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Next 1 Page(s) In Document Denied

H 6502

CONGRESSIONAL RECORD — HOUSE

July 29, 1985

"Grade	Army	Navy	Air Force	Marine Corps
Major or Lieutenant Commander.....	2,317	850	476	100
Lieutenant Colonel or Commander.....	1,152	520	318	60
Colonel or Navy Captain.....	348	177	189	25"

(c) **EFFECTIVE DATE.**—The amendments made by subsections (a) and (b) shall take effect on October 1, 1985.

PART C—MILITARY TRAINING**SEC. 421. AUTHORIZATION OF TRAINING STUDENT LOADS**

(a) **IN GENERAL.**—For fiscal year 1986, the components of the Armed Forces are authorized average military training student loads as follows:

- (1) The Army, 79,666.
- (2) The Navy, 71,018.
- (3) The Marine Corps, 20,766.
- (4) The Air Force, 43,389.
- (5) The Army National Guard of the United States, 19,886.
- (6) The Army Reserve, 16,985.
- (7) The Naval Reserve, 3,355.
- (8) The Marine Corps Reserve, 3,790.
- (9) The Air National Guard of the United States, 2,751.
- (10) The Air Force Reserve, 2,118.

(b) **ADJUSTMENTS.**—The average military student loads for the Army, the Navy, the Marine Corps, and the Air Force and the reserve components authorized in subsection (a) for fiscal year 1986 shall be adjusted consistent with the personnel strengths authorized in parts A and B. Such adjustment shall be apportioned among the Army, the Navy, the Marine Corps, and the Air Force and the reserve components in such manner as the Secretary of Defense shall prescribe.

TITLE V—DEFENSE PERSONNEL POLICY**PART A—CIVILIAN PERSONNEL****SEC. 501. WAIVER OF CIVILIAN PERSONNEL CEILINGS FOR FISCAL YEAR 1986**

The provisions of section 138(c)(2) of title 10, United States Code, shall not apply with respect to fiscal year 1986 or with respect to the appropriation of funds for that year.

SEC. 502. PROHIBITION ON MANAGING CIVILIAN PERSONNEL BY END-STRENGTHS DURING FISCAL YEAR 1986

(a) **PROHIBITION.**—During fiscal year 1986, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an "end-strength") on the number of such personnel who may be employed on the last day of such fiscal year.

(b) **FY86 REPORTS.**—Not later than February 1, 1986, the Secretary of Defense and the Director of the Office of Management and Budget shall each submit to the Committees on Armed Services of the Senate and House of Representatives a report on the experience of the Department of Defense during fiscal years 1985 and 1986 (to the date of the report) concerning the management of civilian personnel of the Department without a congressionally imposed civilian end strength and with a statutory prohibition on the management during those fiscal years of such civilian personnel by end strength. Each such report shall include the views of the Secretary or Director, as appropriate, with respect to the desirability of managing such personnel in such a manner.

(c) **QUARTERLY REPORTS.**—(1) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives quarterly reports on the obligation of funds appropriated for civilian personnel of the Department of Defense for fiscal year 1986. Each report shall include—

(A) for each appropriation account, the amounts authorized and appropriated for such personnel for fiscal year 1986;

(B) for each appropriation account and for the entire Department—

(i) the actual number of such personnel employed, and the amount of funds obligated for such personnel, as of the end of the fiscal year quarter described in the report; and

(ii) the projected number of such personnel to be employed, and the amount of funds that will be obligated for such personnel, as of the end of fiscal year 1986.

(2) Each report required by paragraph (1) shall be submitted as soon as possible after the end of the fiscal year quarter described in the report.

SEC. 503. EXERCISE OF CERTAIN AUTHORITIES RELATING TO CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE

(a) **FINDINGS.**—The Congress finds—

(1) that in National Security Decision Directive 84, issued by the President on March 11, 1983, the President directed the Attorney General to establish, after consultation with the Director of the Office of Personnel Management, an interdepartmental group to—

(A) study security procedures in effect with respect to Federal employees; and

(B) recommend appropriate revisions in Executive orders, regulations, and guidelines pertaining to such procedures; and

(2) that on May 1, 1984, the interdepartmental group referred to in clause (1) requested, in a memorandum to the Assistant to the President for National Security Affairs, that guidance be furnished to the group on matters relating to the study referred to in paragraph (1)(A).

(b) **DIRECTION TO FURNISH GUIDANCE.**—Before the end of the 60-day period beginning on the date of the enactment of this Act, the President shall transmit to the interdepartmental group referred to in subsection (a) the guidance requested in the memorandum referred to in subsection (a)(2).

(c) **REPORT REQUIREMENT.**—Before the end of the 90-day period beginning on the date that the President transmits the guidance pursuant to subsection (b), the interdepartmental group shall transmit to Congress a report on its findings and recommendations.

(d) **AUTHORITY OF THE SECRETARY OF DEFENSE.**—Subject to subsection (e), the Secretary of Defense shall exercise the following authorities with respect to civilian employees of the Department of Defense:

(1) Authorities assigned to the Director of the Office of Personnel Management under section 5.2(a) of Executive Order Number 10577 (5 U.S.C. 3301 note), relating to investigation of the suitability of applicants.

(2) Authorities assigned to the Office of Personnel Management under Executive Order Number 10450 (5 U.S.C. 7311 note), relating to security requirements for Federal employees.

(e) **AUTHORITY OF THE PRESIDENT.**—(1) Subsection (d) shall not take effect if the President directs, on or before the date of the transmittal to Congress of the report described in subsection (c), that the authorities referred to in subsection (d) shall not be exercised by the Secretary of Defense.

(2) The authority of the President under paragraph (1) may not be delegated.

SEC. 504. MODIFICATION AND STUDY OF DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL CLASSIFICATION AND PAY SYSTEMS

(a) **CIVILIAN FACULTY MEMBERS OF AIR FORCE INSTITUTE OF TECHNOLOGY.**—(1) Section 9314 of title 10, United States Code, is amended—

(A) by inserting "(a)" before "When"; and

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

"(b)(1) The Secretary of the Air Force may employ as many civilian faculty members at the United States Air Force Institute of Technology as is consistent with the needs of the Air Force and with Department of Defense personnel limits.

"(2) The Secretary shall prescribe regulations determining—

"(A) titles and duties of civilian members of the faculty; and

"(B) rates of basic pay of civilian members of the faculty, notwithstanding chapter 53 of title 5, but subject to the limitation set out in section 5308 of title 5."

(2)(A) The heading of such section is amended by striking out the colon and the last word.

(B) The item relating to such section in the table of sections at the beginning of chapter 901 of such title is amended by striking out the colon and the last word.

(b) **EXCLUSION FROM CIVIL SERVICE CLASSIFICATION SYSTEM.**—Section 5102(c) of title 5, United States Code, is amended—

(1) by striking out "or" at the end of clause (26);

(2) by striking out the period at the end of clause (27) and inserting in lieu thereof "or"; and

(3) by adding at the end thereof the following new clause:

"(28) civilian members of the faculty of the Air Force Institute of Technology whose pay is fixed under section 9314 of title 10."

(c) **TRANSITION.**—Section 9314(b)(2) of title 10, United States Code (as added by subsection (a)(1)(B)), and section 5102(c)(28) of title 5, United States Code (as added by subsection (b)), shall not apply to any person who on the date of the enactment of this Act—

(1) is a civilian member of the faculty of the United States Air Force Institute of Technology;

(2) is paid a rate of basic pay under the General Schedule; and

(3) elects, under procedures prescribed by the Secretary of the Air Force, to continue to be paid under the General Schedule.

(d) **REPORT.**—Not later than December 31, 1985, the Secretary of Defense shall submit to Congress an evaluation of the effects of the pay and classification systems applicable to civilian employees of the Department of Defense on recruitment and retention of scientists, engineers, technicians, and other highly skilled personnel in scientific and engineering organizations in the Department.

PART B—ACTIVE MILITARY PERSONNEL**SEC. 511. ADJUSTMENT IN MARINE CORPS OFFICER GRADE TABLE**

(a) **INCREASE IN AUTHORIZED NUMBER OF MARINE CORPS MAJORS.**—The table in section 523(a)(1) of title 10, United States Code, is amended by striking out "2,717", "2,936", "3,154", "3,373", and "3,591" in the items relating to the Marine Corps under the column headed "Major" and inserting in lieu thereof "2,766", "3,085", "3,404", "3,723", and "4,042", respectively.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect on October 1, 1985.

SEC. 512. SERVICE AGREEMENTS OF CADETS AND MIDSHIPMEN

(a) **MILITARY ACADEMY.**—Section 4348 of title 10, United States Code, relating to agreements of cadets at the United States Military Academy, is amended to read as follows:

"§ 4348. Cadets: agreement to serve as officer
 "(a) Each cadet shall sign an agreement with respect to the cadet's length of service

H 6636

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Full-time support	Adminis- tration request	House	Senate	Confer- ence
Army National Guard.....	30,679	26,879	20,583	23,731
Army Reserve.....	14,714	13,614	10,700	12,157
Naval Reserve.....	19,510	19,510	15,210	19,010
Marine Corps Reserve.....	1,475	1,475	1,129	1,475
Air National Guard.....	7,269	7,269	6,469	7,269
Air Force Reserve.....	635	635	603	635
Total.....	74,282	69,382	54,694	64,277

The conferees remain concerned about the assignment and utilization of full-time active duty guardsmen and reservists in support of national guard and reserve units and headquarters. The conferees are concerned that the compensation and benefit program available to full-time reserve and guard members is virtually identical to that available to active duty personnel, despite the different conditions of service between these two groups. During the coming year, the conferees intend to review the full range of issues involving the question of full-time manning for the reserve components, including whether the full-time support should be provided by active duty personnel.

LEGISLATIVE PROVISIONS ADOPTED

Increase in number of certain personnel authorized to be on active duty in support of the reserve components (sec. 413)

In conjunction with the overall increases in full-time support, the Administration requested increases in the number of such personnel in the senior enlisted and officer grades.

The House amendment reduced the requested level consistent with reductions made in full-time manning. The Senate bill provided no increase.

The Senate recedes with an amendment reducing the level to reflect the reductions in full-time manning contained in section 412.

PART C—MILITARY TRAINING

MILITARY STUDENT TRAINING LOADS

The Senate bill contained a provision that would authorize 234 fewer personnel in the Air National Guard military student training load and 234 more personnel in the Air Force Reserve military student training load than the House amendment.

The House recedes.

LEGISLATIVE PROVISIONS NOT ADOPTED

Eligibility of certain aliens for junior reserve officers' training corps

The House amendment contained a provision (sec. 535) that would authorize permanent residents and other legal aliens of a permanent nature to count toward establishing and maintaining the minimum enrollment standards for junior reserve officers' corps units and that would provide such persons with uniforms and equipment at government expense.

The Senate bill contained no similar provision.

The House recedes.

TITLE V—DEFENSE PERSONNEL POLICY

PART A—CIVILIAN PERSONNEL

LEGISLATIVE PROVISIONS ADOPTED

Civilian personnel end strength for fiscal year 1986 (sec. 501 and sec. 502)

The Senate bill contained a provision (sec. 421) that would authorize a fiscal year 1986 end strength for the Department of Defense civilian personnel of 1,065,970. In addition, the Senate bill reduced the Department of Defense operation and maintenance request by \$432.0 million in accordance with the above reduction in the civilian personnel request.

The House amendment contained two provisions relating to the management of civil-

ian personnel within the Department of Defense. Section 501 waived the requirement for a statutory civilian personnel end strength authorization for fiscal year 1986. Section 502 prohibits the management of Department of Defense civilian personnel by end strength constraints.

The Senate bill contained no similar provisions.

The Senate recedes on the fiscal year 1986 civilian personnel ceiling.

With respect to managing through end strength, the Senate recedes with an amendment limiting the prohibition to fiscal year 1986. The conferees direct that the Department of Defense submit to Congress quarterly reports to the House and Senate Armed Services Committees showing the execution of the funds authorized and appropriated for Department of Defense civilian personnel in fiscal year 1986. This report shall show:

(1) by service and appropriation account the amounts authorized and appropriated for Department of Defense civilian personnel for fiscal year 1986;

(2) the actual number of Department of Defense civilians and dollar obligations for civilian personnel overall and by appropriation account as of the end of that quarter; and

(3) the projected number and dollar obligations for Department of Defense civilian personnel by appropriation account through the remainder of the fiscal year, and the projected number of civilian personnel and dollar obligations for the entire fiscal year as of the end of that quarter.

The conferees also agreed to require reports from the Department of Defense and Office of Management and Budget not later than February 1, 1986 on the experience of the Department of Defense during fiscal year 1985 and 1986 (to the date of the report) concerning the management of the Department of Defense civilian workforce without a congressionally imposed civilian end strength. Each report shall also include the views of the Secretary of Defense or the Director of the Office of Management and Budget, as appropriate, with respect to the desirability of managing such personnel in such manner.

The conferees agreed to reduce the operation and maintenance accounts by \$296.9 million with the understanding that such a reduction is not to be associated with civilian end strength, but a general productivity target reduction to encourage better management of civilian personnel and other resources within the Department of Defense.

Exercise of certain authorities relating to civilian employees of the Department of Defense (sec. 503)

The House amendment contained a provision (section 1201) that would authorize the Secretary of Defense, for purposes of civilian employees, to exercise (1) the authorities relating to the investigation of the suitability of applicants which are currently assigned to the Director of the Office of Personnel Management under section 5.2(a) of Executive Order Number 10577, and (2) the authorities relating to security requirements for Federal employees, which are currently assigned to the Office of Personnel Management under Executive Order 10450.

The Senate bill contained no similar provision.

The Senate recedes with an amendment that would require the President to provide, within 60 days of the date of enactment, guidance which was requested by an interdepartmental group studying the personnel security program of the Federal government. The amendment further would require the interdepartmental group to report

its findings and recommendations to the Congress within 90 days of the date on which the requested guidance is provided by the President.

The amendment further would provide that the exercise of authorities which would be transferred to the Secretary of Defense shall not take effect if, on or before the date of the transmittal to Congress of the findings and recommendations of the interdepartmental group, the President directs that these authorities shall not be exercised the Secretary of Defense. This authority of the President may not be delegated.

Modification and study of Department of Defense civilian personnel classification and pay systems (sec. 504)

The Senate bill contained a provision (sec. 536) that would authorize the Secretary of the Air Force to classify and pay civilian employees of the Air Force Institute Technology without regard to the provisions of chapters 51 and 53 of title 5, United States Code. In addition, the provision would require the Secretary of Defense to provide a report evaluating the effects of the pay and classification systems on recruitment and retention of Department of Defense scientific and engineering personnel no later than December 31, 1985.

The House amendment contained no similar provision.

The House recedes.

PART B—ACTIVE MILITARY PERSONNEL

LEGISLATIVE PROVISIONS ADOPTED

Marine Corps grade relief (sec. 511)

The House amendment included a provision (sec. 511) that would increase the authorized strength for Marine Corps majors by approximately 250 at current officer strength levels.

The Senate bill contained no similar provision.

The Senate recedes with an amendment reducing the amount of grade relief to approximately 200 majors at current officer strengths. The conferees relate the amount of this relief—and, indeed, the relief itself—to a mistake concerning the appropriate level for Marine Corps majors at the time the DOPMA grade tables were constructed.

The circumstances warranting this relief are unique to the grade of major in the Marine Corps. They appear neither in the other field grades in the Marine Corps nor in any of the field grades in the other services.

Service agreements of cadets and midshipmen (sec. 512)

The House amendment contained a provision (sec. 512) that would clarify the authority of the service Secretaries to require and enforce service agreements of cadets and midshipmen.

The Senate bill contained no similar provision.

The Senate recedes.

Transfers to and from temporary disability retired list (sec. 513)

The House amendment contained a provision (sec. 513) that would authorize: (1) placement of service members whose disabilities are permanent but unstable, on the temporary disability retired list (TDRL); and (2) retirement or separation of service members directly from the TDRL.

The Senate bill contained no similar provision.

The Senate recedes.

Change in title of grade of commodore to rear admiral (lower half) (sec. 514)

The House amendment contained a provision (sec. 514) that would change the title of