

TROOPS TO LAW ENFORCEMENT

TABLE OF CONTENTS

- TAB A*** ***Troops to Law Enforcement Background Paper***
- TAB B*** ***Public Law 103-160, November 1993. The National Defense Authorization Act For Fiscal Year 1994.***
- TAB C*** ***Senate and House Appropriation Committees Conference Report, November 9, 1993. (Report 103-339).***
- TAB D*** ***Draft Bill with Forwarding Speaker Letter***
 - With ATSD (LA) - Coordination
 - With OGC - Coordination
- TAB E*** ***Draft MOA Between DoD and DoJ***
 - With ATSD (LA) - Coordination
 - Without OGC - Coordination
- TAB F*** ***FY 1995 House Defense Authorization Report***
 - DoD Appeal
 - H.R. 4301
- TAB G*** ***FY 1995 Senate Defense Authorization Report***
 - DoD Appeal
 - S:2182

TAB A.

TROOPS TO LAW ENFORCEMENT

BACKGROUND

- The National Defense Authorization Act For Fiscal Year 1994 (Public Law 103-160, November 30, 1993) authorizes a program to place separated members of the armed forces in law enforcement positions. The language poses several problems outlined below:
 - **Eligibility [section 1152(b)]** - limits eligibility to involuntary separations, early retirements, and VSI/SSB, as well as to related law enforcement experience. These restrictions severely limit the pool of eligibles because law enforcement agencies generally restrict hiring to age 32 and below and because there are limited numbers of SM's being separated in these categories.
 - **Selection of Participants [section 1152(c)]** - places DoD in an unnecessary and inappropriate position of selecting participants. law enforcement agencies should hire from those eligible and DoD should not have a selecting role.
 - **Grants [section 1152(d)(1)]** - allows DoD to enter into agreements with State and local law enforcement agencies and has DoD selecting those agencies to get grants. DOJ has a Police Hiring Supplement Program. It would make sense to piggyback this effort onto that program to reduce administrative costs and consolidate efforts. Congressional intent is to provide the grants in an efficient manner.
 - **Funding [section 1152(d)(2)]** - This section appears to restrict DoD from implementing the program unless they have funding for 5 years.
 - **Reimbursement [section 1152 (d)(4)]** - It requires law enforcement agencies to reimburse the government if anyone employed through this program "leaves within five years". This section does not appear to differentiate between involuntary separation or separation for cause. Police Departments will likely view this as an unacceptable provision.
- DoD (Bob Stein and John Molino) met with House staffers to clarify Congress' intent, express DoD support, put this legislation into the proper perspective, and discuss areas of concern:
 - Chris Aldridge HASC on 11/22/93 and 2/14/94
 - Jim Dykstra, Alex Pratt, Susan Lockard (Cong. Horn's staff) on 12/3/93 and 2/14/94)
 - Shawne Carter (Cong. Winn's staff) on 12/13/93 and 2/14/94)
 - White House Domestic Policy staff (Jose Certa) and National Economic Committee (David Lane) on 12/13/93
 - DOJ (Patty Dobbs & Dick Ward Bureau of Justice Task Force and Julie Samuels from the Police Hiring Task Force) on 1/6/94; discussed combining efforts
 - P.T. Henry and Charlie Abell, from the SASC on 1/27/94.

TAB B:

PUBLIC LAW 103-160—NOV. 30, 1993

NATIONAL DEFENSE AUTHORIZATION ACT
FOR FISCAL YEAR 1994.

in accordance with subsection (c)(2) for teacher placement assistance under the program.”.

(c) **EXTENSION OF PERIOD OF REQUIRED SERVICE.**—(1) Section 1151 of such title is further amended—

(A) in subsection (f)(2), by striking out “two school years” both places it appears and inserting in lieu thereof “five school years”;

(B) in subsection (h)(3)(A), by striking out “two consecutive school years” and inserting in lieu thereof “five consecutive school years”;

(C) in subsection (h)(5), by striking out “two years” both places it appears and inserting in lieu thereof “five years”; and

(D) in subsection (i)(1), by striking out “two years” both places it appears and inserting in lieu thereof “five years”.

(2) Section 1598(d)(2) of such title is amended by striking out “two school years” both places it appears and inserting in lieu thereof “five school years”.

(3) Section 2410j(f)(2) of such title is amended by striking out “two school years” both places it appears and inserting in lieu thereof “five school years”.

(d) **GRANT PAYMENTS.**—Subsection (h)(3)(B) of section 1151 of such title is amended by striking out “equal to the lesser of—” and all that follows through “\$50,000.” and inserting in lieu thereof the following: “based upon the basic salary paid by the local educational agency to the participant as a teacher or teacher’s aide. The rate of payment by the Secretary shall be as follows:

“(i) For the first school year of employment, 50 percent of the basic salary, except that the payment may not exceed \$25,000.

“(ii) For the second school year of employment, 40 percent of the basic salary, except that the payment may not exceed \$10,000.

“(iii) For the third school year of employment, 30 percent of the basic salary, except that the payment may not exceed \$7,500.

“(iv) For the fourth school year of employment, 20 percent of the basic salary, except that the payment may not exceed \$5,000.

“(v) For the fifth year of employment, 10 percent of the basic salary, except that the payment may not exceed \$2,500.”.

(e) **INCREASED FLEXIBILITY IN PROVIDING STIPENDS AND PLACEMENT GRANTS.**—Subsection (h) of such section is amended in paragraphs (1) and (2) by striking out “shall” both places it appears and inserting in lieu thereof “may”.

(f) **AGREEMENTS WITH STATES.**—Subsection (h) of such section is further amended by adding at the end the following new paragraph:

“(7)(A) In addition to the agreements referred to in paragraphs (1) and (2), the Secretary may enter into an agreement directly with a State identified pursuant to subsection (b)(1) to allow the State to arrange the placement of participants in the placement program with local educational agencies identified pursuant to subsection (b)(2) or (b)(3). The Secretary shall consult with the Secretary of Education in entering into agreements with States under this paragraph.

“(B) With respect to an agreement under this paragraph with a State, nothing in this paragraph shall be construed to negate or supersede the authority of any appropriate official or entity of the State to approve those portions of the agreement that are not under the jurisdiction of the chief executive officer of the State.

“(C) The Secretary may reserve up to 10 percent of the funds made available to carry out the placement program for a fiscal year for the placement of participants through agreements entered into under this paragraph. Paragraphs (3) through (6) shall apply with respect to any placement made through such an agreement.”.

(g) **CLARIFICATION OF STIPEND EXCEPTION.**—Subsection (g) of such section is amended by striking out paragraph (2) and inserting in lieu thereof the following new paragraph:

“(2) A member who is separated under the special separation benefits program under section 1174a of this title, receives voluntary separation payments under section 1175 of this title, or retires pursuant to the authority provided in section 4403 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 10 U.S.C. 1293 note) shall not be paid a stipend under paragraph (1).”.

(h) **APPLICATION OF CERTAIN AMENDMENTS.**—The amendments made by subsections (c) and (d) shall not apply with respect to—

(1) persons selected by the Secretary of Defense before the date of the enactment of this Act to participate in the teacher and teacher’s aide placement programs established pursuant to sections 1151, 1598, and 2410j of title 10, United States Code; or

(2) agreements entered into by the Secretary before such date with local educational agencies under such sections.

SEC. 1332. PROGRAMS TO PLACE SEPARATED MEMBERS IN EMPLOYMENT POSITIONS WITH LAW ENFORCEMENT AGENCIES AND HEALTH CARE PROVIDERS.

(a) **PLACEMENT PROGRAM WITH LAW ENFORCEMENT AGENCIES.**—Chapter 58 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 1152. Assistance to separated members to obtain employment with law enforcement agencies

“(a) **PLACEMENT PROGRAM.**—The Secretary of Defense may establish a program to assist eligible members of the armed forces to obtain employment as law enforcement officers with State and local law enforcement agencies upon their discharge or release from active duty.

“(b) **ELIGIBLE MEMBERS.**—(1) Except as provided in paragraph (2), a member of the armed forces may apply to participate in the program established under subsection (a) if the member—

“(A) is selected for involuntary separation, is approved for separation under section 1174a or 1175 of this title, or retires pursuant to the authority provided in section 4403 of the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (division D of Public Law 102-484; 10 U.S.C. 1293 note) during the six-year period beginning on October 1, 1993; and

“(B) has a military occupational specialty, training, or experience related to law enforcement (such as service as a

10 USC 1151
note.

member of the military police) or satisfies such other criteria or selection as the Secretary of Defense may prescribe.

"(2) A member who is discharged or released from service under other than honorable conditions shall not be eligible to participate in the program.

"(c) **SELECTION OF PARTICIPANTS.**—(1) The Secretary of Defense shall select members to participate in the program established under subsection (a) on the basis of applications submitted to the Secretary not later than one year after the date of the discharge or release of the members from active duty. An application shall be in such form and contain such information as the Secretary may require.

"(2) The Secretary may not select a member to participate in the program unless the Secretary has sufficient appropriations for the placement program available at the time of the selection to satisfy the obligations to be incurred by the United States under subsection (d) with respect to that member.

"(d) **GRANTS TO FACILITATE EMPLOYMENT.**—(1) The Secretary of Defense may enter into agreements with State and local law enforcement agencies to assist eligible members selected under subsection (c) to obtain suitable employment as law enforcement officers with these agencies. Under such an agreement, a law enforcement agency shall agree to employ a participant in the program on a full-time basis for at least five years.

"(2) Under an agreement referred to in paragraph (1), the Secretary shall agree to pay to the law enforcement agency involved an amount based upon the basic salary paid by the law enforcement agency to the participant as a law enforcement officer. The rate of payment by the Secretary shall be as follows:

"(A) For the first year of employment, 50 percent of the basic salary, except that the payment may not exceed \$25,000.

"(B) For the second year of employment, 40 percent of the basic salary, except that the payment may not exceed \$10,000.

"(C) For the third year of employment, 30 percent of the basic salary, except that the payment may not exceed \$7,500.

"(D) For the fourth year of employment, 20 percent of the basic salary, except that the payment may not exceed \$5,000.

"(E) For the fifth year of employment, 10 percent of the basic salary, except that the payment may not exceed \$2,500.

"(3) Payments required under paragraph (2) may be made by the Secretary in such installments as the Secretary may determine.

"(4) If a participant who is placed under this program leaves the employment of the law enforcement agency before the end of the five years of required employment service, the agency shall reimburse the Secretary in an amount that bears the same ratio to the total amount already paid under the agreement as the unserved portion bears to the five years of required service.

"(5) The Secretary may not make a grant under this subsection to a law enforcement agency if the Secretary determines that the law enforcement agency terminated the employment of another employee in order to fill the vacancy so created with a participant in this program.

"(e) **AGREEMENTS WITH STATES.**—(1) In addition to the agreements referred to in subsection (d)(1), the Secretary of Defense

may enter into an agreement directly with a State to allow State to arrange the placement of participants in the program with State and local law enforcement agencies. Paragraphs (2) through (5) of subsection (d) shall apply with respect to any placement made through such an agreement.

"(2) The Secretary may reserve up to 10 percent of the funds made available to carry out the program for a fiscal year for the placement of participants through agreements entered into under paragraph (1).

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

"(1) The term 'State' includes the District of Columbia, American Samoa, the Federated States of Micronesia, Guam, the Republic of the Marshall Islands, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, Palau, and the Virgin Islands.

"(2) The term 'law enforcement officer' means an individual involved in crime and juvenile delinquency control or reduction, or enforcement of the laws, including police, corrections, probation, parole, and judicial officers."

(b) **PLACEMENT PROGRAM WITH HEALTH CARE PROVIDERS.**—Chapter 58 of title 10, United States Code, is amended by adding after section 1152, as added by subsection (a), the following new section:

"§ 1153. Assistance to separated members to obtain employment with health care providers

"(a) **PLACEMENT PROGRAM.**—The Secretary of Defense may establish a program to assist eligible members of the armed forces to obtain employment with health care providers upon their discharge or release from active duty.

"(b) **ELIGIBLE MEMBERS.**—(1) Except as provided in paragraph (2), a member shall be eligible for selection by the Secretary of Defense to participate in the program established under subsection (a) if the member—

"(A) is selected for involuntary separation, is approved for separation under section 1174a or 1175 of this title, or retires pursuant to the authority provided in section 4403 of the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (division D of Public Law 102-484; 10 U.S.C. 1293 note) during the six-year period beginning on October 1, 1993;

"(B) has received an associate degree, baccalaureate, or advanced degree from an accredited institution of higher education or a junior or community college; and

"(C) has a military occupational specialty, training, or experience related to health care, is likely to be able to obtain such training in a short period of time (as determined by the Secretary), or satisfies such other criteria for selection as the Secretary may prescribe.

"(2) For purposes of this section, a former member of the armed forces who did not meet the minimum educational qualification criterion set forth in paragraph (1)(B) for placement assistance before discharge or release from active duty shall be considered to be a member satisfying such educational qualification criterion upon satisfying that criterion within five years after discharge or release from active duty.

(3) A member who is discharged or released from service under other than honorable conditions shall not be eligible to participate in the program.

"(c) SELECTION OF PARTICIPANTS.—(1) The Secretary of Defense shall select members to participate in the program established under subsection (a) on the basis of applications submitted to the Secretary not later than one year after the date of the discharge or release of the members from active duty or, in the case of an applicant becoming educationally qualified for teacher placement assistance in accordance with subsection (b)(2), not later than one year after the date on which the applicant becomes educationally qualified. An application shall be in such form and contain such information as the Secretary may require.

"(2) The Secretary may not select a member to participate in the program unless the Secretary has sufficient appropriations for the placement program available at the time of the selection to satisfy the obligations to be incurred by the United States under subsection (d) with respect to that member.

"(3)(A) The Secretary shall provide under the program for identifying, during each fiscal year in the period referred to in subsection (b)(1)(A), noncommissioned officers who, on or before the end of such fiscal year, will have completed 10 or more years of continuous active duty, who have the potential to perform competently in employment positions with health care providers, but who do not satisfy the minimum educational qualification criterion under subsection (b)(1)(B) for placement assistance.

"(B) The Secretary shall inform noncommissioned officers identified under subparagraph (A) of the opportunity to qualify in accordance with subsection (b)(2) for placement assistance under the program.

"(d) GRANTS TO FACILITATE EMPLOYMENT.—(1) The Secretary of Defense may enter into an agreement with a health care provider to assist eligible members selected under subsection (c) to obtain suitable employment with the health care provider. Under such an agreement, a health care provider shall agree to employ a participant in the program on a full-time basis for at least five years.

"(2) Under an agreement referred to in paragraph (1), the Secretary shall agree to pay to the health care provider involved an amount based upon the basic salary paid by the health care provider to the participant. The rate of payment by the Secretary shall be as follows:

"(A) For the first year of employment, 50 percent of the basic salary, except that the payment may not exceed \$25,000.

"(B) For the second year of employment, 40 percent of the basic salary, except that the payment may not exceed \$10,000.

"(C) For the third year of employment, 30 percent of the basic salary, except that the payment may not exceed \$7,500.

"(D) For the fourth year of employment, 20 percent of the basic salary, except that the payment may not exceed \$5,000.

"(E) For the fifth year of employment, 10 percent of the basic salary, except that the payment may not exceed \$2,500.

"(3) Payments required under paragraph (2) may be made by the Secretary in such installments as the Secretary may determine.

"(4) If a participant who is placed under this program leaves the employment of the health care provider before the end of the five years of required employment service, the provider shall reimburse the Secretary in an amount that bears the same ratio to the total amount already paid under the agreement as the unserved portion bears to the five years of required service.

"(5) The Secretary may not make a grant under this subsection to a health care provider if the Secretary determines that the provider terminated the employment of another employee in order to fill the vacancy so created with a participant in this program.

"(e) AGREEMENTS WITH STATES.—(1) In addition to the agreements referred to in subsection (d)(1), the Secretary of Defense may enter into an agreement directly with a State to allow the State to arrange the placement of participants in the program with health care providers. Paragraphs (2) through (5) of subsection (d) shall apply with respect to any placement made through such an agreement.

"(2) The Secretary may reserve up to 10 percent of the funds made available to carry out the program for a fiscal year for the placement of participants through agreements entered into under paragraph (1).

"(f) DEFINITIONS.—In this section, the term 'State' includes the District of Columbia, American Samoa, the Federated States of Micronesia, Guam, the Republic of the Marshall Islands, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, Palau, and the Virgin Islands."

(c) PRESEPARATION COUNSELING.—Section 1142(b)(4) of title 10, United States Code, is amended by striking out "program established under section 1151 of this title to assist members to obtain employment as elementary or secondary school teachers or teachers' aides," and inserting in lieu thereof "programs established under sections 1151, 1152, and 1153 of this title."

(d) STUDY ON EXPANSION OF THE LAW ENFORCEMENT PLACEMENT PROGRAM TO INCLUDE THE BORDER PATROL.—(1) The Secretary of Defense, in consultation with the Commissioner of the Immigration and Naturalization Service, shall conduct a study regarding the feasibility of expanding the law enforcement placement program established under section 1152 of title 10, United States Code, as added by subsection (a), to include the placement of members of the Armed Forces who are discharged or released from active duty with the Border Patrol of the Immigration and Naturalization Service.

(2) Not later than March 1, 1994, the Secretary shall submit a report to Congress containing the results of the study required by this subsection.

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

"1152. Assistance to separated members to obtain employment with law enforcement agencies.

"1153. Assistance to separated members to obtain employment with health care providers."

Reports.

148-151

PJFE
Jane Burke

103D CONGRESS
1st Session

HOUSE OF REPRESENTATIVES

REPORT
103-339

MAKING APPROPRIATIONS FOR THE DEPARTMENT OF
DEFENSE FOR THE FISCAL YEAR ENDING SEPTEMBER
30, 1994, AND FOR OTHER PURPOSES

NOVEMBER 9, 1993.—Ordered to be printed

Mr. MURTHA, from the committee of conference,
submitted the following

CONFERENCE REPORT

[To accompany H.R. 3116]

CONFERENCE REPORT (H. REPT. 103-339)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3116) "making appropriations for the Department of Defense for the fiscal year ending September 30, 1994, 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 amendments numbered 27, 36, 57, 61, 62, 64, 80, 88, 92, 93, 94, 95, 96, 97, 104, 105, 106, 110, 111, 112, 131, 135, 149, 150, 153, 160, 164, 166, 171, 175, 176, 177, 184, 193, 195, 199, 200, 202, 204, 206, 207, 210, 213, 215, 219, and 223.

That the House recede from its disagreement to the amendments of the Senate numbered 12, 15, 17, 20, 24, 28, 35, 37, 39, 41, 42, 43, 45, 48, 50, 52, 53, 55, 60, 66, 69, 72, 73, 74, 75, 77, 79, 82, 85, 87, 98, 118, 123, 125, 126, 134, 137, 146, 158, 159, 162, 167, 168, 172, 179, 181, 182, 188, and 224, and agree to the same.

Amendment numbered 1:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$21,296,177,000; and the Senate agree to the same.

Amendment numbered 2:

TAB C:

proposed by the House concerning cell adhesion molecule research; and restores and amends language proposed by the House concerning the Computer-aided Acquisition and Logistics Support (CALS) Shared Resource Center program.

Amendment No. 103: Deletes language proposed by the House concerning a grant to historically black colleges and universities; deletes language proposed by the House concerning the High Performance Computing initiative; deletes language proposed by the House concerning the Experimental Program to Stimulate Competitive Research; deletes language proposed by the House concerning coordination of certain energy research programs between the Departments of Defense and Energy; deletes language proposed by the House concerning cell adhesion molecule research; deletes language proposed by the House concerning the Computer-aided Acquisition and Logistics Support (CALS) Shared Resource Center program; and deletes language proposed by the Senate concerning the Maui High Performance Computing Center.

Amendment No. 104: Deletes language proposed by the Senate concerning the ARPA Nuclear Nonproliferation Technology initiative.

Amendment No. 105: Deletes language proposed by the Senate concerning establishment of a simulation center and a peace enforcement doctrine development center.

Amendment No. 106: Deletes language proposed by the Senate concerning a methanol plantship.

DEVELOPMENTAL TEST AND EVALUATION, DEFENSE

Amendment No. 107: Appropriates \$232,457,000 instead of \$232,592,000 as proposed by the House and \$228,047,000 as proposed by the Senate.

The conference agreement on items addressed by either the House or Senate is as follows:

(In thousands of dollars)

	Budget	House	Senate	Conference
DIRECTOR OF TEST & EVAL DEFENSE				
FOREIGN COMPARATIVE TESTING	34,913	24,913	34,913	32,913
DEVELOPMENT TEST AND EVALUATION	114,135	99,135	84,590	91,000

DEVELOPMENT TEST AND EVALUATION

The conferees agree to a reduction of \$23,135,000 for the Development Test and Evaluation program. The Senate has receded on its reductions to specific activities within this program element. The recommended reduction should be taken against the total program.

DEFENSE CONVERSION

The Conferees strongly support the objectives of the Defense Conversion, Reinvestment, and Transition Act of 1992. To help accomplish the goals of that legislation the conferees have included at least \$2,491,000,000 in the fiscal year 1994 Defense Appropriations Act as follows:

Title I:

Temporary Early Retirement	\$319,000,000
Temporary Health Transition Assistance	12,000,000
Subtotal, Title I	331,000,000

Title II:

Separation Pay and Civilian Health Benefits	100,000,000
Occupational Conversion and Training	6,250,000
Transition Assistance/Relocation Assistance	67,000,000
Office of Economic Adjustment	39,000,000
Junior ROTC Expansion	73,000,000
Law Enforcement and Health Care Provider Training	15,000,000
Other Defense Conversion Projects	76,750,000
Subtotal, Title II	377,000,000

Title III:

Neutron Generators, Components, and Associated Equipment ..	6,000,000
Shipbuilding Initiative	50,000,000
Subtotal, Title III	56,000,000

Title IV:

Shipbuilding Initiative	30,000,000
Dual-Use Partnerships	474,000,000
Subtotal, Title IV	504,000,000

In addition several programs in the Research, Development, Test and Evaluation and Procurement budget constitute defense conversion initiatives. The following amounts (including increases above the budget) are also contained in Title IV of the bill:

Intelligence Systems/Software	\$68,800,000
High Performance Computing	195,600,000
Software Engineering	39,100,000
SEMATECH	90,000,000
Advanced Simulation	74,300,000
High Definition Systems	85,000,000
Materials and Electronics Technology	259,000,000
Advanced Lithography	60,200,000
Other Electronics Manufacturing	264,600,000
Defense Research Sciences	84,700,000
Subtotal	1,222,100,000

The conferees have agreed to provide the authorized level of \$377,000,000 for Defense Conversion in the Operation and Maintenance, Defense-Wide appropriation. This amount is \$65,000,000 above the budget request.

The conferees also recommend that the following conversion projects be funded in the Operation and Maintenance, Defense-Wide appropriation. DD Form 1414 shall show them as items of special Congressional interest, a funding decrease to which requires prior Congressional approval:

Southeastern Pennsylvania Consortium for Information Technology and Training	\$875,000
Western Michigan University School of Aviation Sciences/Fort Custer Industrial Park	6,000,000
Illinois Vietnam Veterans Leadership Program	125,000
Monterey Institute of International Studies	5,000,000
California State University System	15,000,000
New London State Pier	3,725,000
Conversion of Homestead Air Force Base	5,000,000
Miami Dade Community College	10,500,000
California Statewide Economic Development Network	3,125,000

TAB D:

Honorable Thomas S. Foley
Speaker of the House of Representatives
Washington, DC 20515

DRAFT

Dear Mr. Speaker:

Enclosed is a draft of proposed legislation "Assistance to eligible members and former members to obtain employment with law enforcement agencies."

The proposal is part of the Department of Defense legislative program for the 103rd Congress. The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this proposal for the consideration of Congress.

Purpose of the Legislation

The purpose of the proposed legislation is to eliminate duplicative and competing law enforcement hiring programs. If this bill were to be enacted, current and projected Department of Justice law enforcement hiring programs and grants would be available to assist eligible members and former members of the armed forces to obtain employment in law enforcement careers. Unlike the current statutory program, this bill would not entail the burden and costs of starting up and administering a new program. The proposed legislation would also eliminate the requirement for employers to pay back funds if a participant did not remain employed for five years. This provision is unattractive to law enforcement agencies with tight budgets. They may feel penalized if an individual hired leaves the program for reasons beyond the agencies' control. Finally, the proposed legislation would make assisting veterans more attractive to law enforcement agencies by placing program administration with the Department of Justice which is familiar with the personnel requirements and qualifications of law enforcement agencies.

Cost and Budget Data

The United States will incur no additional costs associated with this change in legislation. This bill should be considered in conjunction with the other proposals in the Fiscal Year 1995 Budget.

Sincerely,

Enclosure:
Proposed Bill

A BILL

To amend title 10, United States Code, to expand authority to assist eligible members and former members of the armed forces obtain employment with law enforcement agencies.

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

SECTION 1. AMENDMENT TO AUTHORITY TO ASSIST ELIGIBLE MEMBERS TO OBTAIN EMPLOYMENT WITH LAW ENFORCEMENT AGENCIES.

Section 1152 of title 10, United States Code, is amended to read as follows:

"§ 1152. Assistance to eligible members and former members to obtain employment with law enforcement agencies.

"(a) PLACEMENT PROGRAM.--The Secretary of Defense may enter into an agreement with the Attorney General to establish or participate in a program to assist eligible members and former members of the armed forces to obtain employment as law enforcement officers with State and local law enforcement agencies following their discharge from active duty.

"(b) ELIGIBLE MEMBERS.--Any member or former member who receives an honorable discharge during the six-year period beginning on October 1, 1993, shall be eligible to participate in this program. Preference shall be given to, but eligibility shall not be limited to, a member or former member who--

"(1) is selected for involuntary separation, is approved for separation under section 1174a or 1175 of this title, or retires pursuant to the authority provided in section 4403 of Public Law 102-484, (10 U.S.C. 1293 note); and

"(2) has a military occupational specialty, training, or experience related to law enforcement (such as service as a member of the military police) or satisfies such other criteria for selection as the Secretary, Attorney General, or participating State and local law enforcement agencies may prescribe.

1 "(c) GRANTS TO FACILITATE EMPLOYMENT.--(1) The Secretary or Attorney
2 General may give preference in awarding grants through existing law enforcement hiring
3 programs to State or local law enforcement agencies that agree to hire eligible members and
4 former members.

5 "(2) Ten percent of the funds appropriated to carry out the program may be used to
6 administer the program.

7 "(3) No member or former member may be selected to participate in the program
8 established by this section unless sufficient appropriations are available at the time of the
9 selection to satisfy the obligations to be incurred by the United States under any agreement
10 reached with a participating State or local law enforcement agency".

TAB E:

**MEMORANDUM OF AGREEMENT
BETWEEN
THE DEPARTMENT OF DEFENSE AND
THE DEPARTMENT OF JUSTICE**

Executed by the Under Secretary of Defense (Personnel and Readiness) and the Director, Bureau of Justice Assistance, US Department of Justice, for the purpose of defining roles and responsibilities in assisting veterans of the Armed Forces obtain employment with State and local law enforcement agencies.

Purpose:

This Memorandum of Agreement implements a program to assist eligible members of the Armed Forces to obtain employment as law enforcement officers with State and local law enforcement agencies upon their discharge or release from active duty. This effort will be accomplished through the Department of Justice Police Hiring Supplement Program, hereafter referred to as "the Program".

Authority:

Economy Act, as amended, 31 U.S.C., section 1535; 10 U.S.C. § 1152, as amended by Public Law No. 103-160, § 1332(a).

Program Administration:

The Director, Transition Support and Services, Office of the Under Secretary of Defense (Personnel and Readiness) and the Director, Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice will be responsible for carrying out the provisions of this Memorandum of Agreement, as described below.

Funding:

Department of Defense approved funding will be sent to the Department of Justice to assist in implementing and administering the Program.

Reporting:

The Department of Justice will provide DoD a quarterly report showing the total number of veterans hired by location during the previous reporting period under the Program.

Duration of Agreement:

This Memorandum of Agreement is effective on the latter date of signature below and will remain in effect until the termination of the Police Hiring Supplement Program or at such other time as the parties agree upon in writing.

Responsibilities:

a. Department of Defense will:

(1) Provide fifteen million dollars to the Department of Justice to supplement and help administer the Program. Not more than 10 percent of these funds may be used to administer the program.

(2) Encourage the Department of Justice and State and local law enforcement agencies to use the Defense Outplacement Referral System (DORS) to identify qualified/interested personnel separating from the Armed Forces.

(3) Encourage the Department of Justice and State and local law enforcement agencies to advertise employment opportunities through the Transition Bulletin Board (TBB).

(4) Provide program information to separating personnel; encourage qualified/interested individuals to place resumes in DORS; and encourage qualified/interested individuals to apply for positions listed in the TBB.

b. Department of Justice will:

(1) Encourage State and local law enforcement agencies to give priority to hiring veterans under the Program.

(2) Encourage State and local law enforcement agencies to register with Operation Transition and use DORS in seeking qualified applicants for the Program.

(3) Encourage State and local law enforcement agencies to list job opportunities on the TBB.

(4) Require State and local law enforcement agencies participating in the Program to provide data on the number of veterans hired under this Program and to provide this information to the Department of Defense on a quarterly basis.

(5) Provide DoD a list of State and local law enforcement agencies who apply for and receive grants under the Program.

Modifications:

This Memorandum of Agreement may be modified by written agreement of both parties.

Department of Defense

By: _____
Under Secretary of Defense for Personnel and Readiness _____
Date

Department of Justice

By: _____
Director, Bureau of Justice Assistance,
Office of Justice Programs, U.S. Department of Justice _____
Date

103D CONGRESS
2d Session

HOUSE OF REPRESENTATIVES

REPORT
103-499

NATIONAL DEFENSE AUTHORIZATION ACT
FOR FISCAL YEAR 1995

REPORT

OF THE

COMMITTEE ON ARMED SERVICES
HOUSE OF REPRESENTATIVES

ON

H.R. 4301

together with

ADDITIONAL AND DISSENTING VIEWS

[Including cost estimate of the Congressional Budget Office]



MAY 10, 1994.—Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed

SUBTITLE C—PERSONNEL ADJUSTMENT, EDUCATION AND TRAINING PROGRAMS

SECTION 1131—CONTINUATION OF TEACHER AND TEACHER'S AIDE PLACEMENT PROGRAMS

This section would authorize \$65 million in funding the continuation of the "troops-to-teachers" program contained in the Defense Conversion, Reinvestment and Transition Assistance Act of 1992 (Division D of the National Defense Authorization Act for Fiscal Year 1993, Public Law 102-484) and the Defense Conversion, Reinvestment and Transition Assistance Act 1993 (title 13 of the National Defense Authorization Act of Fiscal Year 1994, Public Law 103-160).

SECTION 1132—PROGRAMS TO PLACE SEPARATED MEMBERS AND TERMINATED DEFENSE EMPLOYEES IN EMPLOYMENT POSITIONS AS PUBLIC SAFETY OFFICERS

This provision would expand the troops-to-law enforcement officer program established in section 1152 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160). This provision would authorize the Secretary of Defense to assist the placement of displaced Federal firefighters who worked on military bases and other facilities. The section also would authorize \$25 million to assist the placement of separated members of the armed forces in employment positions as public safety officers in fiscal year 1995, of which \$10 million would be available for placement of Federal faraway.

SECTION 1133—PILOT PROGRAM TO PLACE SEPARATED MEMBERS AND TERMINATED DEFENSE EMPLOYEES IN TEACHING POSITIONS AS BILINGUAL MATH AND SCIENCE TEACHERS

Section 1133 would authorize \$3 million for a pilot program designed to encourage bilingual servicemembers and DOD civilian employees to become math and science teachers upon leaving Federal service. Under the program, individuals who participate would be eligible to receive a stipend, and educational institutions or other non-Federal entities would be compensated for reasonable costs incurred in connection with program participation.

SECTION 1134—DEMONSTRATION PROJECT TO ASSIST SEPARATED MEMBERS AND TERMINATED DEFENSE WORKERS TO BECOME BUSINESS OWNERS

This section would authorize the Secretary of Defense to establish up to two defense worker business incubator projects to assist displaced defense workers in establishing alternative economic activities.

The committee directs the Secretary of Defense to fund this program out of the category of "other initiatives" identified in the education and training personnel assistance programs contained in the defense reinvestment and economic growth initiatives account in an amount not to exceed \$1 million per project.

SECTION 1135—DEMONSTRATION PROJECT TO PROMOTE SHIP RECYCLING AS METHOD TO ASSIST SEPARATED MEMBERS AND TERMINATED DEFENSE WORKERS

This section would authorize \$15 million for the establishment of a ship recycling and defense worker job creation program. As the Navy reduces its fleet, an increased number of ships will be available for scrapping. The committee believes that there are several advantages to increasing the volume of ship scrapping and recycling in the United States. For example, one advantage is job creation. The committee believes that the potential to increase the rate of recycling on excess ships would be maximized by the creation of regional recycling centers.

SUBTITLE D—ARMS INITIATIVE

SECTION 1141—EXTENSION OF ARMAMENT RETOOLING AND MANUFACTURING SUPPORT INITIATIVE

This section would extend the authority for fiscal year 1995 to carry out the Armament Retooling and Manufacturing Support Initiative established in section 195 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484).

SUBTITLE E—OTHER MATTERS

SECTION 1151—CHANGES IN NOTICE REQUIREMENTS UPON PENDING OR ACTUAL TERMINATION OF DEFENSE PROGRAMS

This section would restore the notification requirements and procedures established by section 4471 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484). The committee believes that timely notification of defense contract reductions and worker impact are essential to effective retraining and placement activities.

ITEMS OF SPECIAL INTEREST

BUSINESS PLANNING ASSISTANCE AND SUPPORT FOR TECHNOLOGY CENTERS

The committee directs the Secretary of Defense to carry out at least two business development projects in support of technology centers located in one or a combination of all three of the following areas: communities which have been adversely affected by military base closures; areas in which the local economy has been adversely affected by changes in the use of national laboratories previously used for nuclear weapons testing and development; and areas in which the local economy has been heavily dependent on a defense contractor that is in the process of terminating a major defense contract or closing a major facility. The committee recommends that the Secretary utilize the Office of Economic Adjustment (OEA) and the Advanced Research Projects Agency (ARPA) in undertaking these projects.

The committee directs the Secretary to fund these projects out of the fiscal year 1995 "other initiatives" funding contained in the de-

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Department of Defense Appeal
FY 1995 Defense Authorization Bill

Appeal Subject: Troops for Public Safety Positions

Language/Provision: The House included a provision (Sec. 1132) that expands the Troops to Law Enforcement (TLE) program established in the National Defense Authorization Act for Fiscal Year 1994 (Section 1152, Public Law 103-160) and authorizes \$25 million to assist the placement of separated members of the armed forces in employment positions as public safety officers (i.e. firefighters, paramedics, etc.) in FY 1995.

DoD Position: DoD strongly opposes the expansion of the TLE program to include placement in public safety officer positions. As currently written, the legislation establishing the TLE program restricts its execution to the Department of Defense (DoD). Paradoxically, while DoD has only limited experience in the law enforcement personnel arena, the Department of Justice (DoJ) has had an up and running program for years. Consequently, DoD is in the process of trying to amend this legislation to allow transfer of responsibility and funds for TLE to the DoJ. However, DoJ has indicated that if the program is expanded to include public safety officers, they will not participate in the program.

Even if responsibility for TLE is transferred to DoJ, DoD has other problems with the TLE program which argue against expanding the program into a troops to public safety officers program. The TLE program currently severely limits the number of eligible veterans, and requires participating agencies to reimburse DoD regardless of the reason a veteran leaves the program, i.e., even if a veteran is fired or just quits, the hiring police department would still have to reimburse DoD. Most importantly, the House provision is duplicative of Section 1143a of title 10 which already requires the Secretary of Defense to establish a program to encourage members and former members to enter into public and community service jobs after discharge or release from active duty. Generally, public safety agencies are eager to hire qualified members or former members who apply for a vacancy. The biggest impediments to placing Service members or former members is making available positions known to separating Service members and making separating Service members' interest in such positions known to public safety agencies. These impediments can best be overcome by better use of existing automated data bases such as the Defense Outplacement Referral System (DORS), the Transition Bulletin Board (TBB), and the Public and Community Service (PACS).

The Department urges exclusion of this provision.

DoD Comptroller Internal Control Notes:

Submitters: P&R Bob Stein, x70481

Reviewing directorate/analyst: OPS/Bourbeau

Director's recommendation/rationale: Include.

1 **"§ 1152. Assistance to separated members to obtain**
 2 **employment as public safety officers".**

3 (2) *The table of sections at the beginning of chapter*
 4 *58 of such title is amended by striking out the item relating*
 5 *to section 1152 and inserting in lieu thereof the following*
 6 *new item:*

"1152. Assistance to separated members to obtain employment as public safety of-
ficers.".

7 (3) *The table of sections at the beginning of chapter*
 8 *81 of such title is amended by adding at the end the follow-*
 9 *ing new item:*

"1598a. Assistance to terminated employees to obtain employment as public safety
officers.".

10 (d) **FUNDING FOR FISCAL YEAR 1995.**—*Of the amount*
 11 *made available pursuant to section 1102(a), \$25,000,000*
 12 *shall be available for the public safety officer placement pro-*
 13 *grams authorized by sections 1152 and 1598a of title 10,*
 14 *United States Code.*

15 **SEC. 1133. PILOT PROGRAM TO PLACE SEPARATED MEM-**
 16 **BERS AND TERMINATED DEFENSE EMPLOY-**
 17 **EES IN TEACHING POSITIONS AS BILINGUAL**
 18 **MATH AND SCIENCE TEACHERS.**

19 (a) **COOPERATIVE ARRANGEMENTS.**—*During fiscal*
 20 *year 1995, the Secretary of Defense shall carry out a pilot*
 21 *program to establish cooperative arrangements between the*
 22 *Department of Defense and a consortium of two or more*
 23 *entities described in subsection (b) for the purpose of assist-*

TAB 6:

PSFE

Calendar No. 459

103D CONGRESS
2d Session

SENATE

REPORT
103-282

**NATIONAL DEFENSE AUTHORIZATION
ACT FOR FISCAL YEAR 1995**

REPORT

TO ACCOMPANY S. 2182

ON

AUTHORIZING APPROPRIATIONS FOR FISCAL YEAR 1995 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 YEAR FOR THE ARMED FORCES, AND FOR OTHER PURPOSES

TOGETHER WITH

ADDITIONAL AND MINORITY VIEWS

**COMMITTEE ON ARMED SERVICES
UNITED STATES SENATE**



JUNE 14 (legislative day, JUNE 27), 1994—Ordered to be printed

did the Congress envision that this delay would result in the exclusion of servicemembers affected by the drawdown from participating in the program.

Assistance for eligible members to obtain employment with law enforcement agencies

The committee recommends a provision (sec. 644) that would authorize the Secretary of Defense to enter into an agreement with the Attorney General to establish or participate in a program to assist certain members and former members of the armed services to obtain employment with law enforcement agencies.

Treatment of retired and retainer pay of members of cadre of Civilian Community Corps

The committee recommends a provision (sec. 645) that would clarify the intent of Congress concerning compensation for retired military members employed by the National Civilian Community Corps. The provision would entitle retired military members employed by the National Civilian Community Corps to receive their full military retired pay without reduction in addition to any additional amount received from the National Civilian Community Corps.

Disability coverage for officer candidates granted excess leave

The committee recommends a provision (sec. 651) that would amend section 1201 of title 10, United States Code, by including certain members not entitled to basic pay (officer candidates) among those who receive physical disability coverage.

Use of exchanges and morale, welfare, and recreation facilities by members of reserve components and dependents

The committee recommends a provision (sec. 652) that would amend section 1065 of title 10, United States Code, to authorize retired members of the Selected Reserve to use Department of Defense exchanges and other revenue-generating morale, welfare, and recreation facilities.

The provision would permit members of the Selected Reserve in good standing (as determined by the Secretary concerned) who would be eligible for retired pay under chapter 67 of title 10, United States Code, but for the fact that they are under 60 years of age, and the dependents of such members, to use Department of Defense exchanges and other revenue-generating morale, welfare, and recreation facilities.

Special supplemental food program

The committee recommends a provision (sec. 653) that would authorize the Secretary of Defense to provide special supplemental food benefits to members of the armed forces stationed overseas, and to eligible civilians serving with, employed by, or accompanying servicemembers overseas.

Reimbursement for certain losses of household effects caused by hostile action

The committee recommends a provision (sec. 654) that would authorize the Secretaries of the military departments to reimburse servicemembers for the loss of household goods sustained during a permanent change of station move when the loss is caused by hostile action incident to war or a warlike action by a military force.

COLA equity

The committee is deeply concerned about the inequity between the delays in cost of living adjustments (COLAs) for military and civil service retirees caused by the Omnibus Reconciliation Act of 1993 (OBRA of 1993).

Before changes in COLA dates were enacted in 1993, permanent law called for COLAs to be paid to military and civil service retirees on January 1 of each year. Military and civil service retirees have received COLAs of identical percentages on identical dates since 1969. Under the terms of OBRA of 1993, this longstanding equality will end in 1995 unless this inequity is corrected by the Congress this year.

In 1993, the Budget Resolution adopted by the House of Representatives contained reconciliation instructions that assumed approximately equal savings of \$4 billion over five years from both military and civil service retirement. The Budget Resolution adopted by the Senate contained no reconciliation instructions requiring savings from either military or civil service retirement. The conference report on the Concurrent Resolution on the Budget for Fiscal Year 1994 contained reconciliation instructions requiring savings in both military and civil service retirement.

The statement of managers accompanying the conference report indicated the assumptions underlying the savings required from each committee. In the conference report, savings of \$2.4 billion were assumed from military retirement, but the assumed civil service retirement savings were only \$350 million. No specific means of achieving these savings are assumed in a Budget Resolution.

To carry out these reconciliation instructions, the Budget Resolution assigned deficit reduction targets for military retirement to the Armed Services Committees of the Senate and the House of Representatives. The savings from civil service retirement were included in the instructions to the Committee on Governmental Affairs in the Senate, and to the Committee on Post Office and Civil Service of the House of Representatives.

The actual changes in law required to achieve these savings were included in OBRA of 1993. The Armed Services Committees achieved their required savings from military retirement by delaying COLAs for military retirees for three months in 1994 and for nine months in 1995, 1996, 1997 and 1998. The total savings from military retirement was \$2.358 billion.

COLAs for civil service retirees were only delayed by three months for 1994, 1995, and 1996 and were not delayed at all in 1997 or 1998. The total savings in OBRA of 1993 from delaying civil service retirement COLAs was \$788 million, which was twice the amount that had been assumed in the Budget Resolution, but only one-third the amount of savings achieved from military retirement.

**Department of Defense Appeal
FY 1995 Defense Authorization Bill**

Appeal Subject: Troops for Public Safety Positions

Language/Provision: The House included a provision (Section 1132) that expands the Troops to Law Enforcement (TLE) program established in the National Defense Authorization Act for Fiscal Year 1994 (Section 1152, Public Law 103-160) and authorizes \$25 million to assist the placement of separated members of the Armed Forces in employment positions as public safety officers (i.e. firefighters, paramedics, etc.) in FY 1995.

DoD Position: The Department of Defense (DoD) strongly opposes the expansion of the TLE program to include placement in public safety officer positions. As currently written, the legislation establishing the TLE program restricts its execution to (DoD). Paradoxically, while DoD has only limited experience in the law enforcement personnel arena, the Department of Justice (DoJ) has had an up and running program for years. Consequently, DoD is in the process of trying to amend this legislation to allow transfer of responsibility and funds for TLE to the DoJ. However, DoJ has indicated that if the program is expanded to include public safety officers, they will not participate in the program.

Even if responsibility for TLE is transferred to DoJ, DoD has other problems with the TLE program which argue against expanding the program into a troops to public safety officers program. The TLE program currently severely limits the number of eligible veterans, and requires participating agencies to reimburse DoD regardless of the reason a veteran leaves the program, i.e. even if a veteran is fired or just quits, the hiring Police Department would still have to reimburse DoD. Most importantly, the House provision is duplicative of Section 1143a of Title 10 which already requires former members to enter into public and community service jobs after discharge or release from action duty. Generally, public safety agencies are eager to hire qualified member or former members who apply for a vacancy.

The Senate included a provision to modify Section 1152, Public Law 103-160 - the section which authorizes the Secretary of Defense to establish a program to assist members and former members of the Armed Forces obtain employment with law enforcement agencies. The Senate provision would: (1) eliminate the impediments and restrictions affecting implementation of such a program, (2) eliminate duplicative and competing program between DoD and DoJ, and (3) allow transfer of funds and responsibility for implementing such a program the DoJ. However, the Senate language

limits grants to \$50,000 over 5 years versus \$75,000 over 3 years for comparable DoJ hiring programs. This difference puts the DoD program at a distinct disadvantage with DoJ grants. The Senate provision also does not propose to expand the program beyond law enforcement agencies.

The Department urges support of the Senate's provision modified to bring this program in line with existing DoJ programs.

1 **SEC. 644. ASSISTANCE FOR ELIGIBLE MEMBERS TO OBTAIN**
2 **EMPLOYMENT WITH LAW ENFORCEMENT**
3 **AGENCIES.**

4 (a) **REVISED PROGRAM AUTHORITY.**—Section 1152
5 of title 10, United States Code, is amended to read as
6 follows:

7 **“§ 1152. Assistance to eligible members and former**
8 **members to obtain employment with law**
9 **enforcement agencies**

10 **“(a) PLACEMENT PROGRAM.**—The Secretary of De-
11 fense may enter into an agreement with the Attorney Gen-
12 eral to establish or participate in a program to assist eligi-
13 ble members and former members of the armed forces to
14 obtain employment as law enforcement officers with State
15 law enforcement agencies, local law enforcement agencies,
16 or Indian tribes that perform law enforcement functions
17 (as determined by the Secretary of the Interior) following
18 the discharge or release of such members or former mem-
19 bers from active duty.

20 **“(b) ELIGIBLE MEMBERS.**—Any member or former
21 member who, during the 6-year period beginning on Octo-
22 ber 1, 1993, is separated from the armed forces with an
23 honorable discharge or is released from service on active
24 duty characterized as honorable by the Secretary con-
25 cerned shall be eligible to participate in a program covered
26 by an agreement referred to in subsection (a).

1 “(c) SELECTION.—In the selection of applicants for
2 participation in a program covered by an agreement re-
3 ferred to in subsection (a), preference shall be given to
4 a member or former member who—

5 “(1) is selected for involuntary separation, is
6 approved for separation under section 1174a or
7 1175 of this title, or retires pursuant to the author-
8 ity provided in section 4403 of Public Law 102-484
9 (10 U.S.C. 1293 note); and

10 “(2) has a military occupational specialty,
11 training, or experience related to law enforcement
12 (such as service as a member of the military police)
13 or satisfies such other criteria for selection as, in ac-
14 cordance with the agreement, the Secretary, the At-
15 torney General, or a participating State or local law
16 enforcement agency or participating Indian tribe
17 may prescribe.

18 “(d) GRANTS TO FACILITATE EMPLOYMENT.—(1)
19 The Secretary may provide funds to the Attorney General
20 for grants under this section to reimburse State law en-
21 forcement agencies, local law enforcement agencies, or In-
22 dian tribes that perform law enforcement functions (as
23 determined by the Secretary of the Interior) for costs, in-
24 cluding salary and fringe benefits, of employing members

1 or former members pursuant to a program referred to in
2 subsection (a).

3 “(2) No grant with respect to an eligible member or
4 former member may exceed a total of \$50,000.

5 “(3) Any grant with respect to an eligible member
6 or former member shall be disbursed within 5 years after
7 the date of the placement of a member or former member
8 with a participating law enforcement agency or Indian
9 tribe.

10 “(4) Preference in awarding grants through existing
11 law enforcement hiring programs shall be given to State
12 or local law enforcement agencies or Indian tribes that
13 agree to hire eligible members and former members.

14 “(e) ADMINISTRATIVE EXPENSES.—Ten percent of
15 the amount, if any, appropriated for a fiscal year to carry
16 out a program established pursuant to subsection (a) may
17 be used to administer the program.

18 “(f) REQUIREMENT FOR APPROPRIATION.—No mem-
19 ber or former member may be selected to participate in
20 the program established by this section unless a sufficient
21 amount of appropriated funds are available at the time
22 of the selection to satisfy the obligations to be incurred
23 by the United States under an agreement referred to in
24 subsection (a) that applies with respect to such member
25 or former member.”.

1 (b) CLERICAL AMENDMENT.—The item relating to
 2 such section in the table of sections at the beginning of
 3 chapter 58 of title 10, United States Code, is amended
 4 to read as follows:

“1152. Assistance to eligible members and former members to obtain employment with law enforcement agencies.”.

5 **SEC. 645. TREATMENT OF RETIRED AND RETAINER PAY OF**
 6 **MEMBERS OF CADRE OF CIVILIAN COMMU-**
 7 **NITY CORPS.**

8 Section 159(c)(3) of the National and Community
 9 Service Act of 1990 (42 U.S.C. 12619(c)(3)) is amended
 10 by adding at the end the following: “In the case of a mem-
 11 ber of the permanent cadre who was recommended for ap-
 12 pointment in accordance with section 162(a)(2)(A) and is
 13 entitled to retired or retainer pay, section 5532 of title
 14 5, United States Code, shall not apply to reduce the mem-
 15 ber’s retired or retainer pay by reason of the member
 16 being paid as a member of the cadre.”.

17 **Subtitle F—Other Matters**

18 **SEC. 651. DISABILITY COVERAGE FOR OFFICER CAN-**
 19 **DIDATES GRANTED EXCESS LEAVE.**

20 (a) ELIGIBILITY FOR RETIREMENT.—Section 1201
 21 of title 10, United States Code, is amended—

22 (1) by inserting “(a) MEMBERS ON ACTIVE
 23 DUTY ENTITLED TO PAY.—” before “Upon a deter-
 24 mination”; and

S.2182—210

"(B) In the case of an applicant discharged or released from active duty before January 19, 1994, not later than one year after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1995.

"(C) In the case of an applicant becoming educationally qualified for teacher placement assistance in accordance with subsection (c)(2) after the date of the discharge or release of the applicant from active duty, not later than one year after the date on which the applicant becomes educationally qualified."

(c) FUNDING FOR FISCAL YEAR 1995.—Of the amount made available pursuant to section 1102(a), \$65,000,000 shall be available for the teacher and teacher's aide placement programs authorized by sections 1151, 1598, and 2410j of title 10, United States Code.

SEC. 1152. ASSISTANCE FOR ELIGIBLE MEMBERS TO OBTAIN EMPLOYMENT WITH LAW ENFORCEMENT AGENCIES.

(a) REVISED PROGRAM AUTHORITY.—(1) Section 1152 of title 10, United States Code, is amended to read as follows:

"§ 1152. Assistance to eligible members and former members to obtain employment with law enforcement agencies

"(a) PLACEMENT PROGRAM.—The Secretary of Defense may enter into an agreement with the Attorney General to establish or participate in a program to assist eligible members and former members of the armed forces to obtain employment as law enforcement officers with eligible law enforcement agencies following the discharge or release of such members or former members from active duty. Eligible law enforcement agencies shall consist of State law enforcement agencies, local law enforcement agencies, and Indian tribes that perform law enforcement functions (as determined by the Secretary of the Interior).

"(b) ELIGIBLE MEMBERS.—Any individual who, during the 6-year period beginning on October 1, 1993, is a member of the armed forces and is separated with an honorable discharge or is released from service on active duty characterized as honorable by the Secretary concerned shall be eligible to participate in a program covered by an agreement referred to in subsection (a).

"(c) SELECTION.—In the selection of applicants for participation in a program covered by an agreement referred to in subsection (a), preference shall be given to a member or former member who—

"(1) is selected for involuntary separation, is approved for separation under section 1174a or 1175 of this title, or retires pursuant to the authority provided in section 4403 of the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (division D of Public Law 102-484; 10 U.S.C. 1293 note); and

"(2) has a military occupational specialty, training, or experience related to law enforcement (such as service as a member of the military police) or satisfies such other criteria for selection as the Secretary, the Attorney General, or a participating eligible law enforcement agency prescribed in accordance with the agreement.

"(d) GRANTS TO FACILITATE EMPLOYMENT.—(1) The Secretary of Defense may provide funds to the Attorney General for grants

S.2182—211

under this section to reimburse participating eligible law enforcement agencies for costs, including salary and fringe benefits, of employing members or former members pursuant to a program referred to in subsection (a).

"(2) No grant with respect to an eligible member or former member may exceed a total of \$50,000.

"(3) Any grant with respect to an eligible member or former member shall be disbursed within 5 years after the date of the placement of a member or former member with a participating eligible law enforcement agency.

"(4) Preference in awarding grants through existing law enforcement hiring programs shall be given to State or local law enforcement agencies or Indian tribes that agree to hire eligible members and former members.

"(e) ADMINISTRATIVE EXPENSES.—Ten percent of the amount, if any, appropriated for a fiscal year to carry out the program established pursuant to subsection (a) may be used to administer the program.

"(f) REQUIREMENT FOR APPROPRIATION.—No person may be selected to participate in the program established pursuant to subsection (a) unless a sufficient amount of appropriated funds is available at the time of the selection to satisfy the obligations to be incurred by the United States under an agreement referred to in subsection (a) that applies with respect to the person.

"(g) CONDITIONAL EXPANSION OF PLACEMENT TO INCLUDE FIRE-FIGHTERS.—(1) Subject to paragraph (2), the Secretary may expand the placement activities authorized by subsection (a) to include the placement of eligible members and former members and eligible civilian employees of the Department of Defense as firefighters or members of rescue squads or ambulance crews with public fire departments.

"(2) The Secretary may implement the expansion authorized by this subsection only if the Secretary certifies to Congress not later than 180 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1995 that such expansion will facilitate personnel transition programs of the Department of Defense. The expansion may be made through a program covered by an agreement referred to in subsection (a), if feasible, or in such other manner as the Secretary considers appropriate.

"(3) A civilian employee of the Department of Defense shall be eligible to participate in the expanded placement activities authorized under this subsection if the employee, during the six-year period beginning October 1, 1993, is terminated from such employment as a result of reductions in defense spending or the closure or realignment of a military installation, as determined by the Secretary of Defense."

(2) The item relating to such section in the table of sections at the beginning of chapter 58 of title 10, United States Code, is amended to read as follows:

"1152. Assistance to eligible members and former members to obtain employment with law enforcement agencies."

(b) FUNDING FOR FISCAL YEAR 1995.—(1) Of the amount made available pursuant to section 1102(a), \$25,000,000 shall be available for the placement of members and former members of the Armed Forces as law enforcement officers under section 1152 of title 10, United States Code.

S. 2182--212

(2) Of the amount made available pursuant to section 1102(a), up to \$5,000,000 shall be available for the placement of members and former members of the Armed Forces and civilian employees of the Department of Defense as firefighters or members of rescue squads or ambulance crews with public fire departments under section 1152 of title 10, United States Code, if the Secretary of Defense makes the certification required by subsection (g)(2) of such section within the time period specified in such subsection.

SEC. 1153. PILOT PROGRAM TO PLACE SEPARATED MEMBERS AND TERMINATED DEFENSE EMPLOYEES IN TEACHING POSITIONS AS BILINGUAL MATH AND SCIENCE TEACHERS.

(a) **COOPERATIVE ARRANGEMENTS.**—During fiscal year 1995, the Secretary of Defense shall carry out a pilot program to establish cooperative arrangements between the Department of Defense and a consortium of two or more entities described in subsection (b) for the purpose of assisting bilingual members of the Armed Forces after their separation from active duty, and bilingual civilian employees of the Department of Defense after the termination of their employment, in obtaining certification and employment as bilingual elementary or secondary school teachers in mathematics or science.

(b) **ELIGIBLE ENTITIES.**—The entities with which the Secretary of Defense may enter into a cooperative arrangement under the pilot program are as follows:

(1) Local governments of States that contain military installations and a high concentration of students who would benefit from the increased presence of bilingual elementary or secondary school teachers in mathematics or science.

(2) A consortium of two or more institutions of higher education that have a demonstrated background, expertise, and experience in operating bilingual teacher training programs in mathematics and science with an emphasis in English as a second language.

(c) **ELIGIBLE MEMBERS AND EMPLOYEES.**—(1) A member of the Armed Forces shall be eligible to participate in a cooperative arrangement established under the pilot program if the member—

(A) during the seven-year period beginning on October 1, 1992, is discharged or released from active duty after six or more years of continuous active duty immediately before the discharge or release;

(B) has received a baccalaureate or advanced degree from an accredited institution of higher education;

(C) is bilingual; and

(D) satisfies such other criteria for selection as the Secretary of Defense may prescribe.

(2) A civilian employee of the Department of Defense shall be eligible to participate in a cooperative arrangement established under the pilot program if the employee—

(A) during the five-year period beginning October 1, 1992, is terminated from such employment as a result of reductions in defense spending or the closure or realignment of a military installation, as determined by the Secretary of Defense;

(B) has received a baccalaureate or advanced degree from an accredited institution of higher education;

(C) is bilingual; and



News from

Stephen Horn

U.S. Congressman • 38th District, California

Bellflower, Downey, Lakewood, Long Beach, Paramount, San Pedro, Signal Hill

Contact: Alexandra Pratt
(202) 225-6676

FOR IMMEDIATE RELEASE:
August 2, 1993

HORN'S "MORE POLICE ON THE STREETS" PROPOSAL PASSES FIRST HURDLE

(Washington, D.C.) -- Congressman Steve Horn (R-CA/38) today announced that his proposal for federal aid to cities and counties to hire demobilized military personnel as law enforcement officers was adopted by the House Committee on Armed Services. Language from Horn's original bill, H.R. 2474, the Community Security Act, has been included in the Fiscal Year 1994 National Defense Authorization bill as reported to the House by the committee.

Said Horn, "I am elated that the Armed Services Committee has agreed that the talents of the men and women leaving the military as a result of defense cutbacks should be directed toward our fiscally strapped law enforcement agencies. It is to our nation's advantage that the abilities of these highly-skilled people be used to fight crime."

The House Committee on Armed Services drew language from Horn's Community Security Act and combined it with a similar bill introduced by Congressman Albert Wynn (D-MD).

The compromise language establishes a program whereby the Department of Defense will help military personnel laid off due to defense cutbacks to acquire jobs in law enforcement and health care by partially reimbursing local law enforcement agencies and health care providers.

This is an expansion of the "troop to teachers" program included in last year's Defense Authorization bill. The committee directs the Department of Defense to work with the Department of Justice and the President's Domestic Policy Council to implement this program.

Language taken from the Horn bill is the basis for the method of reimbursement by the Department of Defense. For the first year of employment, local law enforcement agencies will be reimbursed for 50 percent of the basic salary (not exceeding \$25,000), 40 percent for the second year, 30 percent for the third year, 20 percent for the fourth year, and 10 percent for the fifth year.

In its report on the bill, the Armed Services Committee recommends another provision from the Horn bill that an emphasis be placed on high-crime areas where a shortage of police officers exists.

Congressman Horn's legislation, H.R. 2474, was endorsed by the American Legion, the Los Angeles Police Protective League, the Non Commissioned Officers Association and the City of Miami and was co-sponsored by a bipartisan group of 18 Republican and Democratic representatives.

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SUMMARY

**Section 1332 of the House Armed Services Committee
Defense Authorization bill, H.R. 2401**

- o places separated members of the Armed Forces in employment positions with law enforcement agencies and health care providers
- o incorporates language from Horn's H.R. 2474 and Wynn's H.R. 1245 to expand the "troops to teachers" program, contained in the Fiscal Year 1993 Defense Authorization Act, to also include support for the recruitment and hiring of law enforcement and health care workers
- o establishes a program whereby the Department of Defense will partially reimburse local law enforcement agencies and health care providers for the salaries of individuals participating in the program
- o law enforcement jurisdictions and health care providers will be reimbursed 50 percent for the first year (not exceeding \$25,000), 40 percent for the second year, 30 percent for the third year, 20 percent for the fourth year, and 10 percent for the fifth year
- o in its report on the bill, the Armed Services Committee recommends that the Defense Department place an emphasis be placed on high-crime areas where a shortage of police officers exists in executing the law enforcement provisions of this section

this program, the Department of Defense had initially intended to implement this initiative on a pilot basis, placing no more than two teachers per State for fiscal year 1994.

In order to ensure continued to support for the troops to teachers program, the committee directs the Secretary of Defense to reprogram not less than \$10 million from unobligated Title VIII funding provided by the Department of Defense Appropriations Act for Fiscal Year 1993 (Public Law 102-396) to support fiscal year 1994 activities. In order to ensure execution, the committee recommends making this program mandatory.

section 1332 -- programs to place separated members of the Armed Forces in employment positions with law enforcement agencies and health care providers

This section would incorporate statutory language, based on H.R. 1245 and H.R. 2474, to expand the "troops to teachers" program to also include support for the recruitment and hiring of law enforcement and health care workers.

The committee directs the department to coordinate implementation of this program with the Justice Department and the President's Domestic Policy Council and recommends that emphasis be placed on placement of law enforcement officers recruited under this program in high-crime areas where a shortage of police officers exists.

section 1333 -- Grants to institutions of higher education to provide education in environmental restoration to dislocated defense workers and young adults

This section would authorize the Secretary of Defense to establish a program of demonstration grants to institutions of higher education to provide education and training for environmental restoration. The trainee population includes dislocated defense workers and young adults between the ages of 16-25. There is particular emphasis on reaching young adults from disadvantaged backgrounds.

Applicant colleges and universities are specifically encouraged to build consortia with other schools, businesses, labor unions, private industry councils and government in the development of these training programs. The purpose of these partnerships is to ensure that the "work-based learning system" is related to actual career opportunities in the environmental restoration field.

This section also recommends the use of former defense installations as work sites and learning laboratories for the trainees in this program. There would be no limit on the number of institutions of higher education that can be funded under this section. The sponsoring institutions would be required to provide annual reports to the Secretary on the progress and

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13-37

1 SEC. 1332 PROGRAMS TO PLACE SEPARATED MEMBERS OF
2 THE ARMED FORCES IN EMPLOYMENT POSI-
3 TIONS WITH LAW ENFORCEMENT AGENCIES
4 AND HEALTH CARE PROVIDERS.

5 (a) PLACEMENT PROGRAM WITH LAW ENFORCE-
6 MENT AGENCIES.—Chapter 58 of title 10, United States
7 Code, is amended by adding at the end the following new
8 section:

9 “§1152. Assistance to separated members to obtain
10 employment with law enforcement agen-
11 cies

12 “(a) PLACEMENT PROGRAM.—The Secretary of De-
13 fense shall establish a program to assist eligible members
14 of the armed forces to obtain employment by State and
15 local law enforcement agencies upon their discharge or re-
16 lease from active duty.

17 “(b) ELIGIBLE MEMBERS.—(1) Except as provided
18 in paragraph (2), a member of the armed forces may apply
19 to participate in the program established under subsection
20 (a) if the member—

21 “(A) is selected for involuntary separation, is
22 approved for separation under section 1174a or
23 1175 of this title, or is given early retirement under
24 section 4403 of the Defense Conversion, Reinvest-
25 ment, and Transition Assistance Act of 1992 (divi-
26 sion D of Public Law 102-484; 10 U.S.C. 1293

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H.L.C.

13-38

1 note) during the four-year period beginning on Octo-
2 ber 1, 1993;

3 “(B) has a military occupational specialty,
4 training, or experience related to law enforcement,
5 such as service as a member of the military police;
6 and

7 “(C) satisfies such other criteria for selection as
8 the Secretary of Defense may prescribe.

9 “(2) A member who is discharged or released from
10 service under other than honorable conditions shall not be
11 eligible to participate in the program.

12 “(c) SELECTION OF PARTICIPANTS.—(1) The Sec-
13 retary of Defense shall select members to participate in
14 the program established under subsection (a) on the basis
15 of applications submitted to the Secretary before the date
16 of the discharge or release of the members from active
17 duty. An application shall be in such form and contain
18 such information as the Secretary may require.

19 “(2) The Secretary may not select a member to par-
20 ticipate in the program unless the Secretary has sufficient
21 appropriations for the placement program available at the
22 time of the selection to satisfy the obligations to be in-
23 curred by the United States under subsection (d) with re-
24 spect to that member.

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[Title XIII—Conversion]

H.L.C.

13-39

1 “(d) GRANTS TO FACILITATE EMPLOYMENT.—(1)
2 The Secretary of Defense may enter into agreements with
3 State and local law enforcement agencies to assist eligible
4 members selected under subsection (c) to obtain suitable
5 employment with these agencies. Under the agreement,
6 the law enforcement agency shall agree to employ a par-
7 ticipant in the program on a full-time basis for at least
8 a five-year period.

9 “(2) Under an agreement referred to in paragraph
10 (1), the Secretary shall agree to pay to the law enforce-
11 ment agency involved an amount based upon the basic sal-
12 ary paid by the law enforcement agency to the participant
13 as a law enforcement officer. The rate of payment by the
14 Secretary shall be as follows:

15 “(A) For the first year of employment, 50 per-
16 cent of the basic salary, except that the payment
17 may not exceed \$25,000.

18 “(B) For the second year of employment, 40
19 percent of the basic salary, except that the payment
20 may not exceed \$10,000.

21 “(C) For the third year of employment, 30 per-
22 cent of the basic salary, except that the payment
23 may not exceed \$7,500.

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H.L.C.

13-10

1 “(D) For the fourth year of employment, 20
2 percent of the basic salary, except that the payment
3 may not exceed \$5,000.

4 “(E) For the fifth year of employment, 10 per-
5 cent of the basic salary, except that the payment
6 may not exceed \$2,500.

7 “(3) Payments required under paragraph (2) may be
8 made by the Secretary in such installments as the Sec-
9 retary may determine.

10 “(4) If a participant who is placed under this pro-
11 gram leaves the employment of the law enforcement agen-
12 cy before the end of the five years of required employment
13 service, the agency shall reimburse the Secretary in an
14 amount that bears the same ratio to the total amount al-
15 ready paid under the agreement as the unserved portion
16 bears to the five years of required service.

17 “(5) The Secretary may not make a grant under this
18 subsection to a law enforcement agency if the Secretary
19 determines that the law enforcement agency terminated
20 the employment of another employee in order to fill the
21 vacancy so created with a participant in this program.”.

22 (b) PLACEMENT PROGRAM WITH HEALTH CARE
23 PROVIDERS.—Chapter 58 of title 10, United States Code,
24 is amended by adding after section 1152, as added by sub-
25 section (a), the following new section:

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[Title XIII—Conversion]

H.L.C.

13-41

1 "§ 1153. Assistance to separated members to obtain
2 employment with health care providers

3 "(a) PLACEMENT PROGRAM.—The Secretary of De-
4 fense shall establish a program to assist eligible members
5 of the armed forces to obtain employment by health care
6 providers upon their discharge or release from active duty.

7 "(b) ELIGIBLE MEMBERS.—(1) Except as provided
8 in paragraph (2), a member shall be eligible for selection
9 by the Secretary of Defense to participate in the program
10 established under subsection (a) if the member—

11 "(A) is selected for involuntary separation, is
12 approved for separation under section 1174a or
13 1175 of this title, or is given early retirement under
14 section 4403 of the Defense Conversion, Reinvest-
15 ment, and Transition Assistance Act of 1992 (divi-
16 sion D of Public Law 102-484; 10 U.S.C. 1293
17 note) during the four-year period beginning on Octo-
18 ber 1, 1993;

19 "(B) has received an associate degree, bacca-
20 laurate, or advanced degree from an accredited in-
21 stitution of higher education or a junior or commu-
22 nity college;

23 "(C) has a military occupational specialty,
24 training, or experience related to health care or is
25 likely to be able to obtain such training in a short
26 period of time, as determined by the Secretary, and

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[Title XIII—Conversion]

H.L.C.

13-42

1 “(D) satisfies such other criteria for selection
2 as the Secretary may prescribe.

3 “(2) A member who is discharged or released from
4 service under other than honorable conditions shall not be
5 eligible to participate in the program.

6 “(c) SELECTION OF PARTICIPANTS.—(1) The Sec-
7 retary of Defense shall select members to participate in
8 the program established under subsection (a) on the basis
9 of applications submitted to the Secretary before the date
10 of the discharge or release of the members from active
11 duty. An application shall be in such form and contain
12 such information as the Secretary may require.

13 “(2) The Secretary may not select a member to par-
14 ticipate in the program unless the Secretary has sufficient
15 appropriations for the placement program available at the
16 time of the selection to satisfy the obligations to be in-
17 curred by the United States under subsections (d) with
18 respect to that member.

19 “(d) GRANTS TO FACILITATE EMPLOYMENT.—(1)
20 The Secretary of Defense may enter into an agreement
21 with a health care provider to assist eligible members se-
22 lected under subsection (c) to obtain suitable employment
23 with the health care provider. Under the agreement, the
24 provider shall agree to employ a participant in the pro-
25 gram on a full-time basis for at least a five-year period.

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H.L.C.

13-43

1 “(2) Under an agreement referred to in paragraph
2 (1), the Secretary shall agree to pay to the health care
3 provider involved an amount based upon the basic salary
4 paid by the health care provider to the participant. The
5 rate of payment by the Secretary shall be as follows:

6 “(A) For the first year of employment, 50 per-
7 cent of the basic salary, except that the payment
8 may not exceed \$25,000.

9 “(B) For the second year of employment, 40
10 percent of the basic salary, except that the payment
11 may not exceed \$10,000.

12 “(C) For the third year of employment, 30 per-
13 cent of the basic salary, except that the payment
14 may not exceed \$7,500.

15 “(D) For the fourth year of employment, 20
16 percent of the basic salary, except that the payment
17 may not exceed \$5,000.

18 “(E) For the fifth year of employment, 10 per-
19 cent of the basic salary, except that the payment
20 may not exceed \$2,500.

21 “(3) Payments required under paragraph (2) may be
22 made by the Secretary in such installments as the Sec-
23 retary may determine.

24 “(4) If a participant who is placed under this pro-
25 gram leaves the employment of the health care provider

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[Title XIII--Conversion]

H.L.C.

13-44

1 before the end of the five years of required employment
2 service, the provider shall reimburse the Secretary, in an
3 amount that bears the same ratio to the total amount al-
4 ready paid under the agreement as the unserved portion
5 bears to the five years of required service.

6 “(5) The Secretary may not make a grant under this
7 subsection to a health care provider if the Secretary deter-
8 mines that the provider terminated the employment of an-
9 other employee in order to fill the vacancy so created with
10 a participant in this program.”.

11 (c) PRESEPARATION COUNSELING.—Section
12 1142(b)(4) of title 10, United States Code, is amended
13 by striking out “program established under section 1151
14 of this title to assist members to obtain employment as
15 elementary or secondary school teachers or teachers’
16 aides.” and inserting in lieu thereof “programs established
17 under sections 1151, 1152, and 1153 of this title.”.

18 (d) CLERICAL AMENDMENT.—The table of sections
19 at the beginning of such chapter is amended by adding
20 at the end the following new items:

“1152. Assistance to separated members to obtain employment with law enforce-
ment agencies.

“1153. Assistance to separated members to obtain employment with health care
providers.”.

TROOPS TO LAW ENFORCEMENT

TABLE OF CONTENTS

- TAB A*** ***Troops to Law Enforcement Background Paper***
- TAB B*** ***Public Law 103-160, November 1993. The National Defense Authorization Act For Fiscal Year 1994.***
- TAB C*** ***Senate and House Appropriation Committees Conference Report, November 9, 1993. (Report 103-339).***
- TAB D*** ***Draft Bill with Forwarding Speaker Letter***
 - With ATSD (LA) - Coordination
 - With OGC - Coordination
- TAB E*** ***Draft MOA Between DoD and DoJ***
 - With ATSD (LA) - Coordination
 - Without OGC - Coordination
- TAB F*** ***FY 1995 House Defense Authorization Report***
 - DoD Appeal
 - H.R. 4301
- TAB G*** ***FY 1995 Senate Defense Authorization Report***
 - DoD Appeal
 - S:2182

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A

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TROOPS TO LAW ENFORCEMENT

BACKGROUND

- The National Defense Authorization Act For Fiscal Year 1994 (Public Law 103-160, November 30, 1993) authorizes a program to place separated members of the armed forces in law enforcement positions. The language poses several problems outlined below:
 - **Eligibility [section 1152(b)]** - limits eligibility to involuntary separations, early retirements, and VSI/SSB, as well as to related law enforcement experience. These restrictions severely limit the pool of eligibles because law enforcement agencies generally restrict hiring to age 32 and below and because there are limited numbers of SM's being separated in these categories.
 - **Selection of Participants [section 1152(c)]** - places DoD in an unnecessary and inappropriate position of selecting participants. law enforcement agencies should hire from those eligible and DoD should not have a selecting role.
 - **Grants [section 1152(d)(1)]** - allows DoD to enter into agreements with State and local law enforcement agencies and has DoD selecting those agencies to get grants. DOJ has a Police Hiring Supplement Program. It would make sense to piggyback this effort onto that program to reduce administrative costs and consolidate efforts. Congressional intent is to provide the grants in an efficient manner.
 - **Funding [section 1152(d)(2)]** - This section appears to restrict DoD from implementing the program unless they have funding for 5 years.
 - **Reimbursement [section 1152 (d)(4)]** - It requires law enforcement agencies to reimburse the government if anyone employed through this program "leaves within five years". This section does not appear to differentiate between involuntary separation or separation for cause. Police Departments will likely view this as an unacceptable provision.
- DoD (Bob Stein and John Molino) met with House staffers to clarify Congress' intent, express DoD support, put this legislation into the proper perspective, and discuss areas of concern:
 - Chris Aldridge HASC on 11/22/93 and 2/14/94
 - Jim Dykstra, Alex Pratt, Susan Lockard (Cong. Horn's staff) on 12/3/93 and 2/14/94)
 - Shawne Carter (Cong. Winn's staff) on 12/13/93 and 2/14/94)
 - White House Domestic Policy staff (Jose Certa) and National Economic Committee (David Lane) on 12/13/93
 - DOJ (Patty Dobbs & Dick Ward Bureau of Justice Task Force and Julie Samuels from the Police Hiring Task Force) on 1/6/94; discussed combining efforts
 - P.T. Henry and Charlie Abell, from the SASC on 1/27/94.

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PUBLIC LAW 103-160—NOV. 30, 1993

NATIONAL DEFENSE AUTHORIZATION ACT
FOR FISCAL YEAR 1994.

in accordance with subsection (c)(2) for teacher placement assistance under the program."

(c) **EXTENSION OF PERIOD OF REQUIRED SERVICE.**—(1) Section 1151 of such title is further amended—

(A) in subsection (f)(2), by striking out "two school years" both places it appears and inserting in lieu thereof "five school years";

(B) in subsection (h)(3)(A), by striking out "two consecutive school years" and inserting in lieu thereof "five consecutive school years";

(C) in subsection (h)(5), by striking out "two years" both places it appears and inserting in lieu thereof "five years"; and

(D) in subsection (i)(1), by striking out "two years" both places it appears and inserting in lieu thereof "five years".

(2) Section 1598(d)(2) of such title is amended by striking out "two school years" both places it appears and inserting in lieu thereof "five school years".

(3) Section 2410j(f)(2) of such title is amended by striking out "two school years" both places it appears and inserting in lieu thereof "five school years".

(d) **GRANT PAYMENTS.**—Subsection (h)(3)(B) of section 1151 of such title is amended by striking out "equal to the lesser of—" and all that follows through "\$50,000." and inserting in lieu thereof the following: "based upon the basic salary paid by the local educational agency to the participant as a teacher or teacher's aide. The rate of payment by the Secretary shall be as follows:

"(i) For the first school year of employment, 50 percent of the basic salary, except that the payment may not exceed \$25,000.

"(ii) For the second school year of employment, 40 percent of the basic salary, except that the payment may not exceed \$10,000.

"(iii) For the third school year of employment, 30 percent of the basic salary, except that the payment may not exceed \$7,500.

"(iv) For the fourth school year of employment, 20 percent of the basic salary, except that the payment may not exceed \$5,000.

"(v) For the fifth year of employment, 10 percent of the basic salary, except that the payment may not exceed \$2,500."

(e) **INCREASED FLEXIBILITY IN PROVIDING STIPENDS AND PLACEMENT GRANTS.**—Subsection (h) of such section is amended in paragraphs (1) and (2) by striking out "shall" both places it appears and inserting in lieu thereof "may".

(f) **AGREEMENTS WITH STATES.**—Subsection (h) of such section is further amended by adding at the end the following new paragraph:

"(7)(A) In addition to the agreements referred to in paragraphs (1) and (2), the Secretary may enter into an agreement directly with a State identified pursuant to subsection (b)(1) to allow the State to arrange the placement of participants in the placement program with local educational agencies identified pursuant to subsection (b)(2) or (b)(3). The Secretary shall consult with the Secretary of Education in entering into agreements with States under this paragraph.

"(B) With respect to an agreement under this paragraph with a State, nothing in this paragraph shall be construed to negate or supersede the authority of any appropriate official or entity of the State to approve those portions of the agreement that are not under the jurisdiction of the chief executive officer of the State.

"(C) The Secretary may reserve up to 10 percent of the funds made available to carry out the placement program for a fiscal year for the placement of participants through agreements entered into under this paragraph. Paragraphs (3) through (6) shall apply with respect to any placement made through such an agreement."

(g) **CLARIFICATION OF STIPEND EXCEPTION.**—Subsection (g) of such section is amended by striking out paragraph (2) and inserting in lieu thereof the following new paragraph:

"(2) A member who is separated under the special separation benefits program under section 1174a of this title, receives voluntary separation payments under section 1175 of this title, or retires pursuant to the authority provided in section 4403 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 10 U.S.C. 1293 note) shall not be paid a stipend under paragraph (1)."

(h) **APPLICATION OF CERTAIN AMENDMENTS.**—The amendments made by subsections (c) and (d) shall not apply with respect to—

(1) persons selected by the Secretary of Defense before the date of the enactment of this Act to participate in the teacher and teacher's aide placement programs established pursuant to sections 1151, 1598, and 2410j of title 10, United States Code; or

(2) agreements entered into by the Secretary before such date with local educational agencies under such sections.

SEC. 1332. PROGRAMS TO PLACE SEPARATED MEMBERS IN EMPLOYMENT POSITIONS WITH LAW ENFORCEMENT AGENCIES AND HEALTH CARE PROVIDERS.

(a) **PLACEMENT PROGRAM WITH LAW ENFORCEMENT AGENCIES.**—Chapter 58 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1152. Assistance to separated members to obtain employment with law enforcement agencies

"(a) **PLACEMENT PROGRAM.**—The Secretary of Defense may establish a program to assist eligible members of the armed forces to obtain employment as law enforcement officers with State and local law enforcement agencies upon their discharge or release from active duty.

"(b) **ELIGIBLE MEMBERS.**—(1) Except as provided in paragraph (2), a member of the armed forces may apply to participate in the program established under subsection (a) if the member—

"(A) is selected for involuntary separation, is approved for separation under section 1174a or 1175 of this title, or retires pursuant to the authority provided in section 4403 of the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (division D of Public Law 102-484; 10 U.S.C. 1293 note) during the six-year period beginning on October 1, 1993; and

"(B) has a military occupational specialty, training, or experience related to law enforcement (such as service as a

10 USC 1151
note.

member of the military police) or satisfies such other criteria for selection as the Secretary of Defense may prescribe.

"(2) A member who is discharged or released from service under other than honorable conditions shall not be eligible to participate in the program.

"(c) SELECTION OF PARTICIPANTS.—(1) The Secretary of Defense shall select members to participate in the program established under subsection (a) on the basis of applications submitted to the Secretary not later than one year after the date of the discharge or release of the members from active duty. An application shall be in such form and contain such information as the Secretary may require.

"(2) The Secretary may not select a member to participate in the program unless the Secretary has sufficient appropriations for the placement program available at the time of the selection to satisfy the obligations to be incurred by the United States under subsection (d) with respect to that member.

"(d) GRANTS TO FACILITATE EMPLOYMENT.—(1) The Secretary of Defense may enter into agreements with State and local law enforcement agencies to assist eligible members selected under subsection (c) to obtain suitable employment as law enforcement officers with these agencies. Under such an agreement, a law enforcement agency shall agree to employ a participant in the program on a full-time basis for at least five years.

"(2) Under an agreement referred to in paragraph (1), the Secretary shall agree to pay to the law enforcement agency involved an amount based upon the basic salary paid by the law enforcement agency to the participant as a law enforcement officer. The rate of payment by the Secretary shall be as follows:

"(A) For the first year of employment, 50 percent of the basic salary, except that the payment may not exceed \$25,000.

"(B) For the second year of employment, 40 percent of the basic salary, except that the payment may not exceed \$10,000.

"(C) For the third year of employment, 30 percent of the basic salary, except that the payment may not exceed \$7,500.

"(D) For the fourth year of employment, 20 percent of the basic salary, except that the payment may not exceed \$5,000.

"(E) For the fifth year of employment, 10 percent of the basic salary, except that the payment may not exceed \$2,500.

"(3) Payments required under paragraph (2) may be made by the Secretary in such installments as the Secretary may determine.

"(4) If a participant who is placed under this program leaves the employment of the law enforcement agency before the end of the five years of required employment service, the agency shall reimburse the Secretary in an amount that bears the same ratio to the total amount already paid under the agreement as the unserved portion bears to the five years of required service.

"(5) The Secretary may not make a grant under this subsection to a law enforcement agency if the Secretary determines that the law enforcement agency terminated the employment of another employee in order to fill the vacancy so created with a participant in this program.

"(e) AGREEMENTS WITH STATES.—(1) In addition to the agreements referred to in subsection (d)(1), the Secretary of Defense

may enter into an agreement directly with a State to allow State to arrange the placement of participants in the program with State and local law enforcement agencies. Paragraphs (2) through (5) of subsection (d) shall apply with respect to any placement made through such an agreement.

"(2) The Secretary may reserve up to 10 percent of the funds made available to carry out the program for a fiscal year for the placement of participants through agreements entered into under paragraph (1).

"(f) DEFINITIONS.—In this section:

"(1) The term 'State' includes the District of Columbia, American Samoa, the Federated States of Micronesia, Guam, the Republic of the Marshall Islands, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, Palau, and the Virgin Islands.

"(2) The term 'law enforcement officer' means an individual involved in crime and juvenile delinquency control or reduction, or enforcement of the laws, including police, corrections, probation, parole, and judicial officers."

(b) PLACEMENT PROGRAM WITH HEALTH CARE PROVIDERS.—Chapter 58 of title 10, United States Code, is amended by adding after section 1152, as added by subsection (a), the following new section:

"§ 1153. Assistance to separated members to obtain employment with health care providers

"(a) PLACEMENT PROGRAM.—The Secretary of Defense may establish a program to assist eligible members of the armed forces to obtain employment with health care providers upon their discharge or release from active duty.

"(b) ELIGIBLE MEMBERS.—(1) Except as provided in paragraph (2), a member shall be eligible for selection by the Secretary of Defense to participate in the program established under subsection (a) if the member—

"(A) is selected for involuntary separation, is approved for separation under section 1174a or 1175 of this title, or retires pursuant to the authority provided in section 4403 of the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992 (division D of Public Law 102-484; 10 U.S.C. 1293 note) during the six-year period beginning on October 1, 1993;

"(B) has received an associate degree, baccalaureate, or advanced degree from an accredited institution of higher education or a junior or community college; and

"(C) has a military occupational specialty, training, or experience related to health care, is likely to be able to obtain such training in a short period of time (as determined by the Secretary), or satisfies such other criteria for selection as the Secretary may prescribe.

"(2) For purposes of this section, a former member of the armed forces who did not meet the minimum educational qualification criterion set forth in paragraph (1)(B) for placement assistance before discharge or release from active duty shall be considered to be a member satisfying such educational qualification criterion upon satisfying that criterion within five years after discharge or release from active duty.

(3) A member who is discharged or released from service under other than honorable conditions shall not be eligible to participate in the program.

"(c) SELECTION OF PARTICIPANTS.—(1) The Secretary of Defense shall select members to participate in the program established under subsection (a) on the basis of applications submitted to the Secretary not later than one year after the date of the discharge or release of the members from active duty or, in the case of an applicant becoming educationally qualified for teacher placement assistance in accordance with subsection (b)(2), not later than one year after the date on which the applicant becomes educationally qualified. An application shall be in such form and contain such information as the Secretary may require.

"(2) The Secretary may not select a member to participate in the program unless the Secretary has sufficient appropriations for the placement program available at the time of the selection to satisfy the obligations to be incurred by the United States under subsection (d) with respect to that member.

"(3)(A) The Secretary shall provide under the program for identifying, during each fiscal year in the period referred to in subsection (b)(1)(A), noncommissioned officers who, on or before the end of such fiscal year, will have completed 10 or more years of continuous active duty, who have the potential to perform competently in employment positions with health care providers, but who do not satisfy the minimum educational qualification criterion under subsection (b)(1)(B) for placement assistance.

"(B) The Secretary shall inform noncommissioned officers identified under subparagraph (A) of the opportunity to qualify in accordance with subsection (b)(2) for placement assistance under the program.

"(d) GRANTS TO FACILITATE EMPLOYMENT.—(1) The Secretary of Defense may enter into an agreement with a health care provider to assist eligible members selected under subsection (c) to obtain suitable employment with the health care provider. Under such an agreement, a health care provider shall agree to employ a participant in the program on a full-time basis for at least five years.

"(2) Under an agreement referred to in paragraph (1), the Secretary shall agree to pay to the health care provider involved an amount based upon the basic salary paid by the health care provider to the participant. The rate of payment by the Secretary shall be as follows:

"(A) For the first year of employment, 50 percent of the basic salary, except that the payment may not exceed \$25,000.

"(B) For the second year of employment, 40 percent of the basic salary, except that the payment may not exceed \$10,000.

"(C) For the third year of employment, 30 percent of the basic salary, except that the payment may not exceed \$7,500.

"(D) For the fourth year of employment, 20 percent of the basic salary, except that the payment may not exceed \$5,000.

"(E) For the fifth year of employment, 10 percent of the basic salary, except that the payment may not exceed \$2,500.

"(3) Payments required under paragraph (2) may be made by the Secretary in such installments as the Secretary may determine.

"(4) If a participant who is placed under this program leaves the employment of the health care provider before the end of the five years of required employment service, the provider shall reimburse the Secretary in an amount that bears the same ratio to the total amount already paid under the agreement as the unserved portion bears to the five years of required service.

"(5) The Secretary may not make a grant under this subsection to a health care provider if the Secretary determines that the provider terminated the employment of another employee in order to fill the vacancy so created with a participant in this program.

"(e) AGREEMENTS WITH STATES.—(1) In addition to the agreements referred to in subsection (d)(1), the Secretary of Defense may enter into an agreement directly with a State to allow the State to arrange the placement of participants in the program with health care providers. Paragraphs (2) through (5) of subsection (d) shall apply with respect to any placement made through such an agreement.

"(2) The Secretary may reserve up to 10 percent of the funds made available to carry out the program for a fiscal year for the placement of participants through agreements entered into under paragraph (1).

"(f) DEFINITIONS.—In this section, the term 'State' includes the District of Columbia, American Samoa, the Federated States of Micronesia, Guam, the Republic of the Marshall Islands, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, Palau, and the Virgin Islands."

(c) PRESEPARATION COUNSELING.—Section 1142(b)(4) of title 10, United States Code, is amended by striking out "program established under section 1151 of this title to assist members to obtain employment as elementary or secondary school teachers or teachers' aides." and inserting in lieu thereof "programs established under sections 1151, 1152, and 1153 of this title."

(d) STUDY ON EXPANSION OF THE LAW ENFORCEMENT PLACEMENT PROGRAM TO INCLUDE THE BORDER PATROL.—(1) The Secretary of Defense, in consultation with the Commissioner of the Immigration and Naturalization Service, shall conduct a study regarding the feasibility of expanding the law enforcement placement program established under section 1152 of title 10, United States Code, as added by subsection (a), to include the placement of members of the Armed Forces who are discharged or released from active duty with the Border Patrol of the Immigration and Naturalization Service.

(2) Not later than March 1, 1994, the Secretary shall submit a report to Congress containing the results of the study required by this subsection.

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

"1152. Assistance to separated members to obtain employment with law enforcement agencies.

"1153. Assistance to separated members to obtain employment with health care providers."

Reports.

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Divider Title: _____

148-151

PJFE
Jane Burke

103D CONGRESS
1st Session

HOUSE OF REPRESENTATIVES

REPORT
103-339

MAKING APPROPRIATIONS FOR THE DEPARTMENT OF
DEFENSE FOR THE FISCAL YEAR ENDING SEPTEMBER
30, 1994, AND FOR OTHER PURPOSES

NOVEMBER 9, 1993.—Ordered to be printed

Mr. MURTHA, from the committee of conference,
submitted the following

CONFERENCE REPORT

[To accompany H.R. 3116]

CONFERENCE REPORT (H. REPT. 103-339)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 3116) "making appropriations for the Department of Defense for the fiscal year ending September 30, 1994, 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 amendments numbered 27, 36, 57, 61, 62, 64, 80, 88, 92, 93, 94, 95, 96, 97, 104, 105, 106, 110, 111, 112, 131, 135, 149, 150, 153, 160, 164, 166, 171, 175, 176, 177, 184, 193, 195, 199, 200, 202, 204, 206, 207, 210, 213, 215, 219, and 223.

That the House recede from its disagreement to the amendments of the Senate numbered 12, 15, 17, 20, 24, 28, 35, 37, 39, 41, 42, 43, 45, 48, 50, 52, 53, 55, 60, 66, 69, 72, 73, 74, 75, 77, 79, 82, 85, 87, 98, 118, 123, 125, 126, 134, 137, 146, 158, 159, 162, 167, 168, 172, 179, 181, 182, 188, and 224, and agree to the same.

Amendment numbered 1:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert: \$21,296,177,000; and the Senate agree to the same.

Amendment numbered 2:

proposed by the House concerning cell adhesion molecule research; and restores and amends language proposed by the House concerning the Computer-aided Acquisition and Logistics Support (CALS) Shared Resource Center program.

Amendment No. 103: Deletes language proposed by the House concerning a grant to historically black colleges and universities; deletes language proposed by the House concerning the High Performance Computing initiative; deletes language proposed by the House concerning the Experimental Program to Stimulate Competitive Research; deletes language proposed by the House concerning coordination of certain energy research programs between the Departments of Defense and Energy; deletes language proposed by the House concerning cell adhesion molecule research; deletes language proposed by the House concerning the Computer-aided Acquisition and Logistics Support (CALS) Shared Resource Center program; and deletes language proposed by the Senate concerning the Maui High Performance Computing Center.

Amendment No. 104: Deletes language proposed by the Senate concerning the ARPA Nuclear Nonproliferation Technology initiative.

Amendment No. 105: Deletes language proposed by the Senate concerning establishment of a simulation center and a peace enforcement doctrine development center.

Amendment No. 106: Deletes language proposed by the Senate concerning a methanol plantship.

DEVELOPMENTAL TEST AND EVALUATION, DEFENSE

Amendment No. 107: Appropriates \$232,457,000 instead of \$232,592,000 as proposed by the House and \$228,047,000 as proposed by the Senate.

The conference agreement on items addressed by either the House or Senate is as follows:

(In thousands of dollars)

	Budget	House	Senate	Conference
DIRECTOR OF TEST & EVAL DEFENSE				
FOREIGN COMPARATIVE TESTING	34,913	24,913	34,913	32,913
DEVELOPMENT TEST AND EVALUATION	114,135	99,135	84,590	91,000

DEVELOPMENT TEST AND EVALUATION

The conferees agree to a reduction of \$23,135,000 for the Development Test and Evaluation program. The Senate has receded on its reductions to specific activities within this program element. The recommended reduction should be taken against the total program.

DEFENSE CONVERSION

The Conferees strongly support the objectives of the Defense Conversion, Reinvestment, and Transition Act of 1992. To help accomplish the goals of that legislation the conferees have included at least \$2,491,000,000 in the fiscal year 1994 Defense Appropriations Act as follows:

Title I:

Temporary Early Retirement	\$319,000,000
Temporary Health Transition Assistance	12,000,000
Subtotal, Title I	331,000,000

Title II:

Separation Pay and Civilian Health Benefits	100,000,000
Occupational Conversion and Training	6,250,000
Transition Assistance/Relocation Assistance	67,000,000
Office of Economic Adjustment	39,000,000
Junior ROTC Expansion	73,000,000
Law Enforcement and Health Care Provider Training	15,000,000
Other Defense Conversion Projects	76,750,000
Subtotal, Title II	377,000,000

Title III:

Neutron Generators, Components, and Associated Equipment ..	6,000,000
Shipbuilding Initiative	50,000,000
Subtotal, Title III	56,000,000

Title IV:

Shipbuilding Initiative	30,000,000
Dual-Use Partnerships	474,000,000
Subtotal, Title IV	504,000,000

In addition several programs in the Research, Development, Test and Evaluation and Procurement budget constitute defense conversion initiatives. The following amounts (including increases above the budget) are also contained in Title IV of the bill:

Intelligence Systems/Software	\$68,800,000
High Performance Computing	196,600,000
Software Engineering	39,100,000
SEMATECH	90,000,000
Advanced Simulation	74,300,000
High Definition Systems	85,000,000
Materials and Electronics Technology	259,000,000
Advanced Lithography	60,200,000
Other Electronics Manufacturing	264,500,000
Defense Research Sciences	84,700,000
Subtotal	1,222,100,000

The conferees have agreed to provide the authorized level of \$377,000,000 for Defense Conversion in the Operation and Maintenance, Defense-Wide appropriation. This amount is \$65,000,000 above the budget request.

The conferees also recommend that the following conversion projects be funded in the Operation and Maintenance, Defense-Wide appropriation. DD Form 1414 shall show them as items of special Congressional interest, a funding decrease to which requires prior Congressional approval:

Southeastern Pennsylvania Consortium for Information Technology and Training	\$875,000
Western Michigan University School of Aviation Sciences/Fort Custer Industrial Park	6,000,000
Illinois Vietnam Veterans Leadership Program	125,000
Monterey Institute of International Studies	5,000,000
California State University System	15,000,000
New London State Pier	3,725,000
Conversion of Homestead Air Force Base	5,000,000
Miami Dade Community College	10,500,000
California Statewide Economic Development Network	3,125,000

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Divider Title: _____

Honorable Thomas S. Foley
Speaker of the House of Representatives
Washington, DC 20515

DRAFT

Dear Mr. Speaker:

Enclosed is a draft of proposed legislation "Assistance to eligible members and former members to obtain employment with law enforcement agencies."

The proposal is part of the Department of Defense legislative program for the 103rd Congress. The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this proposal for the consideration of Congress.

Purpose of the Legislation

The purpose of the proposed legislation is to eliminate duplicative and competing law enforcement hiring programs. If this bill were to be enacted, current and projected Department of Justice law enforcement hiring programs and grants would be available to assist eligible members and former members of the armed forces to obtain employment in law enforcement careers. Unlike the current statutory program, this bill would not entail the burden and costs of starting up and administering a new program. The proposed legislation would also eliminate the requirement for employers to pay back funds if a participant did not remain employed for five years. This provision is unattractive to law enforcement agencies with tight budgets. They may feel penalized if an individual hired leaves the program for reasons beyond the agencies' control. Finally, the proposed legislation would make assisting veterans more attractive to law enforcement agencies by placing program administration with the Department of Justice which is familiar with the personnel requirements and qualifications of law enforcement agencies.

Cost and Budget Data

The United States will incur no additional costs associated with this change in legislation. This bill should be considered in conjunction with the other proposals in the Fiscal Year 1995 Budget.

Sincerely,

Enclosure:
Proposed Bill

A BILL

To amend title 10, United States Code, to expand authority to assist eligible members and former members of the armed forces obtain employment with law enforcement agencies.

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

SECTION 1. AMENDMENT TO AUTHORITY TO ASSIST ELIGIBLE MEMBERS TO OBTAIN EMPLOYMENT WITH LAW ENFORCEMENT AGENCIES.

Section 1152 of title 10, United States Code, is amended to read as follows:

"§ 1152. Assistance to eligible members and former members to obtain employment with law enforcement agencies.

"(a) PLACEMENT PROGRAM.--The Secretary of Defense may enter into an agreement with the Attorney General to establish or participate in a program to assist eligible members and former members of the armed forces to obtain employment as law enforcement officers with State and local law enforcement agencies following their discharge from active duty.

"(b) ELIGIBLE MEMBERS.--Any member or former member who receives an honorable discharge during the six-year period beginning on October 1, 1993, shall be eligible to participate in this program. Preference shall be given to, but eligibility shall not be limited to, a member or former member who--

"(1) is selected for involuntary separation, is approved for separation under section 1174a or 1175 of this title, or retires pursuant to the authority provided in section 4403 of Public Law 102-484, (10 U.S.C. 1293 note); and

"(2) has a military occupational specialty, training, or experience related to law enforcement (such as service as a member of the military police) or satisfies such other criteria for selection as the Secretary, Attorney General, or participating State and local law enforcement agencies may prescribe.

1 "(c) GRANTS TO FACILITATE EMPLOYMENT.--(1) The Secretary or Attorney
2 General may give preference in awarding grants through existing law enforcement hiring
3 programs to State or local law enforcement agencies that agree to hire eligible members and
4 former members.

5 "(2) Ten percent of the funds appropriated to carry out the program may be used to
6 administer the program.

7 "(3) No member or former member may be selected to participate in the program
8 established by this section unless sufficient appropriations are available at the time of the
9 selection to satisfy the obligations to be incurred by the United States under any agreement
10 reached with a participating State or local law enforcement agency".

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Divider Title: _____

**MEMORANDUM OF AGREEMENT
BETWEEN
THE DEPARTMENT OF DEFENSE AND
THE DEPARTMENT OF JUSTICE**

Executed by the Under Secretary of Defense (Personnel and Readiness) and the Director, Bureau of Justice Assistance, US Department of Justice, for the purpose of defining roles and responsibilities in assisting veterans of the Armed Forces obtain employment with State and local law enforcement agencies.

Purpose:

This Memorandum of Agreement implements a program to assist eligible members of the Armed Forces to obtain employment as law enforcement officers with State and local law enforcement agencies upon their discharge or release from active duty. This effort will be accomplished through the Department of Justice Police Hiring Supplement Program, hereafter referred to as "the Program".

Authority:

Economy Act, as amended, 31 U.S.C., section 1535; 10 U.S.C. § 1152, as amended by Public Law No. 103-160, § 1332(a).

Program Administration:

The Director, Transition Support and Services, Office of the Under Secretary of Defense (Personnel and Readiness) and the Director, Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice will be responsible for carrying out the provisions of this Memorandum of Agreement, as described below.

Funding:

Department of Defense approved funding will be sent to the Department of Justice to assist in implementing and administering the Program.

Reporting:

The Department of Justice will provide DoD a quarterly report showing the total number of veterans hired by location during the previous reporting period under the Program.

Duration of Agreement:

This Memorandum of Agreement is effective on the latter date of signature below and will remain in effect until the termination of the Police Hiring Supplement Program or at such other time as the parties agree upon in writing.

Responsibilities:

a. Department of Defense will:

(1) Provide fifteen million dollars to the Department of Justice to supplement and help administer the Program. Not more than 10 percent of these funds may be used to administer the program.

(2) Encourage the Department of Justice and State and local law enforcement agencies to use the Defense Outplacement Referral System (DORS) to identify qualified/interested personnel separating from the Armed Forces.

(3) Encourage the Department of Justice and State and local law enforcement agencies to advertise employment opportunities through the Transition Bulletin Board (TBB).

(4) Provide program information to separating personnel; encourage qualified/interested individuals to place resumes in DORS; and encourage qualified/interested individuals to apply for positions listed in the TBB.

b. Department of Justice will:

(1) Encourage State and local law enforcement agencies to give priority to hiring veterans under the Program.

(2) Encourage State and local law enforcement agencies to register with Operation Transition and use DORS in seeking qualified applicants for the Program.

(3) Encourage State and local law enforcement agencies to list job opportunities on the TBB.

(4) Require State and local law enforcement agencies participating in the Program to provide data on the number of veterans hired under this Program and to provide this information to the Department of Defense on a quarterly basis.

(5) Provide DoD a list of State and local law enforcement agencies who apply for and receive grants under the Program.

Modifications:

This Memorandum of Agreement may be modified by written agreement of both parties.

Department of Defense

By: _____
Under Secretary of Defense for Personnel and Readiness _____
Date

Department of Justice

By: _____
Director, Bureau of Justice Assistance,
Office of Justice Programs, U.S. Department of Justice _____
Date

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PSFE

103D CONGRESS
2d Session

HOUSE OF REPRESENTATIVES

REPORT
103-499

NATIONAL DEFENSE AUTHORIZATION ACT
FOR FISCAL YEAR 1995

REPORT

OF THE

COMMITTEE ON ARMED SERVICES
HOUSE OF REPRESENTATIVES

ON

H.R. 4301

together with

ADDITIONAL AND DISSENTING VIEWS

[Including cost estimate of the Congressional Budget Office]



MAY 10, 1994.—Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed

SUBTITLE C—PERSONNEL ADJUSTMENT, EDUCATION AND TRAINING PROGRAMS

SECTION 1131—CONTINUATION OF TEACHER AND TEACHER'S AIDE PLACEMENT PROGRAMS

This section would authorize \$65 million in funding the continuation of the "troops-to-teachers" program contained in the Defense Conversion, Reinvestment and Transition Assistance Act of 1992 (Division D of the National Defense Authorization Act for Fiscal Year 1993, Public Law 102-484) and the Defense Conversion, Reinvestment and Transition Assistance Act 1993 (title 13 of the National Defense Authorization Act of Fiscal Year 1994, Public Law 103-160).

SECTION 1132—PROGRAMS TO PLACE SEPARATED MEMBERS AND TERMINATED DEFENSE EMPLOYEES IN EMPLOYMENT POSITIONS AS PUBLIC SAFETY OFFICERS

This provision would expand the troops-to-law enforcement officer program established in section 1152 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160). This provision would authorize the Secretary of Defense to assist the placement of displaced Federal firefighters who worked on military bases and other facilities. The section also would authorize \$25 million to assist the placement of separated members of the armed forces in employment positions as public safety officers in fiscal year 1995, of which \$10 million would be available for placement of Federal faraway.

SECTION 1133—PILOT PROGRAM TO PLACE SEPARATED MEMBERS AND TERMINATED DEFENSE EMPLOYEES IN TEACHING POSITIONS AS BILINGUAL MATH AND SCIENCE TEACHERS

Section 1133 would authorize \$3 million for a pilot program designed to encourage bilingual servicemembers and DOD civilian employees to become math and science teachers upon leaving Federal service. Under the program, individuals who participate would be eligible to receive a stipend, and educational institutions or other non-Federal entities would be compensated for reasonable costs incurred in connection with program participation.

SECTION 1134—DEMONSTRATION PROJECT TO ASSIST SEPARATED MEMBERS AND TERMINATED DEFENSE WORKERS TO BECOME BUSINESS OWNERS

This section would authorize the Secretary of Defense to establish up to two defense worker business incubator projects to assist displaced defense workers in establishing alternative economic activities.

The committee directs the Secretary of Defense to fund this program out of the category of "other initiatives" identified in the education and training personnel assistance programs contained in the defense reinvestment and economic growth initiatives account in an amount not to exceed \$1 million per project.

SECTION 1135—DEMONSTRATION PROJECT TO PROMOTE SHIP RECYCLING AS METHOD TO ASSIST SEPARATED MEMBERS AND TERMINATED DEFENSE WORKERS

This section would authorize \$15 million for the establishment of a ship recycling and defense worker job creation program. As the Navy reduces its fleet, an increased number of ships will be available for scrapping. The committee believes that there are several advantages to increasing the volume of ship scrapping and recycling in the United States. For example, one advantage is job creation. The committee believes that the potential to increase the rate of return on excess ships would be maximized by the creation of regional ship recycling centers.

SUBTITLE D—ARMS INITIATIVE

SECTION 1141—EXTENSION OF ARMAMENT RETOOLING AND MANUFACTURING SUPPORT INITIATIVE

This section would extend the authority for fiscal year 1995 to carry out the Armament Retooling and Manufacturing Support (ARMS) Initiative established in section 195 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484).

SUBTITLE E—OTHER MATTERS

SECTION 1151—CHANGES IN NOTICE REQUIREMENTS UPON PENDING OR ACTUAL TERMINATION OF DEFENSE PROGRAMS

This section would restore the notification requirements and procedures established by section 4471 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484). The committee believes that timely notification of defense contract reductions and worker impact are essential to effective retraining and placement activities.

ITEMS OF SPECIAL INTEREST

BUSINESS PLANNING ASSISTANCE AND SUPPORT FOR TECHNOLOGY CENTERS

The committee directs the Secretary of Defense to carry out at least two business development projects in support of technology centers located in one or a combination of all three of the following areas: communities which have been adversely affected by military base closures; areas in which the local economy has been adversely affected by changes in the use of national laboratories previously used for nuclear weapons testing and development; and areas in which the local economy has been heavily dependent on a defense contractor that is in the process of terminating a major defense contract or closing a major facility. The committee recommends that the Secretary utilize the Office of Economic Adjustment (OEA) and the Advanced Research Projects Agency (ARPA) in undertaking these projects.

The committee directs the Secretary to fund these projects out of the fiscal year 1995 "other initiatives" funding contained in the de-

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Department of Defense Appeal
FY 1995 Defense Authorization Bill

Appeal Subject: Troops for Public Safety Positions

Language/Provision: The House included a provision (Sec. 1132) that expands the Troops to Law Enforcement (TLE) program established in the National Defense Authorization Act for Fiscal Year 1994 (Section 1152, Public Law 103-160) and authorizes \$25 million to assist the placement of separated members of the armed forces in employment positions as public safety officers (i.e. firefighters, paramedics, etc.) in FY 1995.

DoD Position: DoD strongly opposes the expansion of the TLE program to include placement in public safety officer positions. As currently written, the legislation establishing the TLE program restricts its execution to the Department of Defense (DoD). Paradoxically, while DoD has only limited experience in the law enforcement personnel arena, the Department of Justice (DoJ) has had an up and running program for years. Consequently, DoD is in the process of trying to amend this legislation to allow transfer of responsibility and funds for TLE to the DoJ. However, DoJ has indicated that if the program is expanded to include public safety officers, they will not participate in the program.

Even if responsibility for TLE is transferred to DoJ, DoD has other problems with the TLE program which argue against expanding the program into a troops to public safety officers program. The TLE program currently severely limits the number of eligible veterans, and requires participating agencies to reimburse DoD regardless of the reason a veteran leaves the program, i.e., even if a veteran is fired or just quits, the hiring police department would still have to reimburse DoD. Most importantly, the House provision is duplicative of Section 1143a of title 10 which already requires the Secretary of Defense to establish a program to encourage members and former members to enter into public and community service jobs after discharge or release from active duty. Generally, public safety agencies are eager to hire qualified members or former members who apply for a vacancy. The biggest impediments to placing Service members or former members in making available positions known to separating Service members and making separating Service members' interest in such positions known to public safety agencies. These impediments can best be overcome by better use of existing automated data bases such as the Defense Outplacement Referral System (DORS), the Transition Bulletin Board (TBB), and the Public and Community Service (PACS).

The Department urges exclusion of this provision.

DoD Comptroller Internal Control Notes:

Submitters: P&R Bob Stein, x70481

Reviewing directorate/analyst: OPS/Bourbeau

Director's recommendation/rationale: Include.

1 **"§ 1152. Assistance to separated members to obtain**
 2 **employment as public safety officers".**

3 (2) *The table of sections at the beginning of chapter*
 4 *58 of such title is amended by striking out the item relating*
 5 *to section 1152 and inserting in lieu thereof the following*
 6 *new item:*

"1152. Assistance to separated members to obtain employment as public safety of-
ficers.".

7 (3) *The table of sections at the beginning of chapter*
 8 *81 of such title is amended by adding at the end the follow-*
 9 *ing new item:*

"1598a. Assistance to terminated employees to obtain employment as public safety
officers.".

10 (d) **FUNDING FOR FISCAL YEAR 1995.**—*Of the amount*
 11 *made available pursuant to section 1102(a), \$25,000,000*
 12 *shall be available for the public safety officer placement pro-*
 13 *grams authorized by sections 1152 and 1598a of title 10,*
 14 *United States Code.*

15 **SEC. 1133. PILOT PROGRAM TO PLACE SEPARATED MEM-**
 16 **BERS AND TERMINATED DEFENSE EMPLOY-**
 17 **EES IN TEACHING POSITIONS AS BILINGUAL**
 18 **MATH AND SCIENCE TEACHERS.**

19 (a) **COOPERATIVE ARRANGEMENTS.**—*During fiscal*
 20 *year 1995, the Secretary of Defense shall carry out a pilot*
 21 *program to establish cooperative arrangements between the*
 22 *Department of Defense and a consortium of two or more*
 23 *entities described in subsection (b) for the purpose of assist-*

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PSFE
Calendar No. 459

103D CONGRESS
2d Session

SENATE

REPORT
103-282

**NATIONAL DEFENSE AUTHORIZATION
ACT FOR FISCAL YEAR 1995**

REPORT

TO ACCOMPANY S. 2182

ON

AUTHORIZING APPROPRIATIONS FOR FISCAL YEAR 1995 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 YEAR FOR THE ARMED FORCES, AND FOR OTHER PURPOSES

TOGETHER WITH

ADDITIONAL AND MINORITY VIEWS

**COMMITTEE ON ARMED SERVICES
UNITED STATES SENATE**



JUNE 14 (legislative day, JUNE 7) 1994 — Ordered to be printed

did the Congress envision that this delay would result in the exclusion of servicemembers affected by the drawdown from participating in the program.

Assistance for eligible members to obtain employment with law enforcement agencies

The committee recommends a provision (sec. 644) that would authorize the Secretary of Defense to enter into an agreement with the Attorney General to establish or participate in a program to assist certain members and former members of the armed services to obtain employment with law enforcement agencies.

Treatment of retired and retainer pay of members of cadre of Civilian Community Corps

The committee recommends a provision (sec. 645) that would clarify the intent of Congress concerning compensation for retired military members employed by the National Civilian Community Corps. The provision would entitle retired military members employed by the National Civilian Community Corps to receive their full military retired pay without reduction in addition to any additional amount received from the National Civilian Community Corps.

Disability coverage for officer candidates granted excess leave

The committee recommends a provision (sec. 651) that would amend section 1201 of title 10, United States Code, by including certain members not entitled to basic pay (officer candidates) among those who receive physical disability coverage.

Use of exchanges and morale, welfare, and recreation facilities by members of reserve components and dependents

The committee recommends a provision (sec. 652) that would amend section 1065 of title 10, United States Code, to authorize retired members of the Selected Reserve to use Department of Defense exchanges and other revenue-generating morale, welfare, and recreation facilities.

The provision would permit members of the Selected Reserve in good standing (as determined by the Secretary concerned) who would be eligible for retired pay under chapter 67 of title 10, United States Code, but for the fact that they are under 60 years of age, and the dependents of such members, to use Department of Defense exchanges and other revenue-generating morale, welfare, and recreation facilities.

Special supplemental food program

The committee recommends a provision (sec. 653) that would authorize the Secretary of Defense to provide special supplemental food benefits to members of the armed forces stationed overseas, and to eligible civilians serving with, employed by, or accompanying servicemembers overseas.

Reimbursement for certain losses of household effects caused by hostile action

The committee recommends a provision (sec. 654) that would authorize the Secretaries of the military departments to reimburse servicemembers for the loss of household goods sustained during a permanent change of station move when the loss is caused by hostile action incident to war or a warlike action by a military force.

COLA equity

The committee is deeply concerned about the inequity between the delays in cost of living adjustments (COLAs) for military and civil service retirees caused by the Omnibus Reconciliation Act of 1993 (OBRA of 1993).

Before changes in COLA dates were enacted in 1993, permanent law called for COLAs to be paid to military and civil service retirees on January 1 of each year. Military and civil service retirees have received COLAs of identical percentages on identical dates since 1969. Under the terms of OBRA of 1993, this longstanding equality will end in 1995 unless this inequity is corrected by the Congress this year.

In 1993, the Budget Resolution adopted by the House of Representatives contained reconciliation instructions that assumed approximately equal savings of \$4 billion over five years from both military and civil service retirement. The Budget Resolution adopted by the Senate contained no reconciliation instructions requiring savings from either military or civil service retirement. The conference report on the Concurrent Resolution on the Budget for Fiscal Year 1994 contained reconciliation instructions requiring savings in both military and civil service retirement.

The statement of managers accompanying the conference report indicated the assumptions underlying the savings required from each committee. In the conference report, savings of \$2.4 billion were assumed from military retirement, but the assumed civil service retirement savings were only \$350 million. No specific means of achieving these savings are assumed in a Budget Resolution.

To carry out these reconciliation instructions, the Budget Resolution assigned deficit reduction targets for military retirement to the Armed Services Committees of the Senate and the House of Representatives. The savings from civil service retirement were included in the instructions to the Committee on Governmental Affairs in the Senate, and to the Committee on Post Office and Civil Service of the House of Representatives.

The actual changes in law required to achieve these savings were included in OBRA of 1993. The Armed Services Committees achieved their required savings from military retirement by delaying COLAs for military retirees for three months in 1994 and for nine months in 1995, 1996, 1997 and 1998. The total savings from military retirement was \$2.358 billion.

COLAs for civil service retirees were only delayed by three months for 1994, 1995, and 1996 and were not delayed at all in 1997 or 1998. The total savings in OBRA of 1993 from delaying civil service retirement COLAs was \$788 million. This was twice the amount that had been assumed in the Budget Resolution, but only one-third the amount of savings required from military retire-

**Department of Defense Appeal
FY 1995 Defense Authorization Bill**

Appeal Subject: Troops for Public Safety Positions

Language/Provision: The House included a provision (Section 1132) that expands the Troops to Law Enforcement (TLE) program established in the National Defense Authorization Act for Fiscal Year 1994 (Section 1152, Public Law 103-160) and authorizes \$25 million to assist the placement of separated members of the Armed Forces in employment positions as public safety officers (i.e. firefighters, paramedics, etc.) in FY 1995.

DoD Position: The Department of Defense (DoD) strongly opposes the expansion of the TLE program to include placement in public safety officer positions. As currently written, the legislation establishing the TLE program restricts its execution to (DoD). Paradoxically, while DoD has only limited experience in the law enforcement personnel arena, the Department of Justice (DoJ) has had an up and running program for years. Consequently, DoD is in the process of trying to amend this legislation to allow transfer of responsibility and funds for TLE to the DoJ. However, DoJ has indicated that if the program is expanded to include public safety officers, they will not participate in the program.

Even if responsibility for TLE is transferred to DoJ, DoD has other problems with the TLE program which argue against expanding the program into a troops to public safety officers program. The TLE program currently severely limits the number of eligible veterans, and requires participating agencies to reimburse DoD regardless of the reason a veteran leaves the program, i.e. even if a veteran is fired or just quits, the hiring Police Department would still have to reimburse DoD. Most importantly, the House provision is duplicative of Section 1143a of Title 10 which already requires former members to enter into public and community service jobs after discharge or release from action duty. Generally, public safety agencies are eager to hire qualified member or former members who apply for a vacancy.

The Senate included a provision to modify Section 1152, Public Law 103-160 - the section which authorizes the Secretary of Defense to establish a program to assist members and former members of the Armed Forces obtain employment with law enforcement agencies. The Senate provision would: (1) eliminate the impediments and restrictions affecting implementation of such a program, (2) eliminate duplicative and competing program between DoD and DoJ, and (3) allow transfer of funds and responsibility for implementing such a program the DoJ. However, the Senate language

limits grants to \$50,000 over 5 years versus \$75,000 over 3 years for comparable DoJ hiring programs. This difference puts the DoD program at a distinct disadvantage with DoJ grants. The Senate provision also does not propose to expand the program beyond law enforcement agencies.

The Department urges support of the Senate's provision modified to bring this program in line with existing DoJ programs.

1 **SEC. 644. ASSISTANCE FOR ELIGIBLE MEMBERS TO OBTAIN**
2 **EMPLOYMENT WITH LAW ENFORCEMENT**
3 **AGENCIES.**

4 (a) **REVISED PROGRAM AUTHORITY.**—Section 1152
5 of title 10, United States Code, is amended to read as
6 follows:

7 **“§ 1152. Assistance to eligible members and former**
8 **members to obtain employment with law**
9 **enforcement agencies**

10 **“(a) PLACEMENT PROGRAM.**—The Secretary of De-
11 fense may enter into an agreement with the Attorney Gen-
12 eral to establish or participate in a program to assist eligi-
13 ble members and former members of the armed forces to
14 obtain employment as law enforcement officers with State
15 law enforcement agencies, local law enforcement agencies,
16 or Indian tribes that perform law enforcement functions
17 (as determined by the Secretary of the Interior) following
18 the discharge or release of such members or former mem-
19 bers from active duty.

20 **“(b) ELIGIBLE MEMBERS.**—Any member or former
21 member who, during the 6-year period beginning on Octo-
22 ber 1, 1993, is separated from the armed forces with an
23 honorable discharge or is released from service on active
24 duty characterized as honorable by the Secretary con-
25 cerned shall be eligible to participate in a program covered
26 by an agreement referred to in subsection (a).

1 “(c) SELECTION.—In the selection of applicants for
2 participation in a program covered by an agreement re-
3 ferred to in subsection (a), preference shall be given to
4 a member or former member who—

5 “(1) is selected for involuntary separation, is
6 approved for separation under section 1174a or
7 1175 of this title, or retires pursuant to the author-
8 ity provided in section 4403 of Public Law 102-484
9 (10 U.S.C. 1293 note); and

10 “(2) has a military occupational specialty,
11 training, or experience related to law enforcement
12 (such as service as a member of the military police)
13 or satisfies such other criteria for selection as, in ac-
14 cordance with the agreement, the Secretary, the At-
15 torney General, or a participating State or local law
16 enforcement agency or participating Indian tribe
17 may prescribe.

18 “(d) GRANTS TO FACILITATE EMPLOYMENT.—(1)
19 The Secretary may provide funds to the Attorney General
20 for grants under this section to reimburse State law en-
21 forcement agencies, local law enforcement agencies, or In-
22 dian tribes that perform law enforcement functions (as
23 determined by the Secretary of the Interior) for costs, in-
24 cluding salary and fringe benefits, of employing members

1 or former members pursuant to a program referred to in
2 subsection (a).

3 “(2) No grant with respect to an eligible member or
4 former member may exceed a total of \$50,000.

5 “(3) Any grant with respect to an eligible member
6 or former member shall be disbursed within 5 years after
7 the date of the placement of a member or former member
8 with a participating law enforcement agency or Indian
9 tribe.

10 “(4) Preference in awarding grants through existing
11 law enforcement hiring programs shall be given to State
12 or local law enforcement agencies or Indian tribes that
13 agree to hire eligible members and former members.

14 “(e) ADMINISTRATIVE EXPENSES.—Ten percent of
15 the amount, if any, appropriated for a fiscal year to carry
16 out a program established pursuant to subsection (a) may
17 be used to administer the program.

18 “(f) REQUIREMENT FOR APPROPRIATION.—No mem-
19 ber or former member may be selected to participate in
20 the program established by this section unless a sufficient
21 amount of appropriated funds are available at the time
22 of the selection to satisfy the obligations to be incurred
23 by the United States under an agreement referred to in
24 subsection (a) that applies with respect to such member
25 or former member.”.

1 (b) CLERICAL AMENDMENT.—The item relating to
 2 such section in the table of sections at the beginning of
 3 chapter 58 of title 10, United States Code, is amended
 4 to read as follows:

“1152. Assistance to eligible members and former members to obtain employ-
 ment with law enforcement agencies.”.

5 **SEC. 645. TREATMENT OF RETIRED AND RETAINER PAY OF**
 6 **MEMBERS OF CADRE OF CIVILIAN COMMU-**
 7 **NITY CORPS.**

8 Section 159(c)(3) of the National and Community
 9 Service Act of 1990 (42 U.S.C. 12619(c)(3)) is amended
 10 by adding at the end the following: “In the case of a mem-
 11 ber of the permanent cadre who was recommended for ap-
 12 pointment in accordance with section 162(a)(2)(A) and is
 13 entitled to retired or retainer pay, section 5532 of title
 14 5, United States Code, shall not apply to reduce the mem-
 15 ber’s retired or retainer pay by reason of the member
 16 being paid as a member of the cadre.”.

17 **Subtitle F—Other Matters**

18 **SEC. 651. DISABILITY COVERAGE FOR OFFICER CAN-**
 19 **DIDATES GRANTED EXCESS LEAVE.**

20 (a) ELIGIBILITY FOR RETIREMENT.—Section 1201
 21 of title 10, United States Code, is amended—

22 (1) by inserting “(a) MEMBERS ON ACTIVE
 23 DUTY ENTITLED TO PAY.—” before “Upon a deter-
 24 mination”; and