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FolderID:

Folder Title:

Gays in the Military - Executive Response and Background: Statute

Stack:

S

Row:

113

Section:

3

Shelf:

9

Position:

3

Ed Knight

① Chair-hold over? Fed Reserve

② Chairman Chair
Pres authority

Now it takes ③ (ask abt. budget?)
hearing

2/15

Marvin,

CAR NO. 81 departing the West basement
for DOJ today @ 3:45 p.m. CONFIRMED

No confirmation on the return however.

kg

Shapiro
WEST 3/15

Black
3/15/15

✓
3/15/15

Jack 3/15
6:2

1. recess — effect.

vacancy March 2

duration

2. when?

inter-session none until Oct. 95

↓

intra-session prob. not until April?

↓

(d) **EFFECTIVE DATE.**—This section shall apply only to members of the commissioned officer corps of the National Oceanic and Atmospheric Administration who are separated after September 30, 1995.

SEC. 567. DISCHARGE OF MEMBERS OF THE ARMED FORCES WHO HAVE THE HIV-1 VIRUS.

(a) **IN GENERAL.**—(1) Section 1177 of title 10, United States Code, is amended to read as follows:

"§1177. Members infected with HIV-1 virus: mandatory discharge or retirement"

"(a) MANDATORY SEPARATION.—A member of the armed forces who is HIV-positive shall be separated. Such separation shall be made on a date determined by the Secretary concerned, which shall be as soon as practicable after the date on which the determination is made that the member is HIV-positive and not later than the last day of the sixth month beginning after such date.

"(b) FORM OF SEPARATION.—If a member to be separated under this section is eligible to retire under any provision of law or to be transferred to the Fleet Reserve or Fleet Marine Corps Reserve, the member shall be so retired or so transferred. Otherwise, the member shall be discharged. The characterization of the service of the member shall be determined without regard to the determination that the member is HIV-positive.

"(c) DEFERRAL OF SEPARATION FOR MEMBERS IN 18-YEAR RETIREMENT SANCTUARY.—In the case of a member to be discharged under this section who on the date on which the member is to be discharged is within two years of qualifying for retirement under any provision of law, or of qualifying for transfer to the Fleet Reserve or Fleet Marine Corps Reserve under section 6330 of this title, the member may, as determined by the Secretary concerned, be retained on active duty until the member is qualified for retirement or transfer to the Fleet Reserve or Fleet Marine Corps Reserve, as the case may be, and then be so retired or transferred, unless the member is sooner retired or discharged under any other provision of law.

"(d) SEPARATION TO BE CONSIDERED INVOLUNTARY.—A separation under this section shall be considered to be an involuntary separation for purposes of any other provision of law.

"(e) ENTITLEMENT TO HEALTH CARE.—A member separated under this section shall be entitled to medical and dental care under chapter 55 of this title to the same extent and under the same conditions as a person who is entitled to such care under section 1074(b) of this title.

"(f) COUNSELING ABOUT AVAILABLE MEDICAL CARE.—A member to be separated under this section shall be provided information, in writing, before such separation of the available medical care (through the Department of Veterans Affairs and otherwise) to treat the member's condition. Such information shall include identification of specific medical locations near the member's home of record or point of discharge at which the member may seek necessary medical care.

"(g) HIV-POSITIVE MEMBERS.—A member shall be considered to be HIV-positive for purposes of this section if there is serologic evidence that the member is infected with the virus known as Human Immunodeficiency Virus-1 (HIV-1), the virus most commonly associated with the acquired immune deficiency syndrome (AIDS) in the United States. Such serologic evidence shall be considered to exist if there is a reactive result given by an enzyme-linked immunosorbent assay (ELISA) serologic test that is confirmed by a reactive and diagnostic immunoelectrophoresis test (Western blot) on two separate samples. Any such se-

rologic test must be one that is approved by the Food and Drug Administration."

(2) The item relating to such section in the table of sections at the beginning of chapter 59 of such title is amended to read as follows:

"1177. Members infected with HIV-1 virus: mandatory discharge or retirement."

(b) **EFFECTIVE DATE.**—Section 1177 of title 10, United States Code, as amended by subsection (a), applies with respect to members of the Armed Forces determined to be HIV-positive before, on, or after the date of the enactment of this Act. In the case of a member of the Armed Forces determined to be HIV-positive before such date, the deadline for separation of the member under subsection (a) of such section, as so amended, shall be determined from the date of the enactment of this Act (rather than from the date of such determination).

SEC. 568. REVISION AND CODIFICATION OF MILITARY FAMILY ACT AND MILITARY CHILD CARE ACT.

(a) **IN GENERAL.**—(1) Subtitle A of title 10, United States Code, is amended by inserting after chapter 87 the following new chapter:

"CHAPTER 88—MILITARY FAMILY PROGRAMS AND MILITARY CHILD CARE

"Subchapter Sec.
"I. Military Family Programs 1781
"II. Military Child Care 1791

"SUBCHAPTER I—MILITARY FAMILY PROGRAMS

"Sec.

"1781. Office of Family Policy.

"1782. Surveys of military families.

"1783. Family members serving on advisory committees.

"1784. Employment opportunities for military spouses.

"1785. Youth sponsorship program.

"1786. Dependent student travel within the United States.

"1787. Reporting of child abuse.

"§1781. Office of Family Policy

"(a) ESTABLISHMENT.—There is in the Office of the Secretary of Defense an Office of Family Policy (hereinafter in this section referred to as the "Office"). The Office shall be under the Assistant Secretary of Defense for Force Management and Personnel.

"(b) DUTIES.—The Office—

"(1) shall coordinate programs and activities of the military departments to the extent that they relate to military families; and

"(2) shall make recommendations to the Secretaries of the military departments with respect to programs and policies regarding military families.

"(c) STAFF.—The Office shall have not less than five professional staff members.

"§1782. Surveys of military families

"(a) AUTHORITY.—The Secretary of Defense may conduct surveys of members of the armed forces on active duty or in an active status, members of the families of such members, and retired members of the armed forces to determine the effectiveness of Federal programs relating to military families and the need for new programs.

"(b) RESPONSES TO BE VOLUNTARY.—Responses to surveys conducted under this section shall be voluntary.

"(c) FEDERAL RECORDKEEPING REQUIREMENTS.—With respect to such surveys, family members of members of the armed forces and reserve and retired members of the armed forces shall be considered to be employees of the United States for purposes of section 3502(3)(A)(i) of title 44.

"§1783. Family members serving on advisory committees

"A committee within the Department of Defense which adv or sts the Depart-

ment in the performance of any function which affects members of military families and which includes members of military families in its membership shall not be considered an advisory committee under section 3(2) of the Federal Advisory Committee Act (5 U.S.C. App.) solely because of such membership.

"§1784. Employment opportunities for military spouses

"(a) AUTHORITY.—The President shall order such measures as the President considers necessary to increase employment opportunities for spouses of members of the armed forces. Such measures may include—

"(1) excepting, pursuant to section 3302 of title 5, from the competitive service positions in the Department of Defense located outside of the United States to provide employment opportunities for qualified spouses of members of the armed forces in the same geographical area as the permanent duty station of the members; and

"(2) providing preference in hiring for positions in nonappropriated fund activities to qualified spouses of members of the armed forces stationed in the same geographical area as the nonappropriated fund activity for positions in wage grade UA-8 and below and equivalent positions and for positions paid at hourly rates.

"(b) REGULATIONS.—The Secretary of Defense shall prescribe regulations—

"(1) to implement such measures as the President orders under subsection (a);

"(2) to provide preference to qualified spouses of members of the armed forces in hiring for any civilian position in the Department of Defense if the spouse is among persons determined to be best qualified for the position and if the position is located in the same geographical area as the permanent duty station of the member;

"(3) to ensure that notice of any vacant position in the Department of Defense is provided in a manner reasonably designed to reach spouses of members of the armed forces whose permanent duty stations are in the same geographic area as the area in which the position is located; and

"(4) to ensure that the spouse of a member of the armed forces who applies for a vacant position in the Department of Defense shall, to the extent practicable, be considered for any such position located in the same geographic area as the permanent duty station of the member.

"(c) STATUS OF PREFERENCE ELIGIBLES.—Nothing in this section shall be construed to provide a spouse of a member of the armed forces with preference in hiring over an individual who is a preference eligible.

"§1785. Youth sponsorship program

"(a) REQUIREMENT.—The Secretary of Defense shall require that there be at each military installation a youth sponsorship program to facilitate the integration of dependent children of members of the armed forces into new surroundings when moving to that military installation as a result of a parent's permanent change of station.

"(b) DESCRIPTION OF PROGRAMS.—The program at each installation shall provide for involvement of dependent children of members presently stationed at the military installation and shall be directed primarily toward children in their preteen and teenage years.

"§1786. Dependent student travel within the United States

"Funds available to the Department of Defense for the travel and transportation of dependent students of members of the armed forces stationed overseas may be obligated for transportation allowances for travel within or between the contiguous States.

examine whether the existing practices with regard to judicial review of DOD administrative personnel actions are appropriate and adequate, whether a centralized judicial review of administrative personnel actions should be established, and whether the United States Court of Appeals for the Armed Forces should conduct such reviews. This approach has been recommended by the American Bar Association.

The House bill contained no similar provision.

The House recedes with an amendment that would require the panel to examine whether a single federal court should conduct such reviews, and, if so, which federal court should be assigned that responsibility. The amendment would provide the Secretary of Defense with the responsibility to establish the panel. The conference agreement required that the Secretary consult with the Attorney General and the Chief Justice of the United States concerning appointments to the panel. The conferees also required that the Secretary consult with the Attorney General prior to sending the report to Congress.

Comptroller General review of proposed Army end strength allocations (sec. 552)

The House bill contained a provision (sec. 523) that would require the Comptroller General of the United States to determine the extent to which the Army is able to fully man the combat and support forces required to carry out the national security strategy and operations other than war for fiscal years 1996 through 2001.

The Senate amendment contained no similar provision.

The Senate recedes.

Report on manning status of highly deployable support units (sec. 553)

The House bill contained a provision (sec. 524) that would direct each of the secretaries of the military departments to conduct a study to determine whether high-priority support units, that would deploy early in a crisis, are, as a matter of policy, manned at less than 100 percent of authorized strength. The provision would further require the secretaries of the military departments to report the findings of their studies not later than September 30, 1996.

The Senate amendment contained no similar provision.

The Senate recedes.

Review of system for correction of military records (sec. 554)

The Senate amendment contained a provision (sec. 555) that would require the secretaries of the military departments to review the composition of the Boards for the Correction of Military Records and the procedures used by those boards. The provision would require the submission of a report to the appropriate committees of the Senate and the House of Representatives by April 1, 1996.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

The conferees are concerned that the Boards for the Correction of Military Records are perceived to be unresponsive, bureaucratic extensions of the uniformed services.

Report on the consistency of reporting of fingerprint cards and final disposition forms to the Federal Bureau of Investigation (sec. 555)

The House bill contained a provision (sec. 556) that would require the Secretary of Defense to submit a report on the consistency with which fingerprint cards and final disposition forms are reported by the Defense

Criminal Investigation Organizations to the Federal Bureau of Investigation.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Subtitle F—Other Matters

Equalization of accrual of service credit for officers and enlisted members (sec. 561)

The House bill contained a provision (sec. 551) that would make the criteria for accrual of service credit for officers consistent with the criteria established for enlisted members.

The Senate amendment contained a similar provision (sec. 552).

The conference agreement includes this provision.

Army ranger training (sec. 562)

The House bill contained a provision (sec. 557) that would establish a baseline number of officers and enlisted personnel that would have to be assigned to the Army Ranger Training Brigade and would give the Secretary of the Army one year to achieve that level. This provision would also require that training safety cells be established in each of the three major phases of the Ranger training course.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment which would require the Ranger Training Brigade to be manned at 90 percent of the requirements for two years, at which time the statutory requirement would expire. The amendment would also require the Comptroller General to assess the effectiveness of corrective actions taken by the Army as a result of the February 1995 accident at the Florida Ranger Training Camp. The amendment also expresses the sense of the Congress that the Secretary of Defense review and enhance, if necessary, oversight of all high-risk training and consider establishment of safety cells similar to those prescribed in the Ranger Training Brigade.

The conferees direct the secretary of defense to undertake a comprehensive analysis of high-risk training activities, to include, but not limited to the following: Army Ranger; Navy SEAL; Navy and Air Force Survival, Evasion, Resistance, and Escape; and Airborne training. The study should identify key contributing factors prejudicial to personnel safety. This study shall include sensitivity analysis for each high-risk training program, with particular emphasis on officer-enlisted ratios and instructor-student ratios. The conferees direct the Secretary to submit the study results to the Senate Committee on Armed Services and the House Committee on National Security not later than December 31, 1996.

Separation in cases involving extended confinement (sec. 563)

The Senate amendment contained a provision (sec. 553) that would authorize the administrative separation of a service member who is sentenced by court-martial to a period of confinement for one year or more.

The House bill contained no similar provision.

The House recedes with an amendment that would authorize such a separation if the member has been sentenced to a period of confinement for more than six months.

Limitations on reductions in medical personnel (sec. 564)

The Senate amendment contained a provision (sec. 556) that would amend section 711 of the National Defense Authorization Act for F Year section 718 of the National Defense Authorization Act for F Years and section 518 of the Na-

tional Defense Authorization Act for Fiscal Year 1993 to modify the limitations on reductions in medical personnel.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Sense of Congress concerning personnel tempo rates (sec. 565)

The House bill contained a provision (sec. 525) that would express the sense of Congress that the Secretary of Defense should continue to improve the Department's personnel tempo management techniques so that all personnel can expect a reasonable personnel tempo rate.

The Senate amendment contained no similar provision.

The Senate recedes.

Separation benefits during force reduction for officers of the commissioned corps of National Oceanic and Atmospheric Administration (sec. 566)

The House bill contained a provision (sec. 566) that would, at the discretion of the Secretary of Commerce, authorize for officers of the Commissioned Corps of the National Oceanic and Atmospheric Administration, the separation benefits available to the other uniformed services.

The Senate amendment contained no similar provision.

The Senate recedes.

Discharge of members of the armed forces who have the HIV-1 virus (sec. 567)

The House bill contained a provision (sec. 561) that would require the Secretary of Defense to separate or retire service members who are identified as HIV-positive.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would provide the discharged member with an entitlement to medical and dental care within the Military Health Care System, to the same extent and under the same conditions as a military retiree.

Revision and codification of Military Family Act and Military Child Care Act (sec. 568)

The House bill contained a provision (sec. 560) that would codify in title 10, United States Code, updated provisions of The Military Family Act of 1985 (title VII, Public Law 99-145), and The Military Child Care Act of 1989 (title XV, Public Law 101-189), which were instrumental in focusing Department of Defense attention on the needs of military families and on the importance of effective child care programs.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would eliminate a reporting requirement.

Determination of whereabouts and status of missing persons (sec. 569)

The House bill contained a provision (sec. 563) that would require the Secretary of Defense to centralize at the Department of Defense level, the oversight and policy responsibility for accounting for missing persons.

The Senate amendment contained a similar provision (sec. 551).

The Senate recedes with an amendment that would clarify and integrate the two provisions.

The conferees' intention in requiring the creation of the Office for Missing Persons (section 1501) is that this office will have a broad range of responsibilities that include those of all the individual offices that currently have responsibilities for POW/MIA matters.

The conferees expect that the Secretary of Defense will organize this new office to serve

the potential impact of local weather conditions.

OF CERTAIN CIVIL-MILITARY PROGRAMS

terminate four programs established by the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-483): the Civil-Military Cooperative Action Program, the Youth Opportunities Pilot Program, the Demand Reduction Program, and the Civilian Community Corps. At the underlying premise of all these programs is that the Department of Defense resources are being used for a mission of helping to rebuild America.

At the original premise of these civil-military programs, especially given the repeated finding that the Department is struggling to meet the unexpectedly high operational requirements of the world. In light of new operational realities, the President's budget request which calls for the four civil military programs to be terminated.

Business needs, the committee directs the Department to allocate at least \$29 million in fiscal year 1994 for personnel and organizational requirements for the four programs, in the following priority: (1) selected reserve that are scheduled to be mobilized within 30 days after mobilization;

(2) selected reserve that are or will be mobilized within 30 days of active-duty peacetime operations;

(3) organizations which have the primary mission of supporting surface and aviation maintenance operations of the Army and Air Force; (4) units that shortages of dual-status military personnel; (5) reserve component management; (6) national and state-level National Guard units; (7) Property and Fiscal Offices, and in the Department of the Army reserve and Air Force units; and (8) units filled until after the first three priorities.

The committee believes that funding military operations is essential to overall National Guard and Reserve operations. Terminated civil-military programs do not meet the criteria for funding.

ARMED FORCES EXPEDITIONARY MEDAL

the country of El Salvador during 1981 and February 1, 1992 as an individual member of the armed forces who performed significant numbers and otherwise

met the general requirements for award of the Armed Forces Expeditionary Medal.

SECTION 560—REVISION AND CODIFICATION OF MILITARY FAMILY ACT AND MILITARY CHILD CARE ACT

This section would codify in title 10, United States Code, updated provisions of two acts which were instrumental in focusing Department of Defense attention on the needs of military families and on the importance of effective child care programs. The two acts incorporated are: The Military Family Act of 1985 (title VII of Public Law 99-145), and The Military Child Care Act of 1989 (title XV, Public Law 101-189).

SECTION 561—DISCHARGE OF MEMBERS OF THE ARMED FORCES WHO HAVE THE HIV-1 VIRUS

This section would require the Secretary of Defense to separate or retire service members who are identified as HIV-positive. Such members would be separated or retired within six months of testing HIV-positive unless the member is within a two year retirement sanctuary. Members within the two year retirement sanctuary would be retained until reaching retirement eligibility. The committee has elected to recommend the separation of HIV-positive service members who are permanently nondeployable because the retention of such personnel degrades unit readiness and fails to protect deployment equity among service members.

SECTION 562—AUTHORITY TO APPOINT BRIGADIER GENERAL CHARLES E. YEAGER, UNITED STATES AIR FORCE (RETIRED), TO THE GRADE OF MAJOR GENERAL ON THE RETIRED LIST

This section would authorize the President to advance Brigadier General Charles E. Yeager (retired), to the grade of major general on the retired list. The appointment would require the advice and consent of the United States Senate and would have no effect on the member's retired pay or other benefits.

SECTION 563—DETERMINATION OF WHEREABOUTS AND STATUS OF MISSING PERSONS

This section would require the Secretary of Defense to centralize the oversight and policy responsibility for accounting for missing persons at the Department of Defense level. This section would codify and standardize procedures for accounting for members of the armed forces or civilian employees of the Department of Defense who become missing as a result of military operations. This section would also establish a procedure for review of cases of those who are missing as a result of military operations since January 1, 1950. In addition, it would codify a process to protect the interests of families of missing service members. Further, it would provide a process to allow the concerns and questions of family members to be promptly addressed.

For years, Congress has struggled to find ways to obtain the fullest possible accounting of American service members and civilians under the employment of the Department of Defense who were listed as missing in action or became prisoners of war. Under this sec-

disability or for cause), or whose term of enlistment expires and who is denied reenlistment (other than for physical disability or for cause), and who on the date on which the member is to be discharged or transferred from an active status is entitled to be credited with at least 18 but less than 20 years of service computed under section 1332 of this title, may not be discharged, denied reenlistment, or transferred from an active status without the member's consent before the earlier of certain dates for provisions that a reserve enlisted member serving on active duty who was selected to be involuntarily separated, or whose term of enlistment expired and who was denied reenlistment, and who on the date on which the member was to be discharged or released from active duty was entitled to be credited with at least 18 but less than 20 years of service computed under section 1332 of this title, could not be discharged or released from active duty without the member's consent before the earlier of certain dates.

Subsec. (b)(1). Pub.L. 103-160, § 562(a), substituted "discharged or transferred from an active status" for "discharged or released from active duty" in two places.

Subsec. (b)(2). Pub.L. 103-160, § 562(a), substituted "discharged or transferred from an active status" for "discharged or released from active duty" in two places.

Effective Date of 1993 Amendments

Section 562(b) of Pub.L. 103-160 provided that: "Subsection (b) of section 1176 of title 10, United States Code, as added by subsection (a) [subsec. (b) of this section], shall take effect as of October 23, 1992."

Legislative History

For legislative history and purpose of Pub.L. 102-484, see 1992 U.S. Code Cong. and Adm. News, p. 1636. See, also, Pub.L. 103-160, 1993 U.S. Code Cong. and Adm. News, p. 2013.

LIBRARY REFERENCES

Armed Services — 22.
C.J.S. Armed Services §§ 28, 80 to 103.
WESTLAW Topic No. 34.

§ 1177. Members who are permanently nonworldwide assignable: mandatory discharge or retirement; counseling

(a) **Required separation.**—(1) Subject to paragraph (2), a member of the armed forces who is classified as permanently nonworldwide assignable due to a medical condition shall (except as provided in subsection (c)) be separated.

(2) Paragraph (1) shall not be in effect in the case of any of the armed forces if the Secretary concerned determines that the retention of permanently nonworldwide assignable members would not adversely affect the ability of that service to carry out its mission.

(3) A separation under paragraph (1) shall be made on a date determined by the Secretary concerned, which (except as provided in subsection (b)(2)) shall be as soon as practicable after the date on which the determination is made that the member should be so classified and not later than the last day of the twelfth month beginning after that date.

(b) **Form of separation.**—(1) if a member to be separated under this section is eligible to retire under any provision of law or to be transferred to the Fleet Reserve or Fleet Marine Corps Reserve, the member shall be so retired or so transferred. Otherwise, the member shall be discharged.

(2) In the case of a member to be discharged under this section who on the date on which the member is to be discharged is within two years of qualifying for retirement under any provision of law, or of qualifying for transfer to the Fleet Reserve or Fleet Marine Corps Reserve under section 6330 of this title, the member may, as determined by the Secretary concerned, be retained on active duty until the member is qualified for retirement or transfer to the Fleet Reserve or Fleet Marine Corps Reserve, as the case may be, and then be so retired or transferred, unless the member is sooner retired or discharged under any other provision of law.

(c) **Exceptions.**—The Secretary concerned may waive subsection (a) with respect to an individual member of the armed forces under the jurisdiction of that Secretary if the Secretary determines that there are circumstances that warrant the retention of that member. Such circumstances may include—

(1) consideration that the medical condition making the member permanently nonworldwide assignable was incurred in combat or otherwise as the result of an action of the member for which the member received a decoration or other recognition for personal bravery;

(2) consideration that the member has a specific proficiency or skill that is vital to the national security; and

(3) any other circumstance that the Secretary considers to be for the good of the service.

(d) **Counseling about available medical care.**—A member to be separated under this section shall be provided information, in writing, before such separation of the available medical care (through the Department of Veterans Affairs and otherwise) to treat the member's condition. Such information shall include identification of specific medical locations near the member's home of record or point of discharge at which the member may seek necessary medical care.

(e) **Separation to be considered involuntary.**—A separation under this section shall be considered to be an involuntary separation for purposes of any other provision of law. (Added Pub.L. 103-337, Div. A, Title V, § 560(a)(1), Oct. 5, 1994, 108 Stat. 2777.)

HISTORICAL AND STATUTORY NOTES

Effective Date

Section 560(b) of Pub.L. 103-337 provided that: "Section 1177 of title 10, United States Code, as added by subsection (a) [this section], shall apply with respect to members determined to be permanently nonworldwide assignable by reason of a medical condition before, on, or after the date of the enactment of this Act [Oct. 5, 1994]. In the case of such a determination made before the date of the enactment of this Act

[Oct. 5, 1994], the period for the separation of the member specified in subsection (a) of such section [subsec. (a) of this section] shall be treated as beginning on the date of the enactment of this Act [Oct. 5, 1994]."

Legislative History

For legislative history and purpose of Pub.L. 103-337, see 1994 U.S. Code Cong. and Adm. News, p. 2091.

CHAPTER 60—SEPARATION OF REGULAR OFFICERS FOR SUBSTANDARD PERFORMANCE OF DUTY OR FOR CERTAIN OTHER REASONS

Sec.

1181. Authority to establish procedures to consider the separation of officers for substandard performance of duty and for certain other reasons.

HISTORICAL AND STATUTORY NOTES

1984 Amendment

Pub.L. 98-525, Title V, § 524(b)(2), Oct. 19, 1984, 98 Stat. 2524, substituted "Authority to establish procedures to consider the separation

of officers for substandard performance of duty and for certain other reasons" for "Authority to convene boards of officers to consider separation of officers for substandard performance of duty or for certain other reasons" in item 1181.

§ 1181. Authority to establish procedures to consider the separation of officers for substandard performance of duty and for certain other reasons

(a) Subject to such limitations as the Secretary of Defense may prescribe, the Secretary of the military department concerned shall prescribe, by regulation, procedures for the review at any time of the record of any commissioned officer (other than a commissioned warrant officer or a retired officer) of the Regular Army, Regular Navy, Regular Air Force, or Regular Marine Corps to determine whether such officer shall be required, because his performance of duty has fallen below standards prescribed by the Secretary of Defense, to show cause for his retention on active duty.

(b) Subject to such limitations as the Secretary of Defense may prescribe, the Secretary of the military department concerned shall prescribe, by regulation, procedures for the review at any time of the record of any commissioned officer (other than a commissioned warrant officer or a retired officer) of the Regular Army, Regular Navy, Regular Air Force, or Regular Marine Corps to determine whether such officer should be required, because of misconduct, because of moral or professional dereliction, or because his retention is not clearly consistent with the interests of national security, to show cause for his retention on active duty.

(As amended Pub.L. 98-525, Title V, § 524(b)(1), Oct. 19, 1984, 98 Stat. 2524.)

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TO: Marvin Kuslov

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☒ Per Your Request

☐ FYI

Message:

1. § 367 - Discharge ... HIV-1
VIRUS
2. § 738 - Re: Abortion
3. "Table of Contents" for S1124

From: Sigurd

(d) **EFFECTIVE DATE.**—This section shall apply only to members of the commissioned officer corps of the National Oceanic and Atmospheric Administration who are separated after September 30, 1995.

SEC. 587. DISCHARGE OF MEMBERS OF THE ARMED FORCES WHO HAVE THE HIV-1 VIRUS.

(a) **IN GENERAL.**—(1) Section 1177 of title 10, United States Code, is amended to read as follows:

"§1177. Members infected with HIV-1 virus: mandatory discharge or retirement

"(a) **MANDATORY SEPARATION.**—A member of the armed forces who is HIV-positive shall be separated. Such separation shall be made on a date determined by the Secretary concerned, which shall be as soon as practicable after the date on which the determination is made that the member is HIV-positive and not later than the last day of the sixth month beginning after such date.

"(b) **FORM OF SEPARATION.**—If a member to be separated under this section is eligible to retire under any provision of law or to be transferred to the Fleet Reserve or Fleet Marine Corps Reserve, the member shall be so retired or so transferred. Otherwise, the member shall be discharged. The characterization of the service of the member shall be determined without regard to the determination that the member is HIV-positive.

"(c) **DEFERRAL OF SEPARATION FOR MEMBERS IN 18-YEAR RETIREMENT SANCTUARY.**—In the case of a member to be discharged under this section who on the date on which the member is to be discharged is within two years of qualifying for retirement under any provision of law, or of qualifying for transfer to the Fleet Reserve or Fleet Marine Corps Reserve under section 6330 of this title, the member may, as determined by the Secretary concerned, be retained on active duty until the member is qualified for retirement or transfer to the Fleet Reserve or Fleet Marine Corps Reserve, as the case may be, and then be so retired or transferred, unless the member is sooner retired or discharged under any other provision of law.

"(d) **SEPARATION TO BE CONSIDERED INVOLUNTARY.**—A separation under this section shall be considered to be an involuntary separation for purposes of any other provision of law.

"(e) **ENTITLEMENT TO HEALTH CARE.**—A member separated under this section shall be entitled to medical and dental care under chapter 55 of this title to the same extent and under the same conditions as a person who is entitled to such care under section 1074(b) of this title.

"(f) **COUNSELING ABOUT AVAILABLE MEDICAL CARE.**—A member to be separated under this section shall be provided information, in writing, before such separation of the available medical care (through the Department of Veterans Affairs and otherwise) to treat the member's condition. Such information shall include identification of specific medical locations near the member's home of record or point of discharge at which the member may seek necessary medical care.

"(g) **HIV-POSITIVE MEMBERS.**—A member shall be considered to be HIV-positive for purposes of this section if there is serologic evidence that the member is infected with the virus known as Human Immunodeficiency Virus-1 (HIV-1), the virus most commonly associated with the acquired immune deficiency syndrome (AIDS) in the United States. Such serologic evidence shall be considered to exist if there is a reactive result given by an enzyme-linked immunosorbent assay (ELISA) serologic test that is confirmed by a reactive and diagnostic immunoelectrophoresis test (Western blot) on two separate samples. Any such se-

rologic test must be one that is approved by the Food and Drug Administration."

(2) The item relating to such section in the table of sections at the beginning of chapter 59 of such title is amended to read as follows:

"1177. Members infected with HIV-1 virus: mandatory discharge or retirement."

(b) **EFFECTIVE DATE.**—Section 1177 of title 10, United States Code, as amended by subsection (a), applies with respect to members of the Armed Forces determined to be HIV-positive before, on, or after the date of the enactment of this Act. In the case of a member of the Armed Forces determined to be HIV-positive before such date, the deadline for separation of the member under subsection (a) of such section, as so amended, shall be determined from the date of the enactment of this Act (rather than from the date of such determination).

SEC. 588. REVISION AND CODIFICATION OF MILITARY FAMILY ACT AND MILITARY CHILD CARE ACT.

(a) **IN GENERAL.**—(1) Subtitle A of title 10, United States Code, is amended by inserting after chapter 87 the following new chapter:

"CHAPTER 88—MILITARY FAMILY PROGRAMS AND MILITARY CHILD CARE

"Subchapter Sec.
"I. Military Family Programs 1781
"II. Military Child Care 1791

"SUBCHAPTER I—MILITARY FAMILY PROGRAMS

"Sec.

"1781. Office of Family Policy.

"1782. Surveys of military families.

"1783. Family members serving on advisory committees.

"1784. Employment opportunities for military spouses.

"1785. Youth sponsorship program.

"1786. Dependent student travel within the United States.

"1787. Reporting of child abuse.

"§1781. Office of Family Policy

"(a) **ESTABLISHMENT.**—There is in the Office of the Secretary of Defense an Office of Family Policy (hereinafter in this section referred to as the 'Office'). The Office shall be under the Assistant Secretary of Defense for Force Management and Personnel.

"(b) **DUTIES.**—The Office—

"(1) shall coordinate programs and activities of the military departments to the extent that they relate to military families; and

"(2) shall make recommendations to the Secretaries of the military departments with respect to programs and policies regarding military families.

"(c) **STAFF.**—The Office shall have not less than five professional staff members.

"§1782. Surveys of military families

"(a) **AUTHORITY.**—The Secretary of Defense may conduct surveys of members of the armed forces on active duty or in an active status, members of the families of such members, and retired members of the armed forces to determine the effectiveness of Federal programs relating to military families and the need for new programs.

"(b) **RESPONSES TO BE VOLUNTARY.**—Responses to surveys conducted under this section shall be voluntary.

"(c) **FEDERAL RECORDKEEPING REQUIREMENTS.**—With respect to such surveys, family members of members of the armed forces and reserve and retired members of the armed forces shall be considered to be employees of the United States for purposes of section 3502(3)(A)(i) of title 44.

"§1783. Family members serving on advisory committees

"A committee within the Department of Defense which advises or assists the Depart-

ment in the performance of any function which affects members of military families and which includes members of military families in its membership shall not be considered an advisory committee under section 3(2) of the Federal Advisory Committee Act (5 U.S.C. App.) solely because of such membership.

"§1784. Employment opportunities for military spouses

"(a) **AUTHORITY.**—The President shall order such measures as the President considers necessary to increase employment opportunities for spouses of members of the armed forces. Such measures may include—

"(1) excepting, pursuant to section 3302 of title 5, from the competitive service positions in the Department of Defense located outside of the United States to provide employment opportunities for qualified spouses of members of the armed forces in the same geographical area as the permanent duty station of the members; and

"(2) providing preference in hiring for positions in nonappropriated fund activities to qualified spouses of members of the armed forces stationed in the same geographical area as the nonappropriated fund activity for positions in wage grade UA-8 and below and equivalent positions and for positions paid at hourly rates.

"(b) **REGULATIONS.**—The Secretary of Defense shall prescribe regulations—

"(1) to implement such measures as the President orders under subsection (a);

"(2) to provide preference to qualified spouses of members of the armed forces in hiring for any civilian position in the Department of Defense if the spouse is among persons determined to be best qualified for the position and if the position is located in the same geographical area as the permanent duty station of the member;

"(3) to ensure that notice of any vacant position in the Department of Defense is provided in a manner reasonably designed to reach spouses of members of the armed forces whose permanent duty stations are in the same geographic area as the area in which the position is located; and

"(4) to ensure that the spouse of a member of the armed forces who applies for a vacant position in the Department of Defense shall, to the extent practicable, be considered for any such position located in the same geographic area as the permanent duty station of the member.

"(c) **STATUS OF PREFERENCE ELIGIBLES.**—Nothing in this section shall be construed to provide a spouse of a member of the armed forces with preference in hiring over an individual who is a preference eligible.

"§1785. Youth sponsorship program

"(a) **REQUIREMENT.**—The Secretary of Defense shall require that there be at each military installation a youth sponsorship program to facilitate the integration of dependent children of members of the armed forces into new surroundings when moving to that military installation as a result of a parent's permanent change of station.

"(b) **DESCRIPTION OF PROGRAMS.**—The program at each installation shall provide for involvement of dependent children of members presently stationed at the military installation and shall be directed primarily toward children in their preteen and teenage years.

"§1786. Dependent student travel within the United States

"Funds available to the Department of Defense for the travel and transportation of dependent students of members of the armed forces stationed overseas may be obligated for transportation allowances for travel within or between the contiguous States.

(B) by inserting a comma after "title".
 (b) **TWO YEAR AVAILABILITY OF CERTAIN APPROPRIATIONS.**—Subsection (a)(2) of such section is amended to read as follows:

"(2) Of the total amount appropriated for a fiscal year for programs and activities carried out under this chapter, the amount equal to three percent of such total amount shall remain available for obligation until the end of the following fiscal year."

(c) **CONFORMING AMENDMENTS.**—Such section is further amended—

(1) by striking out subsections (c), (d), and (f); and

(2) by redesignating subsection (e) as subsection (c).

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

"§ 1100. Defense Health Program Account".

(2) The item relating to such section in the table of sections at the beginning of chapter 55 of such title is amended to read as follows: "1100. Defense Health Program Account."

SEC. 736. EXPANSION OF FINANCIAL ASSISTANCE PROGRAM FOR HEALTH-CARE PROFESSIONALS IN RESERVE COMPONENTS TO INCLUDE DENTAL SPECIALTIES.

Section 16201(b) of title 10, United States Code, is amended—

(1) in the subsection heading, by inserting "AND DENTISTS" after "PHYSICIANS";

(2) in paragraph (1)(A), by inserting "or dental school" after "medical school";

(3) in paragraphs (1)(B) and (2)(B), by inserting "or dental officer" after "medical officer"; and

(4) in paragraph (1)(C), by striking out "physicians in a medical specialty" and inserting in lieu thereof "physicians or dentists in a medical or dental specialty".

SEC. 737. APPLICABILITY OF LIMITATION ON PRICES OF PHARMACEUTICALS PROCURED FOR COAST GUARD.

(a) **INCLUSION OF COAST GUARD.**—Section 8126(b) of title 38, United States Code, is amended by adding at the end the following new paragraph:

"(4) The Coast Guard."

(b) **EFFECTIVE DATE; APPLICATION OF AMENDMENT.**—The amendment made by subsection (a) shall take effect as if included in the enactment of section 603 of the Veterans Health Care Act of 1992 (Public Law 102-585; 106 Stat. 4971).

SEC. 738. RESTRICTION ON USE OF DEPARTMENT OF DEFENSE FACILITIES FOR ABORTIONS.

(a) **IN GENERAL.**—Section 1093 of title 10, United States Code, is amended—

(1) by inserting "(a) RESTRICTION ON USE OF FUNDS." before "Funds available"; and

(2) by adding at the end the following:

"(b) **RESTRICTION ON USE OF FACILITIES.**—No medical treatment facility or other facility of the Department of Defense may be used to perform an abortion except where the life of the mother would be endangered if the fetus were carried to term or in a case in which the pregnancy is the result of an act of rape or incest."

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

"§ 1093. Performance of abortions: restrictions".

(2) The item relating to such section in the table of sections at the beginning of chapter 55 of such title is amended to read as follows: "1093. Performance of abortions: restrictions."

Subtitle E—Other Matters

SEC. 741. TRISERVICE NURSING RESEARCH.

(a) **PROGRAM AUTHORIZED.**—Chapter 104 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2116. Military nursing research.

"(a) **DEFINITIONS.**—In this section:

"(1) The term 'military nursing research' means research on the furnishing of care and services by nurses in the armed forces.

"(2) The term 'TriService Nursing Research Program' means the program of military nursing research authorized under this section.

"(b) **PROGRAM AUTHORIZED.**—The Secretary of Defense may establish at the University a program of military nursing research.

"(c) **TRISERVICE RESEARCH GROUP.**—The TriService Nursing Research Program shall be administered by a TriService Nursing Research Group composed of Army, Navy, and Air Force nurses who are involved in military nursing research and are designated by the Secretary concerned to serve as members of the group:

"(d) **DUTIES OF GROUP.**—The TriService Nursing Research Group shall—

"(1) develop for the Department of Defense recommended guidelines for requesting, reviewing, and funding proposed military nursing research projects; and

"(2) make available to Army, Navy, and Air Force nurses and Department of Defense officials concerned with military nursing research—

"(A) information about nursing research projects that are being developed or carried out in the Army, Navy, and Air Force; and

"(B) expertise and information beneficial to the encouragement of meaningful nursing research.

"(e) **RESEARCH TOPICS.**—For purposes of this section, military nursing research includes research on the following issues:

"(1) Issues regarding how to improve the results of nursing care and services provided in the armed forces in time of peace.

"(2) Issues regarding how to improve the results of nursing care and services provided in the armed forces in time of war.

"(3) Issues regarding how to prevent complications associated with battle injuries.

"(4) Issues regarding how to prevent complications associated with the transporting of patients in the military medical evacuation system.

"(5) Issues regarding how to improve methods of training nursing personnel.

"(6) Clinical nursing issues, including such issues as prevention and treatment of child abuse and spouse abuse.

"(7) Women's health issues.

"(8) Wellness issues.

"(9) Preventive medicine issues.

"(10) Home care management issues.

"(11) Case management issues."

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 104 of such title is amended by adding at the end the following:

"2116. Military nursing research."

SEC. 742. TERMINATION OF PROGRAM TO TRAIN MILITARY PSYCHOLOGISTS TO PRESCRIBE PSYCHOTROPIC MEDICATIONS.

(a) **TERMINATION.**—Not later than June 30, 1997, the Secretary of Defense shall terminate the demonstration pilot program for training military psychologists in the prescription of psychotropic medications, which is referred to in section 8097 of the Department of Defense Appropriations Act, 1991 (Public Law 101-511; 104 Stat. 1897).

(b) **PROHIBITION ON ADDITIONAL ENROLLEES PENDING TERMINATION.**—After the date of the enactment of this Act, the Secretary of Defense may not enroll any new participants for the demonstration pilot program described in subsection (a).

(c) **EFFECT ON CURRENT PARTICIPANTS.**—The requirement to terminate the demonstration pilot program described in sub-

section (a) shall not be construed to affect the training or utilization of military psychologists in the prescription of psychotropic medications who are participating in the demonstration pilot program on the date of the enactment of this Act or who have completed such training before that date.

(d) **EVALUATION.**—As soon as possible after the date of the enactment of this Act, but not later than April 1, 1997, the Comptroller General of the United States shall submit to Congress a report evaluating the success of the demonstration pilot program described in subsection (a). The report shall include—

(1) a cost-benefit analysis of the program;

(2) a discussion of the utilization requirements under the program; and

(3) recommendations regarding—

(A) whether the program should be extended so as to continue to provide training to military psychologists in the prescription of psychotropic medications; and

(B) any modifications that should be made in the manner in which military psychologists are trained and used to prescribe psychotropic medications so as to improve the training provided under the program, if the program is extended.

SEC. 743. WAIVER OF COLLECTION OF PAYMENTS DUE FROM CERTAIN PERSONS UNAWARE OF LOSS OF CHAMPUS ELIGIBILITY.

(a) **AUTHORITY TO WAIVE COLLECTION.**—The administering Secretaries may waive the collection of payments otherwise due from a person described in subsection (b) as a result of the receipt by the person of health benefits under section 1086 of title 10, United States Code, after the termination of the person's eligibility for such benefits.

(b) **PERSONS ELIGIBLE FOR WAIVER.**—A person shall be eligible for relief under subsection (a) if the person—

(1) is a person described in paragraph (1) of subsection (d) of section 1086 of title 10, United States Code;

(2) in the absence of such paragraph, would have been eligible for health benefits under such section; and

(3) at the time of the receipt of such benefits, satisfied the criteria specified in subparagraphs (A) and (B) of paragraph (2) of such subsection.

(c) **EXTENT OF WAIVER AUTHORITY.**—The authority to waive the collection of payments pursuant to this section shall apply with regard to health benefits provided under section 1086 of title 10, United States Code, to persons described in subsection (b) during the period beginning on January 1, 1967, and ending on the later of—

(1) the termination date of any special enrollment period provided under title XVIII of the Social Security Act (42 U.S.C. 1 et seq.) specifically for such persons; and

(2) July 1, 1996.

(d) **DEFINITIONS.**—For purposes of this section, the term "administering Secretaries" has the meaning given such term in section 1072(3) of title 10, United States Code.

SEC. 744. DEMONSTRATION PROGRAM TO TRAIN MILITARY MEDICAL PERSONNEL IN CIVILIAN SHOCK TRAUMA UNITS.

(a) **DEMONSTRATION PROGRAM.**—(1) Not later than April 1, 1996, the Secretary of Defense shall implement a demonstration program to evaluate the feasibility of providing shock trauma training for military medical personnel through one or more public or non-profit hospitals. The Secretary shall carry out the program pursuant to an agreement with such hospitals.

(2) Under the agreement with a hospital, the Secretary shall assign military medical personnel participating in the demonstration program to temporary duty in shock trauma units operated by the hospitals that are parties to the agreement.

be recovered. We were talking about \$150 billion. Why has only \$2 billion been ordered to be recovered?

You will hear more about this later. This is the kind of morality discussion, if we are going to have a morality discussion, that we should get into.

But my final comment is, Mr. Speaker, let us keep our eyes on the prize, continue to focus on the budget, taxes, and expenditures. It is a discussion that the American people deserve.

CONFERENCE REPORT ON S. 1124

Mr. SPENCE submitted the following conference report and statement on the bill (S. 1124), to authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes:

CONFERENCE REPORT (H. REPT. 104-450)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1124), to authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Defense Authorization Act for Fiscal Year 1996".

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

(a) DIVISIONS.—This Act is organized into five 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.

(4) Division D—Federal Acquisition Reform.

(5) Division E—Information Technology Management Reform.

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

Sec. 1. Short title.

Sec. 2. Organization of Act into divisions; table of contents.

Sec. 3. Congressional defense committees defined.

Sec. 4. Extension of time for submission of reports.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Army.

Sec. 102. Navy and Marine Corps.

Sec. 103. Air Force.

Sec. 104. Defense-wide activities.

Sec. 105. Reserve components.

Sec. 106. Defense Inspector General.

Sec. 107. Chemical demilitarization program.

Sec. 108. Defense health programs.

Subtitle B—Army Programs

Sec. 111. Procurement of OH-58D Armed Kiowa Warrior helicopters.

Sec. 112. Repeal of requirements for armored vehicle upgrades.

Sec. 113. Multiyear procurement of helicopters.

Sec. 114. Report on AH-64D engine upgrades.

Sec. 115. Requirement for use of previously authorized multiyear procurement authority for Army small arms procurement.

Subtitle C—Navy Programs

Sec. 131. Nuclear attack submarines.

Sec. 132. Research for advanced submarine technology.

Sec. 133. Cost limitation for Seawolf submarine program.

Sec. 134. Repeal of prohibition on backfit of Trident submarines.

Sec. 135. Arleigh Burke class destroyer program.

Sec. 136. Acquisition program for crash attenuating seats.

Sec. 137. T-39N trainer aircraft.

Sec. 138. Pioneer unmanned aerial vehicle program.

Subtitle D—Air Force Programs

Sec. 141. B-2 aircraft program.

Sec. 142. Procurement of B-2 bombers.

Sec. 143. MC-130H aircraft program.

Subtitle E—Chemical Demilitarization Program

Sec. 151. Repeal of requirement to proceed expeditiously with development of chemical demilitarization cryofracture facility at Tooele Army Depot, Utah.

Sec. 152. Destruction of existing stockpile of lethal chemical agents and munitions.

Sec. 153. Administration of chemical demilitarization program.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.

Sec. 202. Amount for basic research and exploratory development.

Sec. 203. Modifications to Strategic Environmental Research and Development Program.

Sec. 204. Defense dual use technology initiative.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Space launch modernization.

Sec. 212. Tactical manned reconnaissance.

Sec. 213. Joint Advanced Strike Technology (JAST) program.

Sec. 214. Development of laser program.

Sec. 215. Navy mine countermeasures program.

Sec. 216. Space-based infrared system.

Sec. 217. Defense Nuclear Agency programs.

Sec. 218. Counterproliferation support program.

Sec. 219. Nonlethal weapons study.

Sec. 220. Federally funded research and development centers and university-affiliated research centers.

Sec. 221. Joint seismic program and global seismic network.

Sec. 222. Hydra-70 rocket product improvement program.

Sec. 223. Limitation on obligation of funds until receipt of electronic combat consolidation master plan.

Sec. 224. Report on reductions in research, development, test, and evaluation.

Sec. 225. Advanced Field Artillery System (Crusader).

Sec. 226. Demilitarization of conventional munitions, rockets, and explosives.

Sec. 227. Defense Airborne Reconnaissance program.

Subtitle C—Ballistic Missile Defense Act of 1995

Sec. 231. Short title.

Sec. 232. Findings.

Sec. 233. Ballistic Missile Defense policy.

Sec. 234. Theater Missile Defense architecture.

Sec. 235. Prohibition on use of funds to implement an international agreement concerning Theater Missile Defense systems.

Sec. 236. Ballistic Missile Defense cooperation with allies.

Sec. 237. ABM Treaty defined.

Sec. 238. Repeal of Missile Defense Act of 1991.

Subtitle D—Other Ballistic Missile Defense Provisions

Sec. 251. Ballistic Missile Defense program elements.

Sec. 252. Testing of Theater Missile Defense interceptors.

Sec. 253. Repeal of missile defense provisions.

Subtitle E—Miscellaneous Reviews, Studies, and Reports

Sec. 261. Precision-guided munitions.

Sec. 262. Review of CMI by National Research Council.

Sec. 263. Analysis of consolidation of basic research accounts of military departments.

Sec. 264. Change in reporting period from calendar year to fiscal year for annual report on certain contracts to colleges and universities.

Sec. 265. Aeronautical research and test capabilities assessment.

Subtitle F—Other Matters

Sec. 271. Advanced lithography program.

Sec. 272. Enhanced fiber optic guided missile (EFOG-M) system.

Sec. 273. States eligible for assistance under Defense Experimental Program To Stimulate Competitive Research.

Sec. 274. Cruise missile defense initiative.

Sec. 275. Modification to university research initiative support program.

Sec. 276. Manufacturing technology program.

Sec. 277. Five-year plan for consolidation of defense laboratories and test and evaluation centers.

Sec. 278. Limitation on T-38 avionics upgrade program.

Sec. 279. Global Positioning System.

Sec. 280. Revision of authority for providing Army support for the National Science Center for Communications and Electronics.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.

Sec. 302. Working capital funds.

Sec. 303. Armed Forces Retirement Home.

Sec. 304. Transfer from National Defense Stockpile Transaction Fund.

Sec. 305. Civil Air Patrol.

Subtitle B—Depot-Level Activities

Sec. 311. Policy regarding performance of depot-level maintenance and repair for the Department of Defense.

Sec. 312. Management of depot employees.

Sec. 313. Extension of authority for aviation depots and naval shipyards to engage in defense-related production and services.

Sec. 314. Modification of notification requirement regarding use of core logistics functions waiver.

Subtitle C—Environmental Provisions

- Sec. 321. Revision of requirements for agreements for services under environmental restoration program.
- Sec. 322. Addition of amounts creditable to Defense Environmental Restoration Account.
- Sec. 323. Use of Defense Environmental Restoration Account.
- Sec. 324. Revision of authorities relating to restoration advisory boards.
- Sec. 325. Discharges from vessels of the Armed Forces.

Subtitle D—Commissaries and Nonappropriated Fund Instrumentalities

- Sec. 331. Operation of commissary system.
- Sec. 332. Limited release of commissary stores sales information to manufacturers, distributors, and other vendors doing business with Defense Commissary Agency.
- Sec. 333. Economical distribution of distilled spirits by nonappropriated fund instrumentalities.
- Sec. 334. Transportation by commissaries and exchanges to overseas locations.
- Sec. 335. Demonstration project for uniform funding of morale, welfare, and recreation activities at certain military installations.
- Sec. 336. Operation of combined exchange and commissary stores.
- Sec. 337. Deferred payment programs of military exchanges.
- Sec. 338. Availability of funds to offset expenses incurred by Army and Air Force Exchange Service on account of troop reductions in Europe.
- Sec. 339. Study regarding improving efficiencies in operation of military exchanges and other morale, welfare, and recreation activities and commissary stores.
- Sec. 340. Repeal of requirement to convert ships' stores to nonappropriated fund instrumentalities.
- Sec. 341. Disposition of excess morale, welfare, and recreation funds.
- Sec. 342. Clarification of entitlement to use of morale, welfare, and recreation facilities by members of reserve components and dependents.

Subtitle E—Performance of Functions by Private-Sector Sources

- Sec. 351. Competitive procurement of printing and duplication services.
- Sec. 352. Direct vendor delivery system for consumable inventory items of Department of Defense.
- Sec. 353. Payroll, finance, and accounting functions of the Department of Defense.
- Sec. 354. Demonstration program to identify overpayments made to vendors.
- Sec. 355. Pilot program on private operation of defense dependents' schools.
- Sec. 356. Program for improved travel process for the Department of Defense.
- Sec. 357. Increased reliance on private-sector sources for commercial products and services.

Subtitle F—Miscellaneous Reviews, Studies, and Reports

- Sec. 361. Quarterly readiness reports.
- Sec. 362. Restatement of requirement for semiannual reports to Congress on transfers from high-priority readiness appropriations.
- Sec. 363. Report regarding reduction of costs associated with contract management oversight.

- Sec. 364. Reviews of management of inventory control points and Material Management Standard System.

- Sec. 365. Report on private performance of certain functions performed by military aircraft.
- Sec. 366. Strategy and report on automated information systems of Department of Defense.

Subtitle G—Other Matters

- Sec. 371. Codification of Defense Business Operations Fund.
- Sec. 372. Clarification of services and property that may be exchanged to benefit the historical collection of the Armed Forces.
- Sec. 373. Financial management training.
- Sec. 374. Permanent authority for use of proceeds from the sale of certain lost, abandoned, or unclaimed property.
- Sec. 375. Sale of military clothing and subsistence and other supplies of the Navy and Marine Corps.
- Sec. 376. Personnel services and logistical support for certain activities held on military installations.
- Sec. 377. Retention of monetary awards.
- Sec. 378. Provision of equipment and facilities to assist in emergency response actions.
- Sec. 379. Report on Department of Defense military and civil defense preparedness to respond to emergencies resulting from a chemical, biological, radiological, or nuclear attack.

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

- Sec. 401. End strengths for active forces.
- Sec. 402. Temporary variation in DOPMA authorized end strength limitations for active duty Air Force and Navy officers in certain grades.
- Sec. 403. Certain general and flag officers awaiting retirement not to be counted.

Subtitle B—Reserve Forces

- Sec. 411. End strengths for Selected Reserve.
- Sec. 412. End strengths for Reserves on active duty in support of the Reserves.
- Sec. 413. Counting of certain active component personnel assigned in support of reserve component training.
- Sec. 414. Increase in number of members in certain grades authorized to serve on active duty in support of the Reserves.
- Sec. 415. Reserves on active duty in support of cooperative threat reduction programs not to be counted.
- Sec. 416. Reserves on active duty for military-to-military contacts and comparable activities not to be counted.

Subtitle C—Military Training Student Loads

- Sec. 421. Authorization of training student loads.

Subtitle D—Authorization of Appropriations

- Sec. 431. Authorization of appropriations for military personnel.
- Sec. 432. Authorization for increase in active-duty end strengths.

TITLE V—MILITARY PERSONNEL POLICY**Subtitle A—Officer Personnel Policy**

- Sec. 501. Joint officer management.
- Sec. 502. Retired grade for officers in grades above major general and rear admiral.

- Sec. 503. Wearing of insignia for higher grade before promotion.

- Sec. 504. Authority to extend transition period for officers selected for early retirement.

- Sec. 505. Army officer manning levels.

- Sec. 506. Authority for medical department officers other than physicians to be appointed as Surgeon General.

- Sec. 507. Deputy Judge Advocate General of the Air Force.

- Sec. 508. Authority for temporary promotions for certain Navy lieutenants with critical skills.

- Sec. 509. Retirement for years of service of Directors of Admissions of Military and Air Force academies.

Subtitle B—Matters Relating to Reserve Components

- Sec. 511. Extension of certain Reserve officer management authorities.
- Sec. 512. Mobilization income insurance program for members of Ready Reserve.
- Sec. 513. Military technician full-time support program for Army and Air Force reserve components.
- Sec. 514. Revisions to Army Guard Combat Reform Initiative to include Army Reserve under certain provisions and make certain revisions.
- Sec. 515. Active duty associate unit responsibility.
- Sec. 516. Leave for members of reserve components performing public safety duty.
- Sec. 517. Department of Defense funding for National Guard participation in joint disaster and emergency assistance exercises.

Subtitle C—Decorations and Awards

- Sec. 521. Award of Purple Heart to persons wounded while held as prisoners of war before April 25, 1962.
- Sec. 522. Authority to award decorations recognizing acts of valor performed in combat during the Vietnam conflict.
- Sec. 523. Military intelligence personnel prevented by secrecy from being considered for decorations and awards.
- Sec. 524. Review regarding upgrading of Distinguished Service Crosses and Navy Crosses awarded to Asian-Americans and Native American Pacific Islanders for World War II service.
- Sec. 525. Eligibility for Armed Forces Expeditionary Medal based upon service in El Salvador.
- Sec. 526. Procedure for consideration of military decorations not previously submitted in timely fashion.

Subtitle D—Officer Education Programs**PART I—SERVICE ACADEMIES**

- Sec. 531. Revision of service obligation for graduates of the service academies.
- Sec. 532. Nominations to service academies from Commonwealth of the Northern Marianas Islands.
- Sec. 533. Repeal of requirement for athletic director and nonappropriated fund account for the athletics programs at the service academies.
- Sec. 534. Repeal of requirement for program to test privatization of service academy preparatory schools.

PART II—RESERVE OFFICER TRAINING CORPS

- Sec. 541. ROTC access to campuses.

- Sec. 542. ROTC scholarships for the National Guard.
- Sec. 543. Delay in reorganization of Army ROTC regional headquarters structure.
- Sec. 544. Duration of field training or practice cruise required under the Senior ROTC program.
- Sec. 545. Active duty officers detailed to ROTC duty at senior military colleges to serve as Commandant, and Assistant Commandant of Cadets and as tactical officers.

Subtitle E—Miscellaneous Reviews, Studies, and Reports

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- Sec. 5121. Responsibilities.

- Sec. 5122. Capital planning and investment control.
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 Sec. 5124. Acquisitions of information technology.
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 Sec. 5126. Accountability.
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- Sec. 5131. Responsibilities regarding efficiency, security, and privacy of Federal computer systems.
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TITLE LII—PROCESS FOR ACQUISITIONS OF INFORMATION TECHNOLOGY

- Sec. 5201. Procurement procedures.
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- Sec. 5301. Authority to conduct pilot programs.
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 Sec. 5303. Report.
 Sec. 5304. Recommended legislation.
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- Sec. 5311. Share-in-savings pilot program.
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- Sec. 5401. On-line multiple award schedule contracting.
 Sec. 5402. Identification of excess and surplus computer equipment.
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- Sec. 5501. Period for processing protests.
 Sec. 5502. Availability of funds following GAO resolution of challenge to contracting action.

TITLE LVI—CONFORMING AND CLERICAL AMENDMENTS

- Sec. 5601. Amendments to title 10, United States Code.
 Sec. 5602. Amendments to title 28, United States Code.
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 Sec. 5608. Clerical amendments.

TITLE LVII—EFFECTIVE DATE, SAVINGS PROVISIONS, AND RULES OF CONSTRUCTION

- Sec. 5701. Effective date.
 Sec. 5702. Savings provisions.
 Sec. 5703. Rules of construction.

SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES DEFINED.

For purposes of this Act, the term "congressional defense committees" means—
 (1) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

(2) the Committee on National Security and the Committee on Appropriations of the House of Representatives.

SEC. 4. EXTENSION OF TIME FOR SUBMISSION OF REPORTS.

In the case of any provision of this Act, or any amendment made by a provision of this Act, requiring the submission of a report to Congress (or any committee of Congress), that report shall be submitted not later than the later of—

- (1) the date established for submittal of the report in such provision or amendment; or
- (2) the date that is 45 days after the date of the enactment of this Act.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

SEC. 101. ARMY.

Funds are hereby authorized to be appropriated for fiscal year 1996 for procurement for the Army as follows:

- (1) For aircraft, \$1,558,805,000.
- (2) For missiles, \$865,555,000.
- (3) For weapons and tracked combat vehicles, \$1,652,745,000.
- (4) For ammunition, \$1,093,991,000.
- (5) For other procurement, \$2,763,443,000.

SEC. 102. NAVY AND MARINE CORPS.

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 1996 for procurement for the Navy as follows:

- (1) For aircraft, \$4,572,394,000.
- (2) For weapons, including missiles and torpedoes, \$1,659,827,000.
- (3) For shipbuilding and conversion, \$6,643,958,000.
- (4) For other procurement, \$2,414,771,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 1996 for procurement for the Marine Corps in the amount of \$458,947,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for procurement of ammunition for the Navy and the Marine Corps in the amount of \$430,053,000.

SEC. 103. AIR FORCE.

Funds are hereby authorized to be appropriated for fiscal year 1996 for procurement for the Air Force as follows:

- (1) For aircraft, \$7,349,783,000.
- (2) For missiles, \$2,938,883,000.
- (3) For ammunition, \$343,848,000.
- (4) For other procurement, \$6,268,430,000.

SEC. 104. DEFENSE-WIDE ACTIVITIES.

Funds are hereby authorized to be appropriated for fiscal year 1996 for Defense-wide procurement in the amount of \$2,124,379,000.

SEC. 105. RESERVE COMPONENTS.

Funds are hereby authorized to be appropriated for fiscal year 1996 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, \$160,000,000.
- (2) For the Air National Guard, \$255,000,000.
- (3) For the Army Reserve, \$85,700,000.
- (4) For the Naval Reserve, \$67,000,000.
- (5) For the Air Force Reserve, \$135,600,000.
- (6) For the Marine Corps Reserve, \$73,700,000.

SEC. 106. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for fiscal year 1996 for procurement for the Inspector General of the Department of Defense in the amount of \$1,000,000.

SEC. 107. CHEMICAL DEMILITARIZATION PROGRAM.

There is hereby authorized to be appropriated for fiscal year 1996 the amount of \$672,250,000 for—

- (1) the destruction of lethal chemical agents and munitions in accordance with