$53,300,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, \$107,500,000, and

(B) for the Air Force Reserve, \$38,500,000.

TITLE XXVII—EXPIRATION OF AUTHORIZATIONS

SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW

(a) **IN GENERAL.**—Authorizations of military construction projects, land acquisition, family housing projects and facilities, contributions to the NATO Infrastructure Program, and Guard and Reserve projects in titles XXI, XXII, XXIII, XXIV, XXV, and XXVI of this subdivision (and authorizations of appropriations therefor) shall be effective only to the extent that appropriations are made for such projects, acquisition, facilities, and contributions during the first session of the One Hundred First Congress.

(b) **EXPIRATION OF AUTHORIZATIONS AFTER TWO YEARS IN CERTAIN CASES.**—(1) Except as provided in subsections (a) and (c)(1), all authorizations contained in part A of each of titles XXI, XXII, XXIII, and XXIV and the authorization in title XXV for military construction projects, land acquisition, family housing projects and facilities, and contributions to the NATO Infrastructure Program (and authorizations of appropriations therefor) shall expire on October 1, 1991, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1992, whichever is later.

(2) Except as provided in subsections (a) and (c)(2), all authorizations contained in part B of each of titles XXI, XXII, XXIII, and XXIV, for military construction projects, land acquisition, and family housing projects and facilities (and authorizations of appropriations therefor) shall expire on October 1, 1992, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1993, whichever is later.

(c) **EXCEPTIONS.**—(1) The provisions of subsection (b)(1) do not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the NATO Infrastructure Program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before October 1, 1991, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1992, whichever is later, for military construction projects, land acquisitions, family housing projects and facilities, or contributions to the NATO Infrastructure Program.

(2) The provisions of subsection (b)(2) do not apply to authorizations for military construction projects, land acquisition, and family housing projects and facilities (and authorizations of appropriations therefor), for which appropriated funds have been obligated before October 1, 1992, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1993, whichever is later, for military construction projects, land acquisitions, family housing projects and facilities.

TITLE XXVIII—GENERAL PROVISIONS

PART A—MILITARY CONSTRUCTION PROGRAM CHANGES

SEC. 2801. FAMILY HOUSING RENTAL GUARANTEE PROGRAM

Section 802(b) of the Military Construction Authorization Act, 1984 (10 U.S.C. 2821 note) is amended—

(1) by striking out clause (11) and inserting in lieu thereof the following:

“(11) shall include a provision authorizing the Secretary of the military department concerned, or the Secretary of Transportation with respect to the Coast Guard, to take such action as the Secretary considers appropriate to protect the interests of the United States, including rendering the agreement null and void if, in the opinion of the Secretary, the owner of the housing fails to maintain a satisfactory level of operation and maintenance;”;

(2) by striking out the period at the end of paragraph (12) and inserting in lieu thereof a semicolon; and

(3) by adding after paragraph (12) the following new paragraphs:

“(13) may provide that utilities, trash collection, snow removal, and entomological services will be furnished by the Federal Government at no cost to the occupant to the same extent that these items are provided to occupants of housing owned by the Federal Government; and

“(14) may require that rent collection and operation and maintenance services in connection with the housing be under the terms of a separate agreement or be carried out by personnel of the Federal Government.”.

SEC. 2802. LEASING OF MILITARY FAMILY HOUSING

Section 2828 of title 10, United States Code, is amended—

(1) in subsection (b)(2), by striking out “\$10,000” and inserting in lieu thereof “\$12,000”;

(2) in subsection (b)(3)—

(A) by striking out “(A) Except as provided in subparagraph (B), not” and inserting in lieu thereof “Not”;

(B) by striking out "\$10,000" and "\$12,000" and inserting in lieu thereof "\$12,000" and "\$14,000", respectively; and

(C) by striking out subparagraph (B);

(3) in subsection (e)(1), by striking out the first sentence and inserting in lieu thereof the following: "Expenditures for the rental of family housing in foreign countries (including the costs of utilities, maintenance, and operation) may not exceed \$20,000 per unit per annum as adjusted for foreign currency fluctuation from October 1, 1987."; and

(4) in subsection (e)(2), by striking out "38,000" and inserting in lieu thereof "53,000".

SEC. 2803. LONG TERM FACILITIES CONTRACTS

Section 2809 of title 10, United States Code, is amended—

(1) in subsection (a)(1)(B)(ii), by striking out "Potable" and inserting in lieu thereof "Utilities, including potable";

(2) in subsection (b), by striking out "child care centers" and inserting in lieu thereof "activities and services described in clause (i) or (ii) of subsection (a)(1)(B)"; and

(3) in subsection (c), by striking out "1989" and inserting in lieu thereof "1991".

SEC. 2804. IMPROVEMENTS TO FAMILY HOUSING UNITS FOR THE HANDICAPPED

Section 2825(b)(1) of title 10, United States Code, is amended—

(1) by inserting "(A)" after "will exceed"; and

(2) by inserting the following before the period: ", or (B) in the case of improvements necessary to make the unit suitable for habitation by a handicapped person, \$60,000 multiplied by such index".

SEC. 2805. DOMESTIC BUILD-TO-LEASE PROGRAM

Section 2828(g) of title 10, United States Code, is amended—

(1) by striking out paragraphs (7) and (8) and inserting in lieu thereof the following:

"(7) Each of the Secretaries concerned may enter into one or more contracts under this subsection for a number of family housing units not exceeding the number specified for that Secretary as follows:

"(A) The Secretary of the Army, 6,300.

"(B) The Secretary of the Navy, 6,200.

"(C) The Secretary of the Air Force, 5,800.

"(D) The Secretary of Transportation with respect to the Coast Guard, 900.";

(2) by redesignating paragraphs (9) and (10) as paragraphs (8) and (9), respectively; and

(3) in paragraph (8), as so redesignated, by striking out "1989" and inserting in lieu thereof "1991".

SEC. 2806. TURN-KEY SELECTION PROCEDURES

Section 2862 of title 10, United States Code, is amended—

(1) in subsection (a)(1), by striking out the second sentence; and

(2) in subsection (c), by striking out "1990" and inserting in lieu thereof "1991".

SEC. 2807. PROHIBITION OF FUNDING FOR CERTAIN MILITARY CONSTRUCTION CONTRACTS ON GUAM

(a) **IN GENERAL.**—Subchapter III of chapter 169 of title 10, United States Code, is amended by adding after section 2863 the following new section:

“§ 2864. Military construction contracts on Guam

“(a) **IN GENERAL.**—Except as provided in subsection (b), funds appropriated for military construction may not be obligated or expended with respect to any contract for a military construction project on Guam if any work is carried out on such project by any person who is a nonimmigrant alien described in section 101(a)(15)(H)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)).

“(b) **EXCEPTION.**—In any case in which there is no acceptable bid made in response to a solicitation for bids on a contract for a military construction project on Guam and the Secretary concerned makes a determination that the prohibition contained in subsection (a) is a significant deterrent to obtaining bids on such contract, the Secretary concerned may make another solicitation for bids on such contract and the prohibition contained in subsection (a) shall not apply to such contract after the 21-day period beginning on the date on which the Secretary concerned transmits to the Committees on Armed Services of the Senate and the House of Representatives a written notification of that determination.”.

(b) **CLERICAL AMENDMENT.**—The table of sections for such subchapter is amended by adding after the item relating to section 2863 the following:

“2864. Military construction contracts on Guam.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to contracts entered into, modified, or extended on or after the date of the enactment of this Act.

SEC. 2808. AUTHORIZED COST VARIATIONS

Section 2853 of title 10, United States Code, is amended to read as follows:

“§ 2853. Authorized cost variations

“(a) Except as provided in subsection (c) or (d), the cost authorized for a military construction project or for the construction, improvement, and acquisition of a military family housing project may be increased by not more than 25 percent of the amount appropriated for such project or 200 percent of the minor construction project ceiling specified in section 2805(a)(1), whichever is less, if the Secretary concerned determines that such an increase in cost is required for the sole purpose of meeting unusual variations in cost and that such variations in cost could not have reasonably been anticipated at the time the project was approved originally by Congress.

“(b) Except as provided in subsection (c), the scope of work for a military construction project or for the construction, improvement, and acquisition of a military family housing project may be reduced by not more than 25 percent from the amount approved for that project, construction, improvement, or acquisition by Congress.

“(c) The limitation on cost increase in subsection (a) or the limitation on scope reduction in subsection (b) does not apply if—

“(1) the increase in cost or reduction in scope is approved by the Secretary concerned;

“(2) the Secretary concerned notifies the appropriate committees of Congress in writing of the increase or reduction and the reasons therefor; and

“(3) a period of 21 days has elapsed after the date on which the notification is received by the committees.

“(d) The limitation on cost increases in subsection (a) does not apply to a within-scope modification to a contract or to the settlement of a contractor claim under a contract if the increase in cost is approved by the Secretary concerned, and the Secretary concerned promptly submits written notification of the facts relating to the proposed increase in cost to the appropriate committees of Congress.”

SEC. 2809. LEASE-PURCHASE OF FACILITIES

(a) IN GENERAL.—Chapter 169 of title 10, United States Code, is amended by adding at the end of subchapter I the following new section:

“§ 2812. Lease-purchase of facilities

“(a)(1) The Secretary concerned may enter into an agreement with a private contractor for the lease of a facility of the kind specified in paragraph (2) if the facility is provided at the expense of the contractor on a military installation under the jurisdiction of the Department of Defense.

“(2) The facilities that may be leased pursuant to paragraph (1) are as follows:

“(A) Administrative office facilities.

“(B) Troop housing facilities.

“(C) Energy production facilities.

“(D) Utilities, including potable and waste water treatment facilities.

“(E) Hospital and medical facilities.

“(F) Transient quarters.

“(G) Depot or storage facilities.

“(H) Child care centers.

“(b) Leases entered into under subsection (a)—

“(1) may not exceed a term of 32 years;

“(2) shall provide that, at the end of the term of the lease, title to the leased facility shall vest in the United States; and

“(3) shall include such other terms and conditions as the Secretary concerned determines are necessary or desirable to protect the interests of the United States.

“(c)(1) The Secretary concerned may not enter into a lease under this section until—

“(A) the Secretary submits to the appropriate committees of Congress a justification of the need for the facility for which the proposed lease is being entered into and an economic analysis (based upon accepted life-cycle costing procedures) that demonstrates the cost effectiveness of the proposed lease compared with a military construction project for the same facility; and

“(B) a period of 21 days has expired following the date on which the justification and economic analysis are received by the committees.

“(2) Each Secretary concerned may, under this section, enter into—

“(A) not more than three leases in fiscal year 1990; and

“(B) not more than five leases in each of the fiscal years 1991 and 1992.

“(d) Each lease entered into under this section shall include a provision that the obligation of the United States to make payments under the lease in any fiscal year is subject to the availability of appropriations for that purpose.”.

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

“2812. Lease-purchase of facilities.”.

PART B—LAND TRANSACTIONS

SEC. 2811. LAND CONVEYANCE AT MARINE CORPS AIR STATION, EL TORO, CALIFORNIA, AND CONSTRUCTION OF FAMILY HOUSING AT MARINE CORPS AIR STATION, TUSTIN, CALIFORNIA

(a) IN GENERAL.—Subject to subsections (b) through (d), the Secretary of the Navy may—

(1) convey to the County of Orange, California, or its designee, or both, all right, title, and interest of the United States in and to approximately 77 acres of real property, including improvements thereon, consisting of three severable parcels at Marine Corps Air Station, El Toro, California; and

(2) accept monetary consideration for such property and expend it for the construction of additional military family housing units at Marine Corps Air Station, Tustin, California.

(b) CONDITIONS.—(1) The Secretary shall provide that all conveyances under this section are subject to the retention of appropriate interests to ensure that future use of the conveyed property is compatible with military activities.

(2) Conveyances under this section shall be made in exchange for payment of the fair market value of the property conveyed, as determined by an independent appraisal satisfactory to the Secretary and paid for by the County or its designees, or both.

(3) Any contract for construction authorized under this section shall be awarded through competitive procedures.

(4) The Secretary may not enter into any contract for construction under this section until after the 21-day period beginning on the date on which the Secretary transmits to the Committees on Armed Services and the Committees on Appropriations of the Senate and of the House of Representatives a detailed report on the proposed contract.

(5) The Secretary shall deposit into the Treasury as miscellaneous receipts any amount received under this section and not obligated under this section by the end of the four-year period beginning on the date of the receipt thereof.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under this section shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the County or its designee, or both.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary determines appropriate to protect the interests of the United States.

SEC. 2812. LAND CONVEYANCE, FORT GILLEM, GEORGIA

(a) **IN GENERAL.**—Subject to subsections (b) through (e), the Secretary of the Army may convey, without consideration, to the State of Georgia all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, at Fort Gillem, Clayton County, Georgia, consisting of approximately 35.26 acres, for use by the State for the administration of the Georgia Department of Defense, the Georgia National Guard, and other Georgia National Guard activities.

(b) **CONDITIONS OF CONVEYANCE.**—The conveyance authorized by subsection (a) shall be subject to the following conditions:

(1) The property conveyed shall be used for the administration of the Georgia Department of Defense, the Georgia National Guard, and for other official activities of the Georgia National Guard.

(2) The Secretary may reserve to the United States (and shall include in the instrument of conveyance) such easements and other interests in the property conveyed pursuant to this section as the Secretary determines necessary or convenient for the operations, activities, and functions of the United States.

(c) **REVERSION.**—If the Secretary determines at any time that the property conveyed pursuant to this section is not being used for the purposes specified in subsection (b)(1), all right, title, and interest in and to the property (including improvements thereon) shall revert to the United States and the United States shall have the right of immediate entry thereon.

(d) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the property to be conveyed under this section shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the State.

(e) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary determines appropriate to protect the interests of the United States.

SEC. 2813. LAND CONVEYANCE, HICKAM AIR FORCE BASE, HAWAII

(a) **IN GENERAL.**—Subject to subsections (b) through (h), the Secretary of the Air Force may convey to the State of Hawaii all right, title, and interest of the United States in and to approximately 22.88 acres of real property, including improvements thereon, located on the eastern boundary of Hickam Air Force Base, Hawaii.

(b) **CONSIDERATION.**—(1) In consideration for the conveyance authorized by subsection (a), the State of Hawaii shall, subject to subsection (c), be required to—

(A) pay for the cost of designing and constructing the facilities and improvements described in subsection (c)(2), in accordance with such specifications as the Secretary may prescribe;

(B) pay for the cost of relocating munition storage facilities designated by the Secretary and situated on the property to be conveyed by the Secretary;

(C) pay for the cost of relocating the existing security fence to conform with the new boundaries of Hickam Air Force Base after such conveyance; and

(D) pay to the United States the difference, if any, between the fair market value of the property conveyed, as determined by the Secretary, and the cost of facilities and improvements provided by the State of Hawaii under subsection (c).

(2) Costs incurred by the State of Hawaii in connection with the relocations referred to in clauses (B) and (C) of paragraph (1) may not be considered as any part of the payment of the fair market value of the property referred to in subsection (a).

(c) IMPLEMENTATION.—(1) The Secretary may—

(A) accept facilities and improvements referred to in paragraph (2) designed and constructed by the State of Hawaii, according to standards specified by the Secretary, that are equal in value to not less than the fair market value of the property to be conveyed by the Secretary; or

(B) in the discretion of the Secretary, accept payment of the fair market value for the property to be conveyed by the Secretary and design and construct facilities and improvements referred to in paragraph (2).

(2) The facilities and improvements to be provided by the State of Hawaii or constructed by the Secretary with funds provided by the State shall be for one or more of the following projects in the order of priority in which they are listed:

(A) One hundred units of military family housing at Hickam Air Force Base, Hawaii.

(B) Construction of an enlisted personnel dormitory at such Base.

(C) Renovation of an existing enlisted personnel dormitory at such Base.

(3) The Secretary may not enter into any contract for any construction project or improvement under this section until after the 21-day period beginning on the date on which the Secretary transmits to the Committees on Armed Services and the Committees on Appropriations of the Senate and the House of Representatives a detailed report on the proposed contract.

(d) SECURITY FOR CONVEYANCE.—(1) The Secretary may convey the property described in subsection (a) to the State of Hawaii before completion of the construction of the facilities referred to in subsection (b)(1) upon—

(A) the execution of an escrow agreement between the Secretary and the State of Hawaii and deposit by the State in an escrow account (pursuant to such agreement) of an amount equal to the fair market value of the property to be conveyed by the Secretary; or

(B) the acceptance by the Secretary of payment of such amount.

(2) The Secretary may obligate and expend funds accepted under paragraph (1)(B) for design and construction of the facilities and improvements referred to in subsection (c)(2).

(e) VACATING PROPERTY.—If the Secretary conveys property to the State under this section before completion of the construction of the facilities and improvements referred to in subsection (b)(1), the Secretary shall not be required to vacate the property until the completion, and approval by the Secretary, of the work described in subparagraphs (B) and (C) of subsection (b)(1).

(f) EXCESS AMOUNT.—The Secretary shall deposit into the Treasury as miscellaneous receipts any amount received under this section and not obligated under this section by the end of the four-year period beginning on the date of the receipt thereof.

(g) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under this section shall be

determined by a survey which is satisfactory to the Secretary. The cost of the survey shall be borne by the State of Hawaii.

(h) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary determines appropriate to protect the interests of the United States.

SEC. 2814. LAND CONVEYANCES, KAPALAMA MILITARY RESERVATION, HAWAII

(a) **IN GENERAL.**—(1) Section 2332 of the Military Construction Authorization Act, 1988 and 1989 (division B of Public Law 100-180; 100 Stat. 1223), is amended by striking out subsections (a) through (e) and inserting in lieu thereof the following:

“(a) **IN GENERAL.**—Subject to subsections (b) through (f), the Secretary of the Army may sell and convey to the State of Hawaii approximately 35.92 acres of real property, including improvements thereon, at Kapalama Military Reservation, Hawaii, and may replace and relocate the facilities located on such property.

“(b) **CONSIDERATION.**—In consideration for the real property described in subsection (a), the State of Hawaii shall pay the United States an amount equal to not less than the fair market value of the property to be conveyed, as determined by the Secretary.

“(c) **USE OF SALE PROCEEDS.**—The Secretary shall use the proceeds received from the sale of property authorized by this section—

“(1) for the cost of the design and construction of suitable replacement facilities to be constructed at Fort Shafter, Fort Kamehameha, Tripler Army Medical Center, and Schofield Barracks, Hawaii; and

“(2) for any cost incurred by the Department of the Army under this section with respect to the sale and relocation of facilities.

“(d) **EXCESS AMOUNT.**—(1) The Secretary may use any proceeds in excess of the amount required to pay costs referred to in subsection (c) for the implementation of the plan established by the Secretary of the Army on March 1, 1988, for the future use and development of Fort DeRussy, Hawaii, except that such proceeds may not be used to pay for the construction of any nonappropriated-fund project identified in such plan.

“(2) At the end of the ten-year period beginning on the date of the enactment of the Military Construction Authorization Act, 1989, the Secretary shall deposit any amount received and not expended under this section into the Treasury as miscellaneous receipts.”

(2) Subsections (f) and (g) of section 2332 of such Act are redesignated as subsections (e) and (f), respectively.

(b) **SAVINGS PROVISION.**—The provisions of section 2332 of the Military Construction Authorization Act, 1988 and 1989, as in effect on the day before the date of the enactment of this Act, shall continue to apply with respect to the sale of any property referred to in such section that was sold pursuant to such section before the date of the enactment of this Act.

(c) **CEDED LANDS.**—(1) Subject to paragraphs (2) through (4), the Secretary of the Army shall convey to the State of Hawaii, without consideration other than that described in paragraph (2), all right, title, and interest of the United States in and to approximately 17.8 acres of ceded lands, including improvements thereon, at Kapalama Military Reservation, Hawaii.

(2) In consideration for the conveyance authorized under paragraph (1) the State of Hawaii shall pay to the United States the fair market value, as determined by the Secretary, of any improvements on the land not made at the State's expense. The Secretary shall deposit any amount received into the Treasury as miscellaneous receipts.

(3) The exact acreage and legal description of the land to be conveyed under paragraph (1) shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the State of Hawaii.

(4) The Secretary may require such additional terms and conditions in connection with the conveyance under this subsection as the Secretary determines appropriate to protect the interests of the United States.

SEC. 2815. LAND CONVEYANCE, PUBLIC WORKS CENTER, GREAT LAKES, ILLINOIS

(a) **IN GENERAL.**—Subject to subsections (b) through (f), the Secretary of the Navy may—

(1) sell and convey all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 14 acres of land, comprising that portion of the Public Works Center, Great Lakes, located south of the intersection of Desplaines Avenue and West Roosevelt Road, Forest Park, Illinois; and

(2) use the proceeds from the sale of such property to construct not more than 35 units of military family housing at the Naval Air Station, Glenview, Illinois.

(b) **COMPETITIVE PROCEDURES; MINIMUM SALE PRICE.**—(1) The Secretary shall use competitive procedures for the sale of the property described in subsection (a)(1).

(2) In no event may the property be sold for less than the greater of (A) the fair market value of the property, as determined by the Secretary, or (B) the amount necessary to cover the costs of constructing replacement housing and relocating the tenants from such property.

(c) **CONDITION OF SALE.**—The conveyance authorized by subsection (a) shall be subject to the condition that the purchaser permit the Department of the Navy to continue to occupy, without consideration, the property to be conveyed until the replacement housing has been constructed or acquired by the Secretary, except that in no event may the Department continue to occupy the property pursuant to this subsection more than two years after the date of the conveyance.

(d) **USE OF FUNDS.**—(1) The Secretary may use the proceeds from the sale of the property described in subsection (a) for payment of the following costs:

(A) The cost of design and construction of not more than 35 units of military family housing to be constructed at the Naval Air Station, Glenview, Illinois.

(B) The cost of relocating the tenants occupying the housing facilities located on the property described in subsection (a)(1) to new housing facilities.

(C) The cost of appraisals and other costs related to the sale of the property.

(2) The Secretary may not enter into any contract for construction under this section until after the 21-day period beginning on the

date on which the Secretary transmits to the Committees on Armed Services and the Committees on Appropriations of the Senate and of the House of Representatives a detailed report on the proposed contract.

(3) The Secretary shall deposit into the Treasury as miscellaneous receipts any amount received under this section and not obligated under this section by the end of the four-year period beginning on the date of receipt thereof.

(e) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of any property to be conveyed under this section shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the purchaser.

(f) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary determines appropriate to protect the interests of the United States.

SEC. 2816. LAND CONVEYANCE, FORT KNOX, KENTUCKY

(a) **IN GENERAL.**—Subject to subsections (b) through (f), the Secretary of the Army may sell and convey all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 12 acres, including improvements thereon, contiguous to the corporate limits of the City of Radcliff, Kentucky, and bounded on the east by U.S. Highway 31W, by the Radcliff city park on the south, by residential property to the west, and by Fort Knox to the north.

(b) **COMPETITIVE BID REQUIREMENT; MINIMUM SALE PRICE.**—(1) The Secretary shall use competitive procedures for the sale of the property referred to in subsection (a).

(2) In no event may any of the property referred to in subsection (a) be sold for less than the fair market value of the property, as determined by the Secretary.

(c) **USE OF PROCEEDS.**—(1) The Secretary shall use the proceeds from the sale of the property referred to in subsection (a) for the construction of up to four units of military family housing at Fort Knox, Kentucky.

(2) The Secretary shall deposit into the Treasury as miscellaneous receipts any amount received under this section and not obligated under this section by the end of the four-year period beginning on the date of receipt thereof.

(d) **NOTICE.**—The Secretary may not enter into any contract for construction under this section until after the 21-day period beginning on the date on which the Secretary transmits to the Committees on Armed Services and the Committees on Appropriations of the Senate and of the House of Representatives a detailed report on the proposed contract.

(e) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the property to be conveyed under this section shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the purchaser.

(f) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary determines appropriate to protect the interests of the United States.

SEC. 2817. RELEASE OF REVERSIONARY INTEREST TO STATE OF MINNESOTA

(a) **IN GENERAL.**—Subject to subsection (b) through (d), the Secretary of the Army may release—

- (1) to the State of Minnesota the reversionary interest of the United States in approximately 35 acres of real property at Fort Snelling, Minnesota, including improvements thereon, known as "Area J" and conveyed from the United States to the State of Minnesota by a quitclaim deed dated August 17, 1971; and
- (2) the State of Minnesota from all covenants and agreements contained in such quitclaim deed that relate to such property.

(b) **CONSIDERATION.**—In consideration of the release under subsection (a), the State of Minnesota shall convey to the United States, without consideration, the property referred to in subsection (a)(1) for use by the Department of the Army.

(c) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the property from which the reversionary interest is to be released shall be determined by surveys satisfactory to the Secretary of the Army and the State of Minnesota.

(d) **ADDITIONAL TERMS AND CONDITIONS.**—(1) The Secretary may require such additional terms and conditions in connection with the release under this section as the Secretary determines appropriate to protect the interests of the United States.

(2) The Secretary of the Army may accept the conveyance of the property referred to in subsection (b) subject to a reversionary interest in the State of Minnesota. The reversionary interest may provide that if the property is not used for Army purposes and the preservation of the historic structures lying thereon in conformity with Department of the Interior standards for properties on the National Register of Historic Places, the property shall revert to the State of Minnesota.

SEC. 2818. LAND CONVEYANCE, NAVAL RESERVE CENTER, KEARNEY, NEW JERSEY

(a) **IN GENERAL.**—Subject to sections (b) through (d) the Secretary of the Navy may convey to Hudson County, New Jersey, all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 2.9 acres, that comprises a portion of the Naval Reserve Center, Kearney, New Jersey.

(b) **CONSIDERATION.**—(1) In consideration for the conveyance authorized by subsection (a), Hudson County, New Jersey, shall demolish two Naval Reserve Center buildings on the Naval Reserve Center referred to in that subsection, improve the motor vehicle parking facilities on such Naval Reserve Center, and provide additional motor vehicle parking facilities on land adjacent to or near the Naval Reserve Center (and owned by Hudson County) for use by the United States. The improved and the additional parking facilities shall be acceptable to the Secretary, and the additional parking facilities shall be provided on such terms and conditions and for such period as the Secretary shall prescribe.

(2) If the fair market value of the land to be conveyed under subsection (a) exceeds the fair market value of the consideration received under paragraph (1), as determined by the Secretary, Hudson County shall pay the amount of the difference to the United States. Any such payment shall be deposited into the Treasury as miscellaneous receipts.

(c) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the property to be conveyed under this section described in subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by Hudson County, New Jersey.

(d) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with any conveyance under this section as the Secretary determines appropriate to protect the interests of the United States.

SEC. 2819. TRANSFER OF JURISDICTION OVER CERTAIN LANDS AT SANDIA, NEW MEXICO

(a) **IN GENERAL.**—The Secretary of Defense may transfer to the Secretary of Energy, without consideration, jurisdiction and control of the real property, including improvements thereon, described in subsection (b) for use by the Department of Energy in providing a location for the Center for National Security and Arms Control.

(b) **DESCRIPTION OF PROPERTY.**—(1) The real property referred to in subsection (a) is a tract of land, including improvements thereon, located in Bernalillo County, New Mexico, in a portion of section 32, township 10 north, range 4 east, New Mexico principal meridian, and consisting of approximately 5.6 acres.

(2) The exact acreage and legal description of the property referred to in paragraph (1) shall be determined by a survey satisfactory to the Secretary of Defense.

SEC. 2820. LAND CONVEYANCE, PITTSBURGH, PENNSYLVANIA

(a) **IN GENERAL.**—Subject to subsections (b) through (f), the Secretary of the Navy may convey to Carnegie-Mellon University all right, title, and interest of the United States in and to approximately 1.29 acres of land located at 4902 Forbes Avenue, Allegheny County, Pittsburgh, Pennsylvania, including improvements thereon, comprising the Naval and Marine Corps Reserve Center.

(b) **CONSIDERATION.**—In consideration for the sale and conveyance, the University shall pay to the United States the fair market value, as determined by the Secretary, of the property to be conveyed by the United States under subsection (a).

(c) **USE OF FUNDS.**—(1) Funds received by the Secretary under subsection (b) may be used to pay for the acquisition or construction of a replacement facility, including the acquisition of real property, in the greater Pittsburgh area to be used as a Naval and Marine Corps Reserve Center.

(2) The Secretary shall deposit into the Treasury as miscellaneous receipts any amount received under this section and not obligated under paragraph (1) within the four-year period beginning on the date of the receipt thereof.

(d) **NOTICE.**—The Secretary may not enter into any contract for acquisition or construction of replacement facilities under this section until after the 21-day period beginning on the date on which the Secretary transmits to the Committees on Armed Services and the Committees on Appropriations of the Senate and of the House of Representatives a detailed report on the proposed contract.

(e) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the property to be conveyed under this section shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the University.

Reports.

(f) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary determines appropriate to protect the interests of the United States.

SEC. 2821. LAND CONVEYANCE, FORT BELVOIR, VIRGINIA

(a) **IN GENERAL.**—Subject to subsections (b) through (h), the Secretary of the Army may convey to any grantee selected in accordance with subsection (e) all right, title, and interest of the United States in and to all or any portion of the parcel of real property, including improvements thereon, at Fort Belvoir, Virginia, consisting of approximately 820 acres and known as the Engineer Proving Ground.

(b) **CONSIDERATION.**—(1) In consideration for the conveyance authorized in subsection (a), the grantee shall—

(A) construct facilities for the Department of the Army referred to in subsection (c)(1)(D);

(B) permit use by, or grant title to, the Department of such facilities; and

(C) make infrastructure improvements for the Department of the Army referred to subsection (c)(1)(D),

as may be specified by the Secretary in an agreement to be entered into by the grantee and the Secretary in connection with the conveyance.

(2) In no event may the value of the consideration provided by the grantee pursuant to paragraph (1) be less than the fair market value, as determined by the Secretary, of the property conveyed to the grantee pursuant to this section.

(c) **CONTENT OF AGREEMENT.**—(1) An agreement entered into under this section shall include the following:

(A) A requirement that the grantee develop the real property conveyed to the grantee pursuant to this section as a balanced, mixed-use development.

(B) A requirement that the development of the property include improvements to public transportation systems, utilities, and telecommunications on and off the property, and any other infrastructure improvements that may be specified by the Secretary in connection with such development.

(C) A requirement that the development and all such improvements comply with the specifications of a master plan formulated for the real property by the Secretary and agreed to by the appropriate officials of the County of Fairfax, Virginia, and the Commonwealth of Virginia.

(D) A requirement that the grantee construct facilities and make infrastructure improvements for the Department of the Army that the Secretary determines are necessary for the Department at Fort Belvoir and at other sites at which activities will be relocated as a result of the conveyance made under this section.

(E) A requirement that the construction of facilities and infrastructure improvements referred to in subparagraph (D) be carried out in accordance with plans and specifications approved by the Secretary.

(F) Such other terms and conditions as the Secretary and the grantee may agree upon.

(2) The Secretary may provide that the agreement be subject to review and approval by the appropriate officials of the County of Fairfax, Virginia, and the Commonwealth of Virginia.

(d) NOTICE.—The Secretary may not enter into any agreement under this section until the expiration of 60 days following the date on which the Secretary transmits to the Committees on Armed Services and the Committees on Appropriations of the Senate and of the House of Representatives a report containing the details of the proposed agreement.

Reports.

(e) SELECTION OF GRANTEE.—The Secretary shall use competitive procedures for the selection of a grantee. In evaluating the offers of prospective grantees, the Secretary shall consider the technical sufficiency of the offers and the cost of constructing the required facilities and making the required infrastructure improvements for the Department of the Army, as contained in the offers.

(f) REVERSION.—If the Secretary determines that the grantee—

(1) is unable or unwilling to develop the real property conveyed to the grantee under this section in accordance with the agreement entered into by the grantee under this section; or

(2) is unable or unwilling to construct any facility or complete any infrastructure improvement for the Department of the Army in accordance with such agreement,

all right, title, and interest in and to the real property conveyed to such grantee in connection with such agreement shall automatically revert to the United States, regardless of the reason for such inability or unwillingness, and the United States shall have the right of immediate entry thereon.

(g) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of property to be conveyed under this section shall be determined by surveys satisfactory to the Secretary. The cost of any such survey shall be borne by the grantee.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions with respect to the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2822. MODIFICATION OF REVERSIONARY INTEREST, PORT OF BENTON, WASHINGTON

(a) IN GENERAL.—(1) Subject to subsections (b) through (d), the Secretary of the Army may modify the reversionary interest of the United States in and to approximately 22 acres of real property, including improvements thereon, constituting a portion of a larger tract of land conveyed to the Port of Benton, Washington, by quitclaim deed dated June 1, 1964.

(2) The deed referred to in paragraph (1) is the quitclaim deed executed by the Secretary of the Army, dated June 1, 1964, which conveyed to the Port of Benton, Washington, pursuant to section 108 of the River and Harbor Act of 1960 (74 Stat. 486; 33 U.S.C. 578), approximately 290 acres of land owned by the United States.

(3) The 22-acre parcel of land referred to in paragraph (1) is bordered on the east by the Columbia River, on the north by First Street, on the south by the Tri-Cities University Center, and on the west by the Port of Benton property that is east of George Washington Way.

(b) MODIFICATION.—(1) The Secretary shall modify the reversionary interest referred to in subsection (a) in such manner as may be necessary to permit the Port of Benton, Washington, to donate

Schools and colleges.

approximately 22 acres of the land conveyed by the deed referred to in subsection (a)(2) to Washington State University for the establishment of a university branch on the donated land.

(2) The modified reversionary interest shall provide that if at any time the Secretary determines that the donated land is not being used for the purpose described in paragraph (1), title to such land shall revert to the United States, the United States shall have the right of immediate entry thereon, and title to the land (including all improvements thereon) shall vest in the United States without compensation by the United States.

(c) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the property to be conveyed under this section shall be determined by a survey satisfactory to the Secretary of the Army. The cost of such survey shall be borne by the Port of Benton, Washington.

(d) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary determines appropriate to protect the interests of the United States.

PART C—PROVISIONS RELATING TO BASE CLOSURES AND REALIGNMENTS

SEC. 2831. HOMEOWNERS ASSISTANCE PROGRAM

(a) **IN GENERAL.**—Section 2832 of title 10, United States Code, is amended—

(1) by inserting “(a)” before “The Secretary”; and

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

“(b)(1) Subject to paragraph (2) and notwithstanding subsection (i) of section 1013 of the Act referred to in subsection (a)—

“(A) the Secretary of Defense may transfer not more than \$31,000,000 from the Department of Defense Base Closure Account, established by section 207 of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 102 Stat. 2627), to the fund established pursuant to subsection (d) of such section 1013 for use as part of such fund; and

“(B) any funds so transferred shall be available for obligation and expenditure for the same purposes that funds appropriated to such fund are available, except that such funds may not be obligated after September 30, 1991.

“(2) Amounts may be transferred under paragraph (1) only after the date on which the Committees on Armed Services and the Committees on Appropriations of the Senate and of the House of Representatives receive from the Secretary written notice of, and justification for, the transfer.”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall apply only to funds appropriated or transferred to, or otherwise deposited in, the Department of Defense Base Closure Account for, or during, fiscal years beginning after September 30, 1989.

SEC. 2832. USE OF CLOSED BASES FOR PRISONS AND DRUG TREATMENT FACILITIES

(a) **FINDINGS.**—The Congress finds that—

(1) the war on drugs is one of the highest priorities of the Federal Government;

10 USC 2832
note.

10 USC 2687
note.

(2) to effectively wage the war on drugs, adequate penal and correctional facilities and a substantial increase in the number and capacity of drug treatment facilities are needed;

(3) under the base closure process, authorized by title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 102 Stat. 2627), 86 military bases are scheduled for closure; and

(4) facilities rendered excess by the base closure process should be seriously considered for use as prisons and drug treatment facilities, as appropriate.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that the Secretary of Defense should, pursuant to the provisions of title II of the Defense Authorization Amendments and Base Closure and Realignment Act, give priority to making real property (including the improvements thereon) of the Department of Defense rendered excess or surplus as a result of the recommendations of the Commission on Base Realignment and Closure available to another Federal agency or a State or local government for use as a penal or correctional facility or as a drug abuse prevention, treatment, or rehabilitation center.

SEC. 2833. NOTICE TO LOCAL AND STATE EDUCATIONAL AGENCIES OF ENROLLMENT CHANGES DUE TO BASE CLOSURES AND REALIGNMENTS

10 USC 2687
note.

(a) **IDENTIFICATION OF ENROLLMENT CHANGES.**—(1) Not later than January 1 of each year in which any activities necessary to close or realign a military installation under title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 102 Stat. 2627) are conducted, the Secretary of Defense shall identify, to the extent practicable, each local educational agency that will experience at least a 5-percent increase or at least a 10-percent reduction in the number of dependent children of members of the Armed Forces and of civilian employees of the Department of Defense enrolled in schools under the jurisdiction of such agency during the next academic year (compared with the number of such children enrolled in such schools during the preceding year) as a result of the closure or realignment of a military installation under that Act.

(2) The Secretary shall carry out this subsection in consultation with the Secretary of Education.

(b) **NOTICE REQUIRED.**—Not later than 30 days after the date on which the Secretary of Defense identifies a local educational agency under subsection (a), the Secretary shall transmit a written notice of the schedule for the closure or realignment of the military installation affecting that local educational agency to that local educational agency and to the State government education agency responsible for administering State government education programs involving that local educational agency.

SEC. 2834. REPORT

(a) **REPORT REQUIREMENT.**—Not later than November 15, 1989, the Comptroller General of the United States shall submit to the Secretary of Defense and the Committees on Armed Services of the Senate and the House of Representatives a report on the methodology, findings, and recommendations of the Commission on Base Realignment and Closure.

(b) **CONTENT OF REPORT.**—(1) In preparing the report, the Comptroller General should consider the following:

(A) The adequacy and accuracy of the information relied upon as a basis for the Commission's recommendations.

(B) The process used in the determination of military missions and requirements and the military value of the bases in meeting such missions and requirements.

(C) The criteria used to select bases to be closed or realigned.

(D) The findings regarding military and civilian personnel reductions and associated relocation and termination expenses.

(E) The findings regarding nonrecurring costs, including expenses such as costs of construction, personnel, and logistics.

(F) The findings regarding long-term, annual savings, including the estimated cost amortization period.

(G) The findings regarding assumed proceeds from property sales for each applicable initiative.

(H) The findings regarding any environmental restoration costs that must be incurred in order to make it possible to sell or transfer excess property.

(2) If any inaccuracies in the information referred to in paragraph 1(A) are noted in the report, the Comptroller General shall include in the report an assessment of the effects of such inaccuracies upon the methodology, findings, and recommendations of the Commission.

PART D—MISCELLANEOUS PROVISIONS

SEC. 2841. WHITE SANDS MISSILE RANGE, NEW MEXICO

(a) **IN GENERAL.**—The Secretary of the Army may, subject to such terms and conditions as the Secretary considers appropriate to protect the interests of the United States, issue a revocable license to the Ova Noss Family Partnership, a California limited partnership, to conduct a search for treasure trove in the Victorio Peak region of White Sands Missile Range, New Mexico, and may provide the Ova Noss Family Partnership with necessary processing, administration, and support incident to the license, including transportation, communications, safety and security, ordnance disposal services, housing, and public affairs assistance that the Ova Noss Family Partnership cannot contract for directly.

(b) **REIMBURSEMENT.**—(1) The Secretary of the Army shall require the Ova Noss Family Partnership to reimburse the Department of the Army for—

(A) all costs related to providing such processing, administration, and support; and

(B) other costs or losses incurred by the Department of the Army in connection with or as a result of the search.

(2) Reimbursements for such costs shall be credited to the Department of the Army appropriation from which the costs were paid.

(c) **REPORT.**—For each fiscal year in which any action is carried out under this section, the Secretary shall transmit a report to the Committees on Armed Services of the Senate and of the House of Representatives containing an accounting of each action taken under this section during such fiscal year.

SEC. 2842. COMMUNITY PLANNING ASSISTANCE

The Secretary of Defense may use funds appropriated to the Department of Defense for fiscal year 1990 for planning and design

purposes to provide community planning assistance in the following amounts to the following communities:

(1) Not to exceed \$250,000 of the planning and design funds of the Department of the Army for communities located near the newly established light infantry division posts at Fort Drum, New York.

(2) Not to exceed \$250,000 of the planning and design funds of the Department of the Navy for communities located near the newly established Navy strategic dispersal program homeport at Everett, Washington.

(3) Not to exceed \$250,000 of the planning and design funds of the Department of the Air Force for communities located near Whiteman Air Force Base, Knob Noster, Missouri.

SEC. 2843. DEVELOPMENT OF LAND AND LEASE OF FACILITY AT HENDERSON HALL, ARLINGTON, VIRGINIA

(a) **IN GENERAL.**—The Secretary of the Navy may—

(1) using funds provided by the Navy Mutual Aid Association, design, supervise, construct, and inspect a multipurpose facility of approximately 62,000 square feet to be located at Henderson Hall, Arlington, Virginia; and

(2) lease, without reimbursement, to the Navy Mutual Aid Association approximately one-third of the square footage of the facility to be constructed.

(b) **TERMS OF LEASE.**—The lease entered into under subsection (a)(2) shall—

(1) be for a term of 50 years;

(2) be in full consideration for the funds provided to the Secretary by the Navy Mutual Aid Association pursuant to subsection (a);

(3) provide that in the event the lease is canceled by the Secretary before expiration, the Secretary shall, as determined by the Secretary, provide comparable alternative space or, subject to the availability of funds, reimburse the Navy Mutual Aid Association for the unamortized cost of the building; and

(4) allow, at the discretion of the Secretary, for the Navy Mutual Aid Association to continue to use the space after the initial 50-year term, in compliance with laws and regulations applicable at that time.

(c) **CONDITIONS.**—(1) Title to the facility described in subsection (a)(1) shall be and remain in the United States.

(2) All construction authorized under this section shall be awarded through competitive procedures.

(3) Any lease or other agreement entered into under the authority of this section shall be subject to such terms and conditions as the Secretary determines appropriate to protect the interests of the United States.

SEC. 2844. REPORT REGARDING FORT MEADE RECREATION AREA

The Secretary of the Army shall, not later than 30 days after the date of the enactment of this Act, transmit to the Committees on Armed Services of the Senate and of the House of Representatives a report on the feasibility of conveying to the State of Delaware a parcel of property known as Fort Meade Recreation Area, formerly Fort Miles, Delaware, consisting of approximately 96 acres.

Delaware.

SEC. 2845. COOPERATIVE AGREEMENTS FOR LAND MANAGEMENT ON DEPARTMENT OF DEFENSE INSTALLATIONS

(a) **IN GENERAL.**—The Act entitled “An Act to promote effectual planning, development, maintenance, and coordination of wildlife, fish, and game conservation and rehabilitation in military reservations” (popularly known as the “Sikes Act”), approved September 15, 1960 (16 U.S.C. 670a et seq.), is amended by inserting after section 103 the following new section:

16 USC 670c-1.

“**SEC. 103a.** (a) The Secretary of Defense may enter into cooperative agreements with States, local governments, nongovernmental organizations, and individuals to provide for the maintenance and improvement of natural resources on, or to benefit natural and historic research on, Department of Defense installations.

“(b) A cooperative agreement shall provide for the Secretary of Defense and the other party or parties to the agreement—

“(1) to contribute funds on a matching basis to defray the cost of programs, projects, and activities under the agreement; or

“(2) to furnish services on a matching basis to carry out such programs, projects, and activities,

or to do both.

“(c) Cooperative agreements entered into under this section shall be subject to the availability of funds and shall not be considered, nor be treated as, cooperative agreements to which chapter 63 of title 31, United States Code, applies.”

(b) **CONFORMING AMENDMENTS.**—Section 106 of such Act (16 U.S.C. 670f) is amended—

(1) in subsection (a), by inserting “and cooperative agreements agreed to under section 103a” in the first sentence after “sections 101 and 102”; and

(2) in subsection (b), by striking out the period at the end of the first sentence and inserting in lieu thereof the following: “, and to carry out such functions and responsibilities as the Secretary may have under cooperative agreements entered into under section 103a.”

SEC. 2846. REIMBURSEMENT FOR COSTS ASSOCIATED WITH HOMEPORTING AT LAKE CHARLES, LOUISIANA

(a) **IN GENERAL.**—(1) Subject to subsections (b) through (e), the Secretary of the Navy may—

(A) reimburse the Lake Charles Harbor and Terminal District, Lake Charles, Louisiana, in an amount not to exceed \$2,600,000 for actual expenses—

(i) that were incurred by the District before the date of the enactment of this Act for the construction of utilities and roads to serve the proposed Lake Charles Navy Homeport, which is to be closed pursuant to title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 102 Stat. 2626); and

(ii) that will be incurred by the District after the date of the enactment of this Act in connection with the construction of such utilities and roads as a direct result of the closing of the homeport, as determined by the Secretary;

(B) pay to the Lake Charles Harbor and Terminal District an amount not to exceed \$1,300,000 for completion of the permanent access road to the proposed homeport from State Highway 384;

(C) take such action as may be necessary to release to the State of Louisiana any funds remaining in the trust account established by the State pursuant to the Memorandum of Agreement between the State and the Department of the Navy for use by the Department in connection with the construction of the Lake Charles Navy Homeport; and

(D) reimburse the State of Louisiana for any funds expended by the Navy from the trust account referred to in clause (C).

(2) The total of the amount of funds that may be released to the State of Louisiana pursuant to subparagraph (C) of paragraph (1) and paid to the State pursuant to subparagraph (D) of that paragraph may not exceed \$5,000,000.

(b) **SOURCE OF FUNDS.**—Payments under this section shall be made from funds appropriated pursuant to the Military Construction Appropriations Act, 1988 (as contained in section 101(j) of Public Law 100-202; 101 Stat. 1329-311) for the construction of facilities at the proposed Lake Charles Navy Homeport. In no event may the total amount paid under this section by the Secretary exceed the amount appropriated for construction of homeport facilities at Lake Charles and remaining available for obligation after payment of all termination costs resulting from the closure of the Lake Charles Navy Homeport.

(c) **LAND CONVEYANCE.**—The Secretary shall convey to the Lake Charles Harbor and Terminal District, without consideration, approximately 38 acres of real property, including improvements and the sheet pile materials thereon, constituting the proposed Lake Charles Navy Homeport, Louisiana. Such lands are the same lands that were previously conveyed, without consideration, to the United States by the Lake Charles Harbor and Terminal District by special warranty deed dated March 14, 1988.

(d) **CONDITION.**—The reimbursements and conveyance provided for in this section shall be made subject to the condition that the agreement entered into by the Lake Charles Harbor and Terminal District, the State of Louisiana, and the United States entitled "Memorandum of Understanding for Donation of Land and Establishment of Homeport", dated June 11, 1986, shall be considered canceled and of no force or effect after such reimbursements and conveyance have been made by the Secretary.

(e) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2847. FEASIBILITY STUDY OF LAND TRANSFER FOR USE AS A CORRECTIONAL FACILITY

(a) **IN GENERAL.**—(1) The Secretary of Defense shall, in consultation with the Attorney General of the United States, conduct a study of the feasibility of selling or otherwise transferring to the Commonwealth of Virginia, subdivisions thereof, or any combination of subdivisions thereof, a parcel of land of approximately one hundred acres not more than one hundred miles from the southern boundary of Arlington County, from the military installations within Virginia which encompass land that may be suitable for use by the Commonwealth of Virginia, subdivisions thereof, or any combination of subdivisions thereof, as a site for a medium security correctional facility for persons sentenced in the courts of Virginia or in a United States District Court in Virginia.

Virginia.
Courts, U.S.

(2) The study required by paragraph (1) shall address, at a minimum, the following issues:

(A) Whether there are parcels of land within those installations of the size described which could be released from Federal control without severely affecting the present mission of such installations.

(B) A description of the parcels of land referred to in subparagraph (A).

(C) A description of the effects, if any, transfer of such parcels of land from Federal control would have on the ability of the Secretary of Defense to carry out effectively the missions of the Department of Defense.

(D) An analysis of the risk, if any, that might be posed to military personnel and their dependents housed on such installation by the operation of such a correctional facility on the parcels of land referred to in subparagraph (A).

(E) An estimate of the date on which the parcels of land referred to in subparagraph (A) would be available for transfer from Federal control.

(b) **REPORT.**—The report of the study described in subsection (a) shall be transmitted to the Committees on Armed Services of the Senate and of the House of Representatives not later than 60 days after the date of the enactment of this Act.

(c) **SENSE OF CONGRESS.**—It is the sense of the Congress that no land is to be conveyed or otherwise transferred for use as a correctional facility as a result, directly or indirectly, of the study carried out under this section unless—

(1) the unit or units of general local government having jurisdiction over the land will utilize the correctional facility to be located on the land; or

(2) such unit or units have approved formally the use of such land for a correctional facility.

SEC. 2848. CONSTRUCTION OF MILITARY FAMILY HOUSING AT MARINE CORPS AIR STATION, TUSTIN, CALIFORNIA

(a) **AUTHORITY TO USE LITIGATION PROCEEDS.**—Subject to subsections (b) through (d), upon final settlement in the case of Rossmoor Liquidating Trust against United States, in the United States District Court for the Central District of California (Case No. CV 82-0956 LEW (Px)), the Secretary of the Treasury shall deposit in a separate account any funds paid to the United States in settlement of such case. The Secretary of the Treasury shall make available, upon request, the amount in such account to the Secretary of the Navy solely for the construction of military family housing at Marine Corps Air Station, Tustin, California.

(b) **UNITS AUTHORIZED.**—Not more than 150 military family housing units may be constructed with funds referred to in subsection (a). The units authorized by this subsection are in addition to any units otherwise authorized to be constructed at Marine Corps Air Station, Tustin, California.

(c) **PAYMENT OF EXCESS INTO TREASURY.**—The Secretary of the Treasury shall deposit into the Treasury as miscellaneous receipts funds referred to in subsection (a) that have not been obligated for construction under this section within four years after receipt thereof.

(d) **LIMITATION.**—The Secretary may not enter into any contract for the construction of military family housing under this section

until after the expiration of the 21-day period beginning on the day after the day on which the Secretary transmits to the Committees on Armed Services and the Committees on Appropriations of the Senate and the House of Representatives a report containing the details of such contract.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

PART A—NATIONAL SECURITY PROGRAMS AUTHORIZATIONS

SEC. 3101. OPERATING EXPENSES

Funds are authorized to be appropriated to the Department of Energy for fiscal year 1990 for operating expenses incurred in carrying out national security programs (including scientific research and development in support of the Armed Forces, strategic and critical materials necessary for the common defense, and military applications of nuclear energy and related management and support activities) as follows:

- (1) For weapons activities, \$3,774,573,000, to be allocated as follows:
 - (A) For research and development, \$1,064,970,000.
 - (B) For weapons testing, \$511,700,000.
 - (C) For production and surveillance, \$2,100,000,000.
 - (D) For program direction, \$97,903,000.
- (2) For defense nuclear materials production, \$1,654,691,000, to be allocated as follows:
 - (A) For production reactor operations, \$578,049,000.
 - (B) For processing of defense nuclear materials, including naval reactors fuel, \$589,609,000, of which \$78,744,000 shall be used for special isotope separation.
 - (C) For supporting services, \$282,868,000.
 - (D) For uranium enrichment for naval reactors, \$168,900,000.
 - (E) For program direction, \$35,265,000.
- (3) For environmental restoration and management of defense waste and transportation, \$1,441,875,000 to be allocated as follows:
 - (A) For environmental restoration, \$572,000,000. Such funds may also be used for plant and capital equipment.
 - (B) For waste operation and projects, \$699,696,000.
 - (C) For waste research and development, \$115,225,000.
 - (D) For hazardous waste and compliance technology, \$40,163,000.
 - (E) For transportation management, \$11,841,000.
 - (F) For program direction, \$2,950,000.
- (4) For verification and control technology, \$159,146,000.
- (5) For nuclear materials safeguards and security technology development program, \$82,241,000.
- (6) For security investigations, \$41,200,000.
- (7) For new production reactors, \$203,500,000.
- (8) For naval reactors development, \$562,800,000.

SEC. 3102. PLANT AND CAPITAL EQUIPMENT

Funds are authorized to be appropriated to the Department of Energy for fiscal year 1990 for plant and capital equipment (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, land acquisition related thereto, and acquisition and fabrication of capital equipment not related to construction) necessary for national security programs as follows:

(1) For weapons activities:

Project 90-D-101, general plant projects, various locations, \$28,130,000.

Project 90-D-102, nuclear weapons research, development, and testing facilities revitalization, Phase III, various locations, \$1,000,000.

Project 90-D-103, environment, safety, and health improvements, various locations, \$10,700,000.

Project 90-D-121, general plant projects, various locations, \$30,850,000.

Project 90-D-122, production capabilities for the nuclear depth/strike bomb (ND/SB), various locations, \$8,000,000.

Project 90-D-124, high explosives (HE) synthesis facility, Pantex Plant, Amarillo, Texas, \$1,800,000.

Project 90-D-125, steam plant ash disposal facility, Y-12 Plant, Oak Ridge, Tennessee, \$1,500,000.

Project 90-D-126, environmental, safety, and health enhancements, various locations, \$26,700,000.

Project 89-D-122, production waste storage facilities, Y-12 Plant, Oak Ridge, Tennessee, \$9,200,000.

Project 89-D-125, plutonium recovery modification project, Rocky Flats Plant, Golden, Colorado, \$45,000,000.

Project 89-D-126, environmental, safety, and health upgrade, Phase II, Mound Plant, Miamisburg, Ohio, \$3,500,000.

Project 88-D-102, sanitary wastewater systems consolidation, Los Alamos National Laboratory, Los Alamos, New Mexico, \$3,100,000.

Project 88-D-104, safeguards and security upgrade, Phase II, Los Alamos National Laboratory, Los Alamos, New Mexico, \$1,000,000.

Project 88-D-105, special nuclear materials research and development laboratory replacement, Los Alamos National Laboratory, Los Alamos, New Mexico, \$44,000,000.

Project 88-D-106, nuclear weapons research, development, and testing facilities revitalization, Phase II, various locations, \$94,400,000.

Project 88-D-122, facilities capability assurance program, various locations, \$83,099,000.

Project 88-D-123, security enhancements, Pantex Plant, Amarillo, Texas, \$5,500,000.

Project 88-D-124, fire protection upgrade, various locations, \$5,400,000.

Project 88-D-125, high explosive machining facility, Pantex Plant, Amarillo, Texas, \$36,000,000.

Project 87-D-104, safeguards and security enhancement, Phase II, Lawrence Livermore National Laboratory, Livermore, California, \$7,000,000.

Project 87-D-122, short-range attack missile II (SRAM II) warhead production facilities, various locations, \$41,200,000.

Project 86-D-103, decontamination and waste treatment facility, Lawrence Livermore National Laboratory, Livermore, California, \$5,200,000.

Project 86-D-130, tritium loading facility replacement, Savannah River Plant, Aiken, South Carolina, \$24,025,000.

Project 85-D-105, combined device assembly facility, Nevada Test Site, Nevada, \$9,460,000.

(2) For materials production:

Project 90-D-141, Idaho chemical processing plant fire protection, Idaho National Engineering Laboratory, Idaho, \$3,500,000.

Project 90-D-142, coal storage facility environmental upgrade, Feed Materials Production Center, Fernald, Ohio, \$920,000.

Project 90-D-143, plutonium finishing plant fire safety and loss limitation, Richland, Washington, \$800,000.

Project 90-D-146, general plant projects, various locations, \$36,802,000.

Project 90-D-149, plantwide fire protection, Phase I, Savannah River, South Carolina, \$4,900,000.

Project 90-D-150, reactor safety assurance, Phase I, Savannah River, South Carolina, \$12,700,000.

Project 90-D-151, engineering center, Savannah River, South Carolina, \$7,000,000.

Project 89-D-140, additional separations safeguards, Savannah River, South Carolina, \$10,300,000.

Project 89-D-141, M-area waste disposal, Savannah River, South Carolina, \$7,800,000.

Project 89-D-142, reactor effluent cooling water thermal mitigation, Savannah River, South Carolina, \$40,000,000.

Project 89-D-148, improved reactor confinement system, design only, Savannah River, South Carolina, \$7,100,000.

Project 88-D-153, additional reactor safeguards, Savannah River, South Carolina, \$6,400,000.

Project 87-D-159, environmental, health, and safety improvements, Phases I, II, and III, Feed Materials Production Center, Fernald, Ohio, \$55,111,000.

Project 86-D-148, special isotope separation project, Idaho Falls, Idaho, \$40,000,000.

Project 86-D-149, productivity retention program, Phases I, II, III, IV, and V, various locations, \$81,780,000.

Project 86-D-152, reactor electrical distribution system, Savannah River, South Carolina, \$3,164,000.

Project 86-D-156, plantwide safeguards systems, Savannah River, South Carolina, \$6,181,000.

Project 85-D-139, fuel processing restoration, Idaho Fuels Processing Facility, Idaho National Engineering Laboratory, Idaho, \$75,000,000.

(3) For defense waste and environmental restoration:

Project 90-D-170, general plant projects, various locations, \$29,036,000.

Project 90-D-171, laboratory ventilation and electrical system upgrade, Richland, Washington, \$1,100,000.

Project 90-D-172, aging waste transfer lines, Richland, Washington, \$1,300,000.

Project 90-D-173, B plant canyon crane replacement, Richland, Washington, \$1,500,000.

Project 90-D-174, decontamination laundry facility, Richland, Washington, \$2,800,000.

Project 90-D-175, landlord program safety compliance-I, Richland, Washington, \$4,200,000.

Project 90-D-176, transuranic (TRU) waste facility, Savannah River, South Carolina, \$3,100,000.

Project 90-D-177, RWMC transuranic (TRU) waste treatment and storage facility, Idaho National Engineering Laboratory, Idaho Falls, Idaho, \$5,000,000.

Project 90-D-178, TSA retrieval containment building, Idaho National Engineering Laboratory, Idaho Falls, Idaho, \$6,000,000.

Project 89-D-171, Idaho National Engineering Laboratory road renovation, Idaho, \$7,400,000.

Project 89-D-172, Hanford environmental compliance, Richland, Washington, \$27,600,000.

Project 89-D-173, tank farm ventilation upgrade, Richland, Washington, \$15,400,000.

Project 89-D-174, replacement high level waste evaporator, Savannah River, South Carolina, \$9,360,000.

Project 89-D-175, hazardous waste/mixed waste disposal facility, Savannah River, South Carolina, \$6,440,000.

Project 88-D-173, Hanford waste vitrification plant, Richland, Washington, \$29,100,000.

Project 87-D-173, 242-A evaporator crystallizer upgrade, Richland, Washington, \$700,000.

Project 87-D-181, diversion box and pump pit containment buildings, Savannah River, South Carolina, \$2,790,000.

Project 83-D-148, nonradioactive hazardous waste management, Savannah River, South Carolina, \$14,140,000.

(4) For verification and control technology:

Project 90-D-186, center for national security and arms control, Sandia National Laboratories, Albuquerque, New Mexico, \$1,000,000.

(5) For new production reactor:

Project 88-D-154, new production reactor capacity, various locations, \$100,000,000.

(6) For naval reactors development:

Project 90-N-101, general plant projects, various locations, \$8,500,000.

Project 90-N-102, expended core facility dry cell project, Naval Reactors Facility, Idaho, \$3,600,000.

Project 90-N-103, advanced test reactor off-gas treatment system, Idaho National Engineering Laboratory, Idaho, \$200,000.

Project 90-N-104, facilities renovation, Knolls Atomic Power Laboratory, Niskayuna, New York, \$3,900,000.

Project 89-N-102, heat transfer test facility, Knolls Atomic Power Laboratory, Niskayuna, New York, \$6,500,000.

Project 89-N-103, advanced test reactor modifications, Test Reactor Area, Idaho National Engineering Laboratory, Idaho, \$3,100,000.

Project 89-N-104, power system upgrade, Naval Reactors Facility, Idaho, \$6,400,000.

Project 88-N-102, expended core facility receiving station, Naval Reactors Facility, Idaho, \$3,000,000.

(7) For capital equipment not related to construction:

(A) For weapons activities, \$284,370,000, including \$8,740,000 for the defense inertial confinement fusion program.

(B) For materials production, \$104,425,000.

(C) For defense waste and environmental restoration, \$50,126,000.

(D) For verification and control technology, \$9,732,000.

(E) For nuclear safeguards and security, \$4,967,000.

(F) For naval reactors development, \$54,000,000.

SEC. 3103. FUNDING LIMITATIONS

(a) PROGRAMS, PROJECTS, AND ACTIVITIES OF THE DEPARTMENT OF ENERGY RELATING TO THE STRATEGIC DEFENSE INITIATIVE.—Of the funds appropriated to the Department of Energy for fiscal year 1990 for operating expenses and plant and capital equipment, not more than \$220,000,000 may be obligated or expended for programs, projects, and activities of the Department of Energy relating to the Strategic Defense Initiative.

(b) INERTIAL CONFINEMENT FUSION.—Of the funds authorized to be appropriated to the Department of Energy for fiscal year 1990 for operating expenses and plant and capital equipment, \$173,940,000 shall be available for the defense inertial confinement fusion program.

(c) SPECIAL ISOTOPE SEPARATION PROJECT.—(1) The funds authorized for Project 86-D-148, special isotope separation project, Idaho Falls, Idaho, may not be used for construction or procurement of long-lead materials or equipment.

(2) The Secretary of Energy may transfer not more than \$10,000,000 of the funds authorized for Project 86-D-148 to the funds authorized for Operating Expenses for activities in support of such project.

(3) No funds may be obligated for site preparation for Project 86-D-148 until the Secretary of Energy has certified to the Committees on Armed Services of the Senate and House of Representatives that obligation of funds for site preparation is—

(A) essential for the national security of the United States; and

(B) necessary to meet plutonium requirements.

(4) No additional funds may be obligated for construction, including site preparation, in connection with such project until the Secretary has certified to the Committees on Armed Services of the Senate and the House of Representatives that the technology for the special isotope separation project has been proven and that all environmental requirements provided in applicable laws have been met.

(d) LANCE WARHEAD FOLLOW-ON.—(1) Except as provided in paragraph (2), funds appropriated pursuant to the authorization contained in section 3101 may not be obligated for advanced develop-

ment for any warhead for the design or development of a new warhead for the Follow-on To Lance (FOTL) missile.

(2) Funds referred to in paragraph (1) may be obligated for advanced development for a warhead for the FOTL missile only if the Secretary of Energy certifies to the Committees on Armed Services of the Senate and House of Representatives that—

(A) such warhead is a cost effective use of the W84 warhead, the W85 warhead, or both the W84 and W85 warheads, as the case may be; or

(B) neither the W84 or W85 warhead is compatible with the FOTL missile.

(3) Any certification submitted pursuant to paragraph (2) shall be accompanied by a detailed explanation of the reasons for such certification.

(4) For purposes of this paragraph, the term "advance development" with respect to the FOTL missile means work under phase 1 or work under phase 2, other than design work under phase 2A.

PART B—RECURRING GENERAL PROVISIONS

SEC. 3121. REPROGRAMMING

(a) NOTICE TO CONGRESS.—(1) Except as otherwise provided in this title—

(A) no amount appropriated pursuant to this title may be used for any program in excess of the lesser of—

(i) 105 percent of the amount authorized for that program by this title; or

(ii) \$10,000,000 more than the amount authorized for that program by this title; and

(B) no amount appropriated pursuant to this title may be used for any program which has not been presented to, or requested of, the Congress.

(2) An action described in paragraph (1) may be taken after a period of 30 calendar days (not including any day on which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) has passed after receipt by the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives of notice from the Secretary of Energy containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action.

(b) LIMITATION ON AMOUNT OBLIGATED.—In no event may the total amount of funds obligated pursuant to this title exceed the total amount authorized to be appropriated by this title.

SEC. 3122. LIMITS ON GENERAL PLANT PROJECTS

(a) IN GENERAL.—The Secretary may carry out any construction project under the general plant projects provisions authorized by this title if the total estimated cost of the construction project does not exceed \$1,200,000.

(b) REPORT TO CONGRESS.—If at any time during the construction of any general plant project authorized by this title, the estimated cost of the project is revised because of unforeseen cost variations and the revised cost of the project exceeds \$1,200,000, the Secretary shall immediately furnish a complete report to the Committees on Armed Services and the Committees on Appropriations of the

Senate and House of Representatives explaining the reasons for the cost variation.

SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS

(a) **IN GENERAL.**—(1) Except as provided in paragraph (2), construction on a construction project may not be started or additional obligations incurred in connection with the project above the total estimated cost, whenever the current estimated cost of the construction project, which is authorized by section 3102 of this title, or which is in support of national security programs of the Department of Energy and was authorized by any previous Act, exceeds by more than 25 percent the higher of—

(A) the amount authorized for the project; or

(B) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to Congress.

(2) An action described in paragraph (1) may be taken after a period of 30 calendar days (not including any day on which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) has passed after receipt by the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives of notice from the Secretary of Energy containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action.

(b) **EXCEPTION.**—Subsection (a) shall not apply to any construction project which has a current estimated cost of less than \$5,000,000.

SEC. 3124. FUND TRANSFER AUTHORITY

(a) **IN GENERAL.**—Funds appropriated pursuant to this title may be transferred to other agencies of the Government for the performance of the work for which the funds were appropriated, and funds so transferred may be merged with the appropriations of the agency to which the funds are transferred.

(b) **SPECIFIC TRANSFER.**—The Secretary of Defense may transfer to the Secretary of Energy not more than \$100,000,000 of the funds appropriated for fiscal year 1990 to the Department of Defense for research, development, test, and evaluation for the Defense Agencies for the performance of work on the Strategic Defense Initiative. Funds so transferred—

(1) may be used only for research, development, and testing for nuclear directed energy weapons, including plant and capital equipment related thereto;

(2) shall be merged with the appropriations of the Department of Energy; and

(3) may not be included in calculating the amount of funds obligated or expended for purposes of the funding limitation in section 3103(a).

SEC. 3125. AUTHORITY FOR CONSTRUCTION DESIGN

(a) **IN GENERAL.**—(1) Within the amounts authorized by this title for plant engineering and design, the Secretary of Energy may carry out advance planning and construction designs (including architectural and engineering services) in connection with any proposed construction project if the total estimated cost for such planning and design does not exceed \$2,000,000.

(2) In any case in which the total estimated cost for such planning and design exceeds \$300,000, the Secretary shall notify the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives in writing of the details of such project at least 30 days before any funds are obligated for design services for such project.

(b) **SPECIFIC AUTHORITY REQUIRED.**—In any case in which the total estimated cost for advance planning and construction design in connection with any construction project exceeds \$2,000,000, funds for such design must be specifically authorized by law.

SEC. 3126. AUTHORITY FOR EMERGENCY CONSTRUCTION DESIGN

In addition to the advance planning and construction design authorized by section 3102, the Secretary of Energy may perform planning and design utilizing available funds for any Department of Energy defense activity construction project whenever the Secretary determines that the design must proceed expeditiously in order to meet the needs of national defense or to protect property or human life.

SEC. 3127. FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY

Subject to the provisions of appropriation Acts and section 3121, amounts appropriated pursuant to this title for management and support activities and for general plant projects are available for use, when necessary, in connection with all national security programs of the Department of Energy.

SEC. 3128. AVAILABILITY OF FUNDS

When so specified in an appropriation Act, amounts appropriated for operating expenses or for plant and capital equipment may remain available until expended.

PART C—TECHNOLOGY TRANSFER

SEC. 3131. SHORT TITLE

This part may be cited as the “National Competitiveness Technology Transfer Act of 1989”.

SEC. 3132. FINDINGS AND PURPOSES

(a) **FINDINGS.**—Congress finds that—

(1) technology advancement is a key component in the growth of the United States industrial economy, and a strong industrial base is an essential element of the security of this country;

(2) there is a need to enhance United States competitiveness in both domestic and international markets;

(3) innovation and the rapid application of commercially valuable technology are assuming a more significant role in near-term marketplace success;

(4) the Federal laboratories and other facilities have outstanding capabilities in a variety of advanced technologies and skilled scientists, engineers, and technicians who could contribute substantially to the posture of United States industry in international competition;

(5) improved opportunities for cooperative research and development agreements between contractor-managers of certain Federal laboratories and the private sector in the United States,

National
Competitiveness
Technology
Transfer
Act of 1989.
15 USC 3701
note.
15 USC 3701
note.

consistent with the program missions at those facilities, particularly the national security functions involved in atomic energy defense activities, would contribute to our national well-being; and

(6) more effective cooperation between those laboratories and the private sector in the United States is required to provide speed and certainty in the technology transfer process.

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

(1) enhance United States national security by promoting technology transfer between Government-owned, contractor-operated laboratories and the private sector in the United States; and

(2) enhance collaboration between universities, the private sector, and Government-owned, contractor-operated laboratories in order to foster the development of technologies in areas of significant economic potential.

SEC. 3133. AUTHORITY TO ENTER INTO COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS

(a) **TECHNOLOGY TRANSFER ACTIVITIES.**—Section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a) is amended—

(1) in subsection (a)—

(A) by inserting “, and, to the extent provided in an agency-approved joint work statement, the director of any of its Government-owned, contractor-operated laboratories” after “Government-operated Federal laboratories”;

(B) by striking “for Government-owned” and inserting in lieu thereof “(in the case of a Government-owned, contractor-operated laboratory, subject to subsection (c) of this section) for” in paragraph (2); and

(C) by striking “of Federal employees” in paragraph (2);

(2) in subsection (b)—

(A) by inserting “, and, to the extent provided in an agency-approved joint work statement, a Government-owned, contractor-operated laboratory,” after “Government-operated Federal laboratory”;

(B) by striking “a Federal” in paragraph (2) and inserting in lieu thereof “a laboratory”; and

(C) by inserting after paragraph (5) the following:

“A Government-owned, contractor-operated laboratory that enters into a cooperative research and development agreement under subsection (a)(1) may use or obligate royalties or other income accruing to such laboratory under such agreement with respect to any invention only (i) for payments to inventors; (ii) for the purposes described in section 14(a)(1)(B) (i), (ii), and (iv); and (iii) for scientific research and development consistent with the research and development mission and objectives of the laboratory.”;

(3) in subsection (c)(3)(A), by striking “employee standards of conduct” and inserting in lieu thereof “standards of conduct for its employees”;

(4) in subsection (c)(5)(A), by inserting “presented by the director of a Government-operated laboratory” after “any such agreement”;

(5) in subsection (c)(5)(B), by inserting “by the director of a Government-operated laboratory” after “an agreement presented”;

(6) in subsection (c)(5), by adding at the end the following new subparagraph:

“(C)(i) Any agency which has contracted with a non-Federal entity to operate a laboratory shall review and approve, request specific modifications to, or disapprove a joint work statement that is submitted by the director of such laboratory within 90 days after such submission. In any case where an agency has requested specific modifications to a joint work statement, the agency shall approve or disapprove any resubmission of such joint work statement within 30 days after such resubmission, or 90 days after the original submission, whichever occurs later. No agreement may be entered into by a Government-owned, contractor-operated laboratory under this section before both approval of the agreement under clause (iv) and approval under this clause of a joint work statement.

“(ii) In any case in which an agency which has contracted with a non-Federal entity to operate a laboratory disapproves or requests the modification of a joint work statement submitted under this section, the agency shall promptly transmit a written explanation of such disapproval or modification to the director of the laboratory concerned.

“(iii) Any agency which has contracted with a non-Federal entity to operate a laboratory or laboratories shall develop and provide to such laboratory or laboratories one or more model cooperative research and development agreements, for the purposes of standardizing practices and procedures, resolving common legal issues, and enabling review of cooperative research and development agreements to be carried out in a routine and prompt manner.

“(iv) An agency which has contracted with a non-Federal entity to operate a laboratory shall review each agreement under this section. Within 30 days after the presentation, by the director of the laboratory, of such agreement, the agency shall, on the basis of such review, approve or request specific modification to such agreement. Such agreement shall not take effect before approval under this clause.

Reports.

“(v) If an agency fails to complete a review under clause (iv) within the 30-day period specified therein, the agency shall submit to the Congress, within 10 days after the end of that 30-day period, a report on the reasons for such failure. The agency shall, at the end of each successive 30-day period thereafter during which such failure continues, submit to the Congress another report on the reasons for the continuing failure. Nothing in this clause relieves the agency of the requirement to complete a review under clause (iv).

“(vi) In any case in which an agency which has contracted with a non-Federal entity to operate a laboratory requests the modification of an agreement presented under this section, the agency shall promptly transmit a written explanation of such modification to the director of the laboratory concerned.”;

(7) in subsection (c), by adding at the end the following new paragraph:

Classified
information.

“(7)(A) No trade secrets or commercial or financial information that is privileged or confidential, under the meaning of section 552(b)(4) of title 5, United States Code, which is obtained in the conduct of research or as a result of activities under this Act from a non-Federal party participating in a cooperative research and development agreement shall be disclosed.

“(B) The director, or in the case of a contractor-operated laboratory, the agency, for a period of up to 5 years after development of

information that results from research and development activities conducted under this Act and that would be a trade secret or commercial or financial information that is privileged or confidential if the information had been obtained from a non-Federal party participating in a cooperative research and development agreement, may provide appropriate protections against the dissemination of such information, including exemption from subchapter II of chapter 5 of title 5, United States Code.”; and

(8) in subsection (d)—

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

(B) by amending paragraph (2) to read as follows:

“(2) the term ‘laboratory’ means—

“(A) a facility or group of facilities owned, leased, or otherwise used by a Federal agency, a substantial purpose of which is the performance of research, development, or engineering by employees of the Federal Government;

“(B) a group of Government-owned, contractor-operated facilities under a common contract, when a substantial purpose of the contract is the performance of research and development for the Federal Government; and

“(C) a Government-owned, contractor-operated facility that is not under a common contract described in subparagraph (B), and the primary purpose of which is the performance of research and development for the Federal Government,

but such term does not include any facility covered by Executive Order No. 12344, dated February 1, 1982, pertaining to the Naval nuclear propulsion program; and”;

(C) by adding at the end the following new paragraph:

“(3) the term ‘joint work statement’ means a proposal prepared for a Federal agency by the director of a Government-owned, contractor-operated laboratory describing the purpose and scope of a proposed cooperative research and development agreement, and assigning rights and responsibilities among the agency, the laboratory, and any other party or parties to the proposed agreement.”.

(b) **PRINCIPLES.**—Section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a) is amended by adding at the end the following new subsection:

“(g) **PRINCIPLES.**—In implementing this section, each agency which has contracted with a non-Federal entity to operate a laboratory shall be guided by the following principles:

“(1) The implementation shall advance program missions at the laboratory, including any national security mission.

“(2) Classified information and unclassified sensitive information protected by law, regulation, or Executive order shall be appropriately safeguarded.”.

(c) **TECHNICAL AMENDMENTS.**—Section 14 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710c) is amended—

(1) in subsection (a)(1), by inserting “by Government-operated Federal laboratories” after “entered into”; and by striking “11” and inserting in lieu thereof “12”;

(2) in subsection (a)(1)(B)(ii), by inserting “, including payments to inventors and developers of sensitive or classified technology, regardless of whether the technology has commercial applications” after “that laboratory”; and

15 USC 3710a
note.

(3) in subsection (a)(1)(B)(iv), by striking "Government-operated".

(d) **CONTRACT PROVISIONS.**—(1) Not later than 150 days after the date of enactment of this Act, each agency which has contracted with a non-Federal entity to operate a Government-owned laboratory shall propose for inclusion in that laboratory's operating contract, to the extent not already included, appropriate contract provisions that—

(A) establish technology transfer, including cooperative research and development agreements, as a mission for the laboratory under section 11(a)(1) of the Stevenson-Wydler Technology Innovation Act of 1980;

(B) describe the respective obligations and responsibilities of the agency and the laboratory with respect to this part and section 12 of the Stevenson-Wydler Technology Innovation Act of 1980;

(C) require that, except as provided in paragraph (2), no employee of the laboratory shall have a substantial role (including an advisory role) in the preparation, negotiation, or approval of a cooperative research and development agreement if, to such employee's knowledge—

(i) such employee, or the spouse, child, parent, sibling, or partner of such employee, or an organization (other than the laboratory) in which such employee serves as an officer, director, trustee, partner, or employee—

(I) holds a financial interest in any entity, other than the laboratory, that has a substantial interest in the preparation, negotiation, or approval of the cooperative research and development agreement; or

(II) receives a gift or gratuity from any entity, other than the laboratory, that has a substantial interest in the preparation, negotiation, or approval of the cooperative research and development agreement; or

(ii) a financial interest in any entity, other than the laboratory, that has a substantial interest in the preparation, negotiation, or approval of the cooperative research and development agreement, is held by any person or organization with whom such employee is negotiating or has any arrangement concerning prospective employment;

(D) require that each employee of the laboratory who negotiates or approves a cooperative research and development agreement shall certify to the agency that the circumstances described in subparagraph (C)(i) and (ii) do not apply to such employee;

(E) require the laboratory to widely disseminate information on opportunities to participate with the laboratory in technology transfer, including cooperative research and development agreements; and

(F) provides for an accounting of all royalty or other income received under cooperative research and development agreements.

(2) The requirements described in paragraph (1)(C) and (D) shall not apply in a case where the negotiating or approving employee advises the agency that reviewed the applicable joint work statement under section 12(c)(5)(C)(i) of the Stevenson-Wydler Technology Innovation Act of 1980 in advance of the matter in which he is to participate and the nature of any financial interest described in

paragraph (1)(C), and where the agency employee determines that such financial interest is not so substantial as to be considered likely to affect the integrity of the laboratory employee's service in that matter.

(3) Not later than 180 days after the date of enactment of this Act, each agency which has contracted with a non-Federal entity to operate a Government-owned laboratory shall submit a report to the Congress which includes a copy of each contract provision amended pursuant to this subsection.

Reports.

(4) No Government-owned, contractor-operated laboratory may enter into a cooperative research and development agreement under section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 unless—

(A) that laboratory's operating contract contains the provisions described in paragraph (1)(A) through (F); or

(B) such laboratory agrees in a separate writing to be bound by the provisions described in paragraph (1)(A) through (F).

(5) Any contract for a Government-owned, contractor-operated laboratory entered into after the expiration of 150 days after the date of enactment of this Act shall contain the provisions described in paragraph (1)(A) through (F).

(e) TECHNOLOGY TRANSFER FUNDING AND REPORT.—Section 11(b) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710(b)) is amended—

(1) by striking "after September 30, 1981,";

(2) by striking "not less than 0.5 percent of the agency's research and development budget" and inserting in lieu thereof "sufficient funding, either as a separate line item or from the agency's research and development budget,";

(3) by striking "The agency head may waive" and all that follows through "waives such requirement, the" and inserting in lieu thereof "The"; and

(4) by striking "reasons for the waiver and alternate plans for conducting the technology transfer function at the agency." and inserting in lieu thereof "agency's technology transfer program for the preceding year and the agency's plans for conducting its technology transfer function for the upcoming year, including plans for securing intellectual property rights in laboratory innovations with commercial promise and plans for managing such innovations so as to benefit the competitiveness of United States industry."

PART D—ENVIRONMENT, SAFETY, AND MANAGEMENT

SEC. 3141. DEFENSE WASTE CLEANUP TECHNOLOGY PROGRAM

42 USC 7274a.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary of Energy shall establish and carry out a program of research for the development of technologies useful for (1) the reduction of environmental hazards and contamination resulting from defense waste, and (2) environmental restoration of inactive defense waste disposal sites.

Research and development.

(b) COORDINATION OF RESEARCH ACTIVITIES.—(1) In order to ensure nonduplication of research activities by the Department of Energy regarding technologies referred to in subsection (a), the Secretary shall coordinate the research activities of the Department of Energy relating to the development of such technologies with the research activities of the Environmental Protection Agency, the Department

of Defense, and other appropriate Federal agencies relating to the same matter.

(2) To the extent that funds are otherwise available for obligation, the Secretary may enter into cooperative agreements with the Environmental Protection Agency, the Department of Defense, and other appropriate Federal agencies for the conduct of research for the development of technologies referred to in subsection (a).

(c) REPORT.—(1) The Secretary shall submit to Congress not later than April 1 each year a report on the research activities of the Department of Energy for the development of technologies referred to in subsection (a). The report shall cover such activities for the fiscal year preceding the fiscal year in which the report is submitted. The Secretary shall include in the report the following:

(A) A description and assessment of each research program being carried out by or for the Department of Energy and the identification of the individual laboratory, contractor, or institution of higher education responsible for the research program.

(B) An assessment of the extent to which (i) there are practical applications of the technologies being researched, and (ii) such technologies will likely facilitate compliance by the Department of Energy with applicable environmental laws and regulations.

(C) An accounting of the funds allocated to each research program and to each laboratory, contractor, or institution of higher education carrying out the research program.

(D) An assessment of the research projects that have been coordinated with the Environmental Protection Agency, the Department of Defense, and other appropriate Federal agencies pursuant to subsection (b).

(2) The first report required by paragraph (1) shall be submitted not later than April 1, 1990.

(d) DEFINITIONS.—As used in this section:

(1) The term "defense waste" means waste, including radioactive waste, resulting primarily from atomic energy defense activities of the Department of Energy.

(2) The term "inactive defense waste disposal site" means any site (including any facility) under the control or jurisdiction of the Secretary of Energy which is used for the disposal of defense waste and is closed to the disposal of additional defense waste, including any site that is subject to decontamination and decommissioning.

42 USC 7236.

SEC. 3142. EXECUTIVE MANAGEMENT TRAINING IN THE DEPARTMENT OF ENERGY

(a) ESTABLISHMENT OF TRAINING PROGRAM.—The Secretary of Energy shall establish and implement a management training program for personnel of the Department of Energy involved in the management of atomic energy defense activities.

(b) TRAINING PROVISIONS.—The training program shall at a minimum include instruction in the following areas:

(1) Department of Energy policy and procedures for management and operation of atomic energy defense facilities.

(2) Methods of evaluating technical performance.

(3) Federal and State environmental laws and requirements for compliance with such environmental laws, including timely compliance with reporting requirements in such laws.

(4) The establishment of program milestones and methods to evaluate success in meeting such milestones.

(5) Methods for conducting long-range technical and budget planning.

(6) Procedures for reviewing and applying innovative technology to environmental restoration and defense waste management.

SEC. 3143. MAJOR DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

42 USC 7271a.

(a) **MAJOR PROGRAM DEFINED.**—In this section, the term “major Department of Energy national security program” means a research and development program (which may include construction and production activities), a construction program, or a production program—

(1) that is designated by the Secretary of Energy as a major Department of Energy national security program; or

(2) that is estimated by the Secretary of Energy to cost more than \$500,000,000 (based on fiscal year 1989 constant dollars).

(b) **REQUIRED REPORTS.**—(1) Except as provided in paragraph (3), the Secretary of Energy shall submit to the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives at the end of each calendar-year quarter a report on each major Department of Energy national security program.

(2) Each such report shall include, at a minimum, the following information:

(A) A description of the program, its purpose, and its relationship to the mission of the national security program of the Department of Energy.

(B) The program schedule, including estimated annual costs.

(C) A comparison of the current schedule and cost estimates with previous schedule and cost estimates, and an explanation of changes.

(3) A report under this section need not be submitted for the first, second, or third calendar-year quarter if the comparison between current schedule and cost estimates and schedule and cost estimates contained in the last submitted report shows that there has been—

(A) less than a 5 percent change in total program cost; and

(B) less than a 90-day delay in any significant schedule item of the program.

(c) **SUBMISSION OF REPORT.**—Each report under this section shall be submitted not later than 30 days after the end of each calendar-year quarter. The first report shall cover the fourth quarter of 1989 and shall be submitted not later than January 30, 1990.

(d) **IDENTIFICATION OF PROGRAMS.**—Not later than 60 days after the date of the enactment of this Act, the Secretary of Energy shall submit a report to the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives that identifies all programs of the Department of Energy that are major Department of Energy national security programs, as defined in subsection (a).

Reports.

SEC. 3144. FIVE-YEAR BUDGET PLAN REQUIREMENT

42 USC 7271b.

(a) **PLAN REQUIREMENT.**—The Secretary of Energy each year shall prepare a five-year budget plan for the national security programs of the Department of Energy. The plan shall contain the estimated

expenditures and proposed appropriations necessary to support the programs, projects, and activities of the national security programs and shall be at a level of detail comparable to that contained in the budget submitted by the President to Congress under section 1105 of title 31, United States Code.

(b) **SUBMISSION OF PLAN.**—The Secretary shall submit to the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives the plan required under subsection (a) at the same time as the President submits to Congress the budget pursuant to section 1105 of title 31, United States Code.

PART E—MISCELLANEOUS PROVISIONS

42 USC 7256b.

SEC. 3151. PROHIBITION AND REPORT ON BONUSES TO CONTRACTORS OPERATING DEFENSE NUCLEAR FACILITIES

(a) **PROHIBITION.**—The Secretary of Energy may not provide any bonuses, award fees, or other form of performance- or production-based awards to a contractor operating a Department of Energy defense nuclear facility unless, in evaluating the performance or production under the contract, the Secretary considers the contractor's compliance with all applicable environmental, safety, and health statutes, regulations, and practices for determining both the size of, and the contractor's qualification for, such bonus, award fee, or other award. The prohibition in this subsection applies with respect to contracts entered into, or contract options exercised, after the date of the enactment of this Act.

(b) **REPORT ON ROCKY FLATS BONUSES.**—The Secretary of Energy shall investigate the payment, from 1981 to 1988, of production bonuses to Rockwell International, the contractor operating the Rocky Flats Plant (Golden, Colorado), for purposes of determining whether the payment of such bonuses was made under fraudulent circumstances. Not later than 6 months after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the results of that investigation, including the Secretary's conclusions and recommendations.

(c) **DEFINITION.**—In this section, the term "Department of Energy defense nuclear facility" has the meaning given such term by section 318 of the Atomic Energy Act of 1954 (42 U.S.C. 2286g).

(d) **REGULATIONS.**—The Secretary of Energy shall promulgate regulations to implement subsection (a) not later than 90 days after the date of the enactment of this Act.

SEC. 3152. PREFERENCE FOR ROCKY FLATS WORKERS

In any contract awarded by the Secretary of Energy to carry out any cleanup, decontamination, or decommissioning of the Rocky Flats Plant (Golden, Colorado), the Secretary of Energy shall require the contractor to give first preference in hiring employees to those employees who worked at the Rocky Flats Plant before it was closed and who are qualified to carry out the duties of the positions, as determined by the contractor.

SEC. 3153. AUTHORIZATION AND FUNDING FOR ROCKY FLATS AGREEMENT

(a) **AUTHORIZATION.**—(1) Using funds available pursuant to subsection (b), the Secretary of Energy shall make such payments as may be necessary—

(A) to carry out the agreement entered into on June 16, 1989, between the Department of Energy and the State of Colorado with respect to the Rocky Flats Plant; and

(B) to enable the State of Colorado to provide such assistance to the Colorado communities described in paragraph (2) as is necessary to ensure, through testing and related activities, that the drinking water of those communities is safe, pure, and clean.

(2) The Colorado communities referred to in paragraph (1)(B) are those communities whose water supply flows through, runs off, or is otherwise affected by air or water emissions of, the Rocky Flats Plant.

(b) **FUNDING.**—Of the funds appropriated to the Department of Energy for fiscal year 1990 pursuant to the authorization in this title for environmental restoration and management of defense waste, not more than \$3,435,000 may be obligated to carry out the agreement referred to in subsection (a)(1)(A) and to provide for testing and related activities authorized under subsection (a)(2).

Colorado.

Water.

SEC. 3154. MORATORIUM ON INCINERATION OF RADIOACTIVE WASTE AT LOS ALAMOS NATIONAL LABORATORY

The Los Alamos National Laboratory is prohibited from incinerating radioactive waste, including any waste containing radioactive constituents, until the earlier of the following dates:

(1) August 1, 1990.

(2) The date on which the State of New Mexico adopts regulations on emissions resulting from the incineration of radioactive waste.

SEC. 3155. PRODUCTION OF THE 155-MILLIMETER ARTILLERY-FIRED, ATOMIC PROJECTILE

Section 1635 of the Department of Defense Authorization Act, 1985 (Public Law 98-525; 98 Stat. 2649), is amended—

(1) in subsection (b), by striking out the period at the end of paragraph (2) and inserting in lieu thereof “, not including amounts spent exclusively to ensure the safety and security of the warheads.”; and

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

“(d) The Secretary of Energy and the Secretary of Defense shall jointly submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the implementation of this section and shall include in such report the number of projectiles referred to in subsection (b) that have been produced and the total amount obligated for the production of such projectiles. Such report shall be submitted at the same time that the President submits the budget for fiscal year 1991 to Congress pursuant to section 1105 of title 31, United States Code.”

Reports.

SEC. 3156. REPORTS IN CONNECTION WITH PERMANENT CLOSURES OF DEPARTMENT OF ENERGY DEFENSE NUCLEAR FACILITIES

42 USC 7274b.

(a) **TRAINING AND JOB PLACEMENT SERVICES PLAN.**—Not later than 120 days before a Department of Energy defense nuclear facility (as

defined in section 318 of the Atomic Energy Act of 1954 (42 U.S.C. 2286(g)) permanently ceases all production and processing operations, the Secretary of Energy must submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing a discussion of the training and job placement services needed to enable the employees at such facility to obtain employment in the environmental remediation and cleanup activities at such facility. The discussion shall include the actions that should be taken by the contractor operating and managing such facility to provide retraining and job placement services to employees of such contractor.

(b) CLOSURE REPORT.—Upon the permanent cessation of production operations at a Department of Energy defense nuclear facility, the Secretary of Energy shall submit to Congress a report containing—

- (1) a complete survey of environmental problems at the facility;
- (2) budget quality data indicating the cost of environmental restoration and other remediation and cleanup efforts at the facility; and
- (3) a discussion of the proposed cleanup schedule.

SEC. 3157. DEFENSE PROGRAM MISSIONS

Section 91 a. of the Atomic Energy Act of 1954 (42 U.S.C. 2121(a)) is amended—

- (1) by striking out “and” at the end of clause (1);
- (2) by striking out the period at the end of clause (2) and inserting in lieu thereof a semicolon; and
- (3) by adding at the end the following new clauses:

“(3) provide for safe storage, processing, transportation, and disposal of hazardous waste (including radioactive waste) resulting from nuclear materials production, weapons production and surveillance programs, and naval nuclear propulsion programs;

“(4) carry out research on and development of technologies needed for the effective negotiation and verification of international agreements on control of special nuclear materials and nuclear weapons; and

“(5) under applicable law (other than this paragraph) and consistent with other missions of the Department of Energy, make transfers of federally owned or originated technology to State and local governments, private industry, and universities or other nonprofit organizations so that the prospects for commercialization of such technology are enhanced.”.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD AUTHORIZATION

SEC. 3201. AUTHORIZATION

There are authorized to be appropriated for fiscal year 1990 \$7,000,000 for the establishment and operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

PART A—CHANGES IN STOCKPILE AMOUNTS

SEC. 3301. CHANGES IN STOCKPILE REQUIREMENTS

50 USC 98b note.

Pursuant to section 3(c)(4) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98b(c)(4)), the National Defense Stockpile Manager may revise quantities of materials to be stockpiled under that Act in accordance with the following table:

Material	Current quantity	Revised quantity
Aluminum oxide, abrasive grain group.....	638,000 short tons (contained)	374,000 short tons (contained)
Antimony.....	36,000 short tons	88,500 short tons
Asbestos, amosite.....	17,000 short tons	0 short tons
Bauxite, refractory.....	1,400,000 long calcined tons	1,240,000 long calcined tons
Bismuth.....	2,200,000 pounds	1,060,000 pounds
Chromite, refractory grade ore.....	850,000 short dry tons	695,000 short dry tons
Columbium group.....	4,850,000 pounds (contained)	12,520,000 pounds (contained)
Diamond, industrial group.....	29,730,000 carats	7,730,000 carats
Fluorspar, acid grade.....	1,400,000 short dry tons	900,000 short dry tons
Fluorspar, metallurgical grade.....	1,700,000 short dry tons	310,000 short dry tons
Graphite, natural, malagasy, crystalline.....	20,000 short tons	14,200 short tons
Graphite, natural, other than Ceylon and Malagasy.....	2,800 short tons	1,930 short tons
Manganese, battery grade group.....	87,000 short dry tons	50,000 short dry tons
Mica, muscovite block, stained and better.....	6,200,000 pounds	2,500,000 pounds
Natural insulation fibers.....	1,500,000 pounds	0 pounds
Platinum group metals, iridium.....	98,000 troy ounces	86,000 troy ounces
Platinum group metals, palladium.....	3,000,000 troy ounces	2,150,000 troy ounces
Quartz crystals.....	600,000 pounds	240,000 pounds
Talc, steatite block and lump.....	28 short tons	0 short tons
Tungsten group.....	50,666,000 pounds (contained)	70,900,000 pounds (contained)

SEC. 3302. AUTHORIZED DISPOSALS

42 USC 98d note.

(a) **AUTHORITY.**—During fiscal years 1990 and 1991, the National Defense Stockpile Manager may dispose of materials in the National Defense Stockpile in accordance with this section. The value of materials disposed of may not exceed \$180,000,000 during each of such fiscal years, and such disposal may be made only as specified in subsection (b).

(b) **MATERIALS AUTHORIZED TO BE DISPOSED.**—Any disposal under subsection (a) shall be made from quantities of materials in the National Defense Stockpile previously authorized for disposal by law or, in the case of materials in the National Defense Stockpile that

have been determined to be excess to the current requirements of the stockpile, in accordance with the following table:

Material	Quantities
Asbestos, amosite	34,000 short tons
Bismuth.....	255,400 pounds
Diamond, industrial, crushing bort	8,000,000 carats
Fluorspar, metallurgical grade.....	15,000 short dry tons
Graphite, natural, Malagasy, crystalline	3,635 short tons
Graphite, natural, other than Ceylon and Malagasy	873 short tons
Mercury.....	15,000 flasks
Mica, muscovite block, stained and better	10,000 pounds
Silicon carbide	690 short tons
Talc, block and lump	28 short tons
Tin.....	5,000 metric tons

(c) **ADDITIONAL AUTHORITY.**—The disposal authority provided in subsection (a) is in addition to any other disposal authority provided by law.

(d) **LIMITATION ON DISPOSALS DURING FISCAL YEARS 1990 AND 1991.**—The National Defense Stockpile Manager may dispose of materials under this section during each of the fiscal years 1990 and 1991 only to the extent that the total amount received (or to be received) from such disposals for each such fiscal year does not exceed the amount obligated from the National Defense Stockpile Transaction Fund during such fiscal year for the purposes authorized under section 9(b)(2) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(b)(2)).

SEC. 3303. AUTHORIZATION OF ACQUISITIONS

(a) **ACQUISITIONS.**—During each of the fiscal years 1990 and 1991, the National Defense Stockpile Manager shall obligate \$180,000,000 out of funds of the National Defense Stockpile Transaction Fund (subject to such limitations as may be provided in appropriations Acts) for the authorized uses of such funds under section 9(b)(2) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h(b)(2)).

(b) **UPGRADE PROGRAMS.**—Of the amount specified in subsection (a), at least \$30,000,000 shall be obligated during each of such fiscal years for programs not already required by law for upgrading stockpile materials.

President of U.S.

PART B—PROGRAMMATIC CHANGES

SEC. 3311. STRATEGIC AND CRITICAL MATERIALS DEVELOPMENT, RESEARCH, AND CONSERVATION

Section 8 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98g) is amended by adding at the end the following new subsections:

“(c) The President shall make scientific, technologic, and economic investigations concerning the feasibility of—

“(1) developing domestic sources of supply of materials (other than materials referred to in subsections (a) and (b)) determined pursuant to section 3(a) to be strategic and critical materials; and

“(2) developing or using alternative methods for the refining or processing of a material in the stockpile so as to convert such material into a form more suitable for use during an emergency or for storage.

“(d) The President shall encourage the conservation of domestic sources of any material determined pursuant to section 3(a) to be a strategic and critical material by making grants or awarding contracts for research regarding the development of—

“(1) substitutes for such material; or

“(2) more efficient methods of production or use of such material.”.

SEC. 3312. DEVELOPMENT OF DOMESTIC SOURCES

(a) **AUTHORITY OF THE PRESIDENT.**—The Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98 et seq.) is amended by adding at the end the following new section:

“DEVELOPMENT OF DOMESTIC SOURCES

“SEC. 15. (a) Subject to subsection (c) and to the extent the President determines such action is required for the national defense, the President shall encourage the development of domestic sources for materials determined pursuant to section 3(a) to be strategic and critical materials—

President of U.S.
50 USC 98h-6.

“(1) by purchasing, or making a commitment to purchase, strategic and critical materials of domestic origin when such materials are needed for the stockpile; and

“(2) by contracting with domestic facilities, or making a commitment to contract with domestic facilities, for the processing or refining of strategic and critical materials in the stockpile when processing or refining is necessary to convert such materials into a form more suitable for storage and subsequent disposition.

“(b) A contract or commitment made under subsection (a) may not exceed five years from the date of the contract or commitment. Such purchases and commitments to purchase may be made for such quantities and on such terms and conditions, including advance payments, as the President considers to be necessary.

“(c)(1) Descriptions of proposed transactions under subsection (a) shall be included in the appropriate annual materials plan submitted to Congress under section 11(b). Changes to any such transaction, or the addition of a transaction not included in such plan, shall be made in the manner provided by section 5(a)(2).

“(2) The authority of the President to enter into obligations under this section is effective for any fiscal year only to the extent that funds in the National Defense Stockpile Transaction Fund are adequate to meet such obligations. Payments required to be as a result of obligations incurred under this section shall be made from amounts in the fund.

“(d) The authority of the President under subsection (a) includes the authority to pay—

“(1) the expenses of transporting materials; and

“(2) other incidental expenses related to carrying out such subsection.

“(e) The President shall include in the reports required under section 11(a) information with respect to activities conducted under this section.”.

(b) **USE OF NATIONAL DEFENSE STOCKPILE TRANSACTION FUND.**—Section 9(b)(2) of such Act (50 U.S.C. 98h(b)(2)) is amended by adding at the end the following new subparagraph:

“(F) Activities authorized under section 15.”

SEC. 3313. NATIONAL DEFENSE STOCKPILE MANAGER

(a) **REDESIGNATION AND TRANSFER OF SECTION.**—Section 6A of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98e-1) is—

50 USC 98e-1,
98h-7.

(1) transferred to appear after section 15 of such Act (as added by section 3312); and

(2) redesignated as section 16.

50 USC 98h-7.

(b) **AUTHORITY OF THE PRESIDENT.**—Such section (as redesignated and transferred) is amended—

(1) by striking out “sections 7, 8, and 13” each place it appears and inserting in lieu thereof “sections 7 and 13”;

(2) by adding at the end of subsection (c) the following new sentence: “The President may not delegate functions of the President under sections 7 and 13.”; and

(3) by striking out “section 6(b) or 6(d)” in subsection (d) and inserting in lieu thereof “section 6(a)(6)”.

SEC. 3314. AUTHORITY TO DISPOSE OF MATERIALS IN THE STOCKPILE FOR INTERNATIONAL CONSUMPTION

Section 6 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98e) is amended—

(1) in subsection (b)—

(A) by striking out paragraph (3);

(B) by inserting “and” at the end of paragraph (1); and

(C) by striking out “; and” at the end of paragraph (2) and inserting in lieu thereof a period; and

(2) by striking out “paragraph (1), (2), or (3)” in subsection (d) and inserting in lieu thereof “paragraph (1) or (2)”.

SEC. 3315. INFORMATION INCLUDED IN REPORTS TO CONGRESS

Section 11(a)(5) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h-2(a)(5)) is amended by striking out “made from the fund” and inserting in lieu thereof “made to the fund, and obligations to be made from the fund.”

TITLE XXXIV—CIVIL DEFENSE

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS

There is hereby authorized to be appropriated \$151,535,000 for fiscal year 1990 for the purpose of carrying out the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2251 et seq.).

TITLE XXXV—PANAMA CANAL COMMISSION

SEC. 3501. SHORT TITLE

This title may be referred to as the “Panama Canal Commission Authorization Act, Fiscal Year 1990”.

SEC. 3502. AUTHORIZATION OF EXPENDITURES

(a) **IN GENERAL.**—The Panama Canal Commission is authorized to make such expenditures within the limits of funds and borrowing authority available to it in accordance with law, and to make such

Panama Canal
Commission
Authorization
Act, Fiscal
Year 1990.

contracts and commitments, without regard to fiscal year limitations, as may be necessary under the Panama Canal Act of 1979 (22 U.S.C. 3601 et seq.), for the operation, maintenance, and improvement of the Panama Canal for fiscal year 1990, except that not more than \$52,000 for such fiscal year may be expended for official reception and representation functions, of which—

- (1) not more than \$12,000 may be expended for such purposes by the supervisory board for the Commission;
- (2) not more than \$6,000 may be expended for such purposes by the Secretary of the Commission; and
- (3) not more than \$34,000 may be expended for such purposes by the Administrator of the Commission.

(b) **PURCHASE OF PASSENGER MOTOR VEHICLES.**—Funds available to the Panama Canal Commission shall be available for the purchase of passenger motor vehicles (including large heavy-duty vehicles) used to transport personnel of the Commission across the Isthmus of Panama. Such vehicles may be purchased without regard to price limitations prescribed by law or regulation.

SEC. 3503. NOTIFICATION REQUIREMENTS

22 USC 3872.

The Panama Canal Commission shall provide written advance notification to the Committee on Merchant Marine and Fisheries of the House of Representatives and the Committee on Armed Services of the Senate regarding—

- (1) any proposed change in the rates of tolls for use of the Panama Canal;
- (2) any payment estimated to be due the Republic of Panama under paragraph 4(c) of Article XIII of the Panama Canal Treaty of 1977, as provided by section 1341 of the Panama Canal Act of 1979 (22 U.S.C. 3751); and
- (3) the initiation of any major capital acquisition or construction project exceeding \$10,000,000 unless the proposed acquisition or project was included in the budget estimates submitted to Congress for the fiscal year in which the acquisition or project is to be undertaken.

SEC. 3504. GENERAL PROVISIONS

(a) **PAY INCREASES.**—Funds for the Panama Canal Commission may be obligated, notwithstanding section 1341 of title 31, United States Code, to the extent necessary to permit payment of such pay increases for officers or employees as may be authorized by administrative action pursuant to law which are not in excess of statutory increases granted for the same period in corresponding rates of compensation for other employees of the United States in comparable positions.

(b) **EXPENSES IN ACCORDANCE WITH LAW.**—Expenditures authorized under this title may be made only in accordance with the

Panama Canal Treaties of 1977 and any law of the United States implementing those treaties.

Approved November 29, 1989.

LEGISLATIVE HISTORY—H.R. 2461 (S. 1352) (S. 1445) (S. 1446):

HOUSE REPORTS: No. 101-121 (Comm. on Armed Services) and No. 101-331 (Comm. of Conference).

SENATE REPORTS: No. 101-81 accompanying S. 1352 (Comm. on Armed Services).
CONGRESSIONAL RECORD, Vol. 135 (1989):

July 24-27, considered and passed House. S. 1352 considered in Senate.

July 31, Aug. 1, S. 1352 considered in Senate.

Aug. 2, S. 1352 and S. 1446 considered and passed Senate.

Aug. 4, H.R. 2461 considered and passed Senate, amended, in lieu of S. 1352.

Nov. 9, House agreed to conference report.

Nov. 15, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 25 (1989):

Nov. 29, Presidential statement.