

One Hundred Third Congress
of the
United States of America

AT THE FIRST SESSION

*Begun and held at the City of Washington on Tuesday,
the fifth day of January, one thousand nine hundred and ninety-three*

An Act

To authorize appropriations for fiscal year 1994 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.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Defense Authorization Act for Fiscal Year 1994".

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

(a) DIVISIONS.—This Act is organized into three divisions as follows:

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

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

- Sec. 1. Short title.
- Sec. 2. Organization of Act into divisions; table of contents.
- Sec. 3. Congressional defense committees defined.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

- Sec. 101. Army.
- Sec. 102. Navy and Marine Corps.
- Sec. 103. Air Force.
- Sec. 104. Defense-wide activities.
- Sec. 105. Defense Inspector General.
- Sec. 106. Reserve components.
- Sec. 107. Chemical demilitarization program.
- Sec. 108. National Shipbuilding Initiative.
- Sec. 109. Denial of multiyear procurement authorization.

Subtitle B—Army Programs

- Sec. 111. Procurement of helicopters.
- Sec. 112. Light utility helicopter modernization.
- Sec. 113. Nuclear, biological, and chemical protective masks.
- Sec. 114. Chemical agent monitoring program.
- Sec. 115. Close Combat Tactical Trainer Quickstart program.

Subtitle C—Navy Programs

- Sec. 121. Seawolf attack submarine program.
- Sec. 122. Trident II (D-5) missile procurement.

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Sec. 2918. Definitions.

Subtitle B—Other Matters

- Sec. 2921. Base closure account management flexibility.
Sec. 2922. Limitation on expenditure of funds from the Defense Base Closure Account 1990 for military construction in support of transfers of functions.
Sec. 2923. Modification of requirement for reports on activities under the Defense Base Closure Account 1990.
Sec. 2924. Residual value of overseas installations being closed.
Sec. 2925. Sense of Congress on development of base closure criteria.
Sec. 2926. Information relating to recommendations for the closure or realignment of military installations.
Sec. 2927. Public purpose extensions.
Sec. 2928. Expansion of conveyance authority regarding financial facilities on closed military installations to include all depository institutions.
Sec. 2929. Electric power allocation and economic development at certain military installations to be closed in the State of California.
Sec. 2930. Testimony before Defense Base Closure and Realignment Commission.

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

**TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY
PROGRAMS**

Subtitle A—National Security Programs Authorizations

- Sec. 3101. Weapons activities.
Sec. 3102. Environmental restoration and waste management.
Sec. 3103. Nuclear materials support and other defense programs.
Sec. 3104. Defense nuclear waste disposal.

Subtitle B—Recurring General Provisions

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

Subtitle C—Program Authorizations, Restrictions, and Limitations

- Sec. 3131. Defense inertial confinement fusion program.
Sec. 3132. Payment of penalty assessed against Hanford project.
Sec. 3133. Water management programs.
Sec. 3134. Technology transfer.
Sec. 3135. Technology transfer and economic development activities for communities surrounding Savannah River Site.
Sec. 3136. Prohibition on research and development of low-yield nuclear weapons.
Sec. 3137. Testing of nuclear weapons.
Sec. 3138. Stockpile stewardship program.
Sec. 3139. National security programs.
Sec. 3140. Expended core facility dry cell.
Sec. 3141. Scholarship and fellowship program for environmental restoration and waste management.
Sec. 3142. Hazardous materials management and hazardous materials emergency response training program.
Sec. 3143. Worker health and protection.
Sec. 3144. Verification and control technology.
Sec. 3145. Tritium production requirements.

Subtitle D—Other Matters

- Sec. 3151. Limitations on the receipt and storage of spent nuclear fuel from foreign research reactors.
Sec. 3152. Extension of review of waste isolation pilot plant in New Mexico.
Sec. 3153. Baseline environmental management reports.
Sec. 3154. Lease of property at Department of Energy weapon production facilities.
Sec. 3155. Authority to transfer certain Department of Energy property.

improvements, the condition of the improvements, and any applicable requirements for environmental remediation or restoration at the installation.”.

SEC. 2925. SENSE OF CONGRESS ON DEVELOPMENT OF BASE CLOSURE CRITERIA.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense consider, in developing in accordance with section 2903(b)(2)(B) of the Defense Base Closure and Realignment Act of 1990 (Public Law 101–510; 10 U.S.C. 2687 note) amended criteria, whether such criteria should include the direct costs of such closures and realignments to other Federal departments and agencies.

(b) REPORT ON AMENDMENT.—(1) The Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on any amended criteria developed by the Secretary under section 2903(b)(2)(B) of the Defense Base Closure and Realignment Act of 1990 after the date of the enactment of this Act. Such report shall include a discussion of the amended criteria and include a justification for any decision not to propose a criterion regarding the direct costs of base closures and realignments to other Federal agencies and departments.

(2) The Secretary shall submit the report upon publication of the amended criteria in accordance with section 2903(b)(2)(B) of the Defense Base Closure and Realignment Act of 1990.

SEC. 2926. INFORMATION RELATING TO RECOMMENDATIONS FOR THE CLOSURE OR REALIGNMENT OF MILITARY INSTALLATIONS.

(a) SUBMITTAL OF REPORT TO COMMISSION.—Subsection (c)(1) of section 2903 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended by striking out “March 15, 1995,” and inserting in lieu thereof “March 1, 1995.”.

(b) SUMMARY OF SELECTION PROCESS AND JUSTIFICATION OF RECOMMENDATIONS.—Subsection (c)(2) of such section is amended by adding at the end the following: “The Secretary shall transmit the matters referred to in the preceding sentence not later than 7 days after the date of the transmittal to the congressional defense committees and the Commission of the list referred to in paragraph (1).”.

(c) SUBMITTAL OF INFORMATION TO CONGRESS.—Subsection (c)(6) of such section is amended to read as follows:

“(6) Any information provided to the Commission by a person described in paragraph (5)(B) shall also be submitted to the Senate and the House or Representatives to be made available to the Members of the House concerned in accordance with the rules of that House. The information shall be submitted to the Senate and House of Representatives within 24 hours after the submission of the information to the Commission.”.

(d) PUBLICATION OF INFORMATION ON CHANGES RECOMMENDED BY COMMISSION.—Subsection (d)(1)(2)(C)(iii) of such section is amended by striking out “30 days” and inserting in lieu thereof “45 days”.

SEC. 2927. PUBLIC PURPOSE EXTENSIONS.

Section 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484) is amended—

(1) in subsection (o) in the first sentence by inserting “or (q)” after “subsection (p)”; and

(2) by adding at the end the following:

“(q)(1) Under such regulations as the Administrator, after consultation with the Secretary of Defense, may prescribe, the Administrator, or the Secretary of Defense, in the case of property located at a military installation closed or realigned pursuant to a base closure law, may, in his or her discretion, assign to the Secretary of Transportation for disposal such surplus real property, including buildings, fixtures, and equipment situated thereon, as is recommended by the Secretary of Transportation as being needed for the development or operation of a port facility.

“(2) Subject to the disapproval of the Administrator or the Secretary of Defense within 30 days after notice by the Secretary of Transportation of a proposed conveyance of property for any of the purposes described in paragraph (1), the Secretary of Transportation, through such officers or employees of the Department of Transportation as he or she may designate, may convey, at no consideration to the United States, such surplus real property, including buildings, fixtures, and equipment situated thereon, for use in the development or operation of a port facility to any State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, the Commonwealth of the Northern Mariana Islands, or any political subdivision, municipality, or instrumentality thereof.

“(3) No transfer of property may be made under this subsection until the Secretary of Transportation has—

“(A) determined, after consultation with the Secretary of Labor, that the property to be conveyed is located in an area of serious economic disruption;

“(B) received and, after consultation with the Secretary of Commerce, approved an economic development plan submitted by an eligible grantee and based on assured use of the property to be conveyed as part of a necessary economic development program; and

“(C) transmitted to Congress an explanatory statement that contains information substantially similar to the information contained in statements prepared under subsection (e)(6).

“(4) The instrument of conveyance of any surplus real property and related personal property disposed of under this subsection shall—

“(A) provide that all such property shall be used and maintained in perpetuity for the purpose for which it was conveyed, and that if the property ceases to be used or maintained for that purpose, all or any portion of the property shall, in its then existing condition, at the option of the United States, revert to the United States; and

“(B) contain such additional terms, reservations, restrictions, and conditions as the Secretary of Transportation shall by regulation require to assure use of the property for the purposes for which it was conveyed and to safeguard the interests of the United States.

“(5) With respect to surplus real property and related personal property conveyed pursuant to this subsection, the Secretary of Transportation shall—

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“(A) determine and enforce compliance with the terms, conditions, reservations, and restrictions contained in any instrument by which such conveyance was made;

“(B) reform, correct, or amend any such instrument by the execution of a corrective, reformative, or amendatory instrument if necessary to correct such instrument or to conform such conveyance to the requirements of applicable law; and

“(C)(i) grant releases from any of the terms, conditions, reservations, and restrictions contained in, and (ii) convey, quitclaim, or release to the grantee any right or interest reserved to the United States by, any instrument by which such conveyance was made, if the Secretary of Transportation determines that the property so conveyed no longer serves the purpose for which it was conveyed, or that such release, conveyance, or quitclaim deed will not prevent accomplishment of the purpose for which such property was so conveyed, except that any such release, conveyance, or quitclaim deed may be granted on, or made subject to, such terms and conditions as the Secretary of Transportation considers necessary to protect or advance the interests of the United States.

“(6) In this section, the term ‘base closure law’ means the following:

“(A) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note).

“(B) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

“(C) Section 2687 of title 10, United States Code.”.

SEC. 2928. EXPANSION OF CONVEYANCE AUTHORITY REGARDING FINANCIAL FACILITIES ON CLOSED MILITARY INSTALLATIONS TO INCLUDE ALL DEPOSITORY INSTITUTIONS.

(a) INCLUSION OF OTHER DEPOSITORY INSTITUTIONS WITH CREDIT UNIONS.—Section 2825 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102–190; 10 U.S.C. 2687 note) is amended—

(1) by striking “credit union” each place it appears and inserting in lieu thereof “depository institution”;

(2) in subsection (c), by striking “business”; and

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

“(e) DEPOSITORY INSTITUTION DEFINED.—For purposes of this section, the term ‘depository institution’ has the meaning given that term in section 19(b)(1)(A) of the Federal Reserve Act (12 U.S.C. 461(b)(1)(A)).”.

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

“SEC. 2825. DISPOSITION OF FACILITIES OF DEPOSITORY INSTITUTIONS ON MILITARY INSTALLATIONS TO BE CLOSED.”.

(2) The table of contents in section 2(b) of such Act is amended by striking out the item relating to section 2825 and inserting in lieu thereof the following:

“2825. Disposition of facilities of depository institutions on military installations to be closed.”.