

Public Law 100-26
100th Congress

An Act

To make technical corrections in certain defense-related laws.

Apr. 21, 1987

[H.R. 1783]

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

Defense
Technical
Corrections Act
of 1987.
10 USC 101 note.

SECTION 1. SHORT TITLE

This Act may be cited as the "Defense Technical Corrections Act of 1987".

SEC. 2. REFERENCES TO 99TH CONGRESS LAWS

For purposes of this Act:

(1) The term "Defense Authorization Act" means the Department of Defense Authorization Act, 1987 (division A of Public Law 99-661; 100 Stat. 3816 et seq.).

(2) The term "Defense Appropriations Act" means the Department of Defense Appropriations Act, 1987 (as contained in identical form in section 101(c) of Public Law 99-500 (100 Stat. 1783-82 et seq.) and section 101(c) of Public Law 99-591 (100 Stat. 3341-82 et seq.)).

(3) The term "Defense Acquisition Improvement Act" means title X of the Defense Appropriations Act and title IX of the Defense Authorization Act (as designated by the amendment made by section 3(5)). Any reference in this Act to the Defense Acquisition Improvement Act shall be considered to be a reference to each such title.

100 Stat.
1783-130,
3341-130.
100 Stat. 3910.

SEC. 3. TECHNICAL CORRECTIONS TO DEFENSE AUTHORIZATION ACT

The Defense Authorization Act is amended as follows:

(1) Section 234(c) is amended—

(A) in paragraph (1), by striking out "adding at the end" and inserting in lieu thereof "inserting after section 2363"; and

(B) in paragraph (2), by striking out "adding at the end" and inserting in lieu thereof "inserting after the item relating to section 2363".

(2) Section 602(b) is amended by inserting "of section 1006" after "Subsection (j)".

(3) Sections 643(a) and 644(a) are amended by striking out "such title" and inserting in lieu thereof "title 10, United States Code,".

(4) Section 651(a)(2) is amended by striking out "of" before "the following".

(5) The title heading preceding section 900 is amended by striking out "TITLE IV" and inserting in lieu thereof "TITLE IX".

(6) Section 1343(a)(1) is amended by striking out "section 775 (as redesignated by section [502])" and inserting in lieu thereof "section 774".

10 USC 2364.

10 USC 2363.

37 USC 1006
note.

10 USC 1408,
1450.

10 USC 2007.

10 USC 774.

- 10 USC 5150. (7) Section 1343(a)(23) is amended by striking out "Section 5155(c)" and inserting in lieu thereof "Section 5150(c) (as redesignated by section 514(a)(2) of Public Law 99-433)".
- 10 USC 1051. (8) Section 1343(a)(25) is amended by inserting "(as added by section 806(b) of Public Law 99-399) after "Section 1051(d)".
- 10 USC 1588. (9) Section 1355 is amended by striking out "subsections" and inserting in lieu thereof "subsection".
- 10 USC 4703. (10) Section 1404(c)(2) is amended by striking out "clause (2) or (3)" and inserting in lieu thereof "clause (1) or (2)".

SEC. 4. TECHNICAL CORRECTIONS TO DEFENSE APPROPRIATIONS ACT

(a) **PAYMENT DATE FOR PAY AND ALLOWANCES.**—(1) Paragraph (3) of section 9103 of the Defense Appropriations Act is amended to read as follows:

"(3) Section 1466(a) of title 10, United States Code (as amended by section 661(b) of the Department of Defense Authorization Act, 1987 (Public Law 99-661)), is amended by striking out 'paid that month to' in paragraphs (1)(B) and (2)(B) and inserting in lieu thereof 'accrued for that month by'."

(2) Paragraph (4) of such section is amended—

(A) by striking out "Section 1013" and inserting in lieu thereof "Section 1014"; and

(B) by striking out "subsection (a), and the amendment made by subsection (b)" and inserting in lieu thereof "paragraph (1) and redesignated by section 8(b)(2) of the Defense Technical Corrections Act of 1987, and the amendments made by paragraph (3),".

(b) **CLERICAL AMENDMENT.**—Section 909(a) of such Act is amended by inserting "(1)" before "Chapter 139".

SEC. 5. TECHNICAL AMENDMENTS TO DEFENSE ACQUISITION IMPROVEMENT ACT

The Defense Acquisition Improvement Act is amended as follows:

(1) Section 906(b) is amended by striking out "subsection (b)" in the first sentence and inserting in lieu thereof the following: "section 2437(c) of title 10, United States Code (as added by subsection (a)(1))".

(2) Section 908(c) is amended by striking out "this section" and inserting in lieu thereof "subsections (a) and (b)".

(3) Section 909 is amended—

(A) by striking out "by adding after section 2364 (as added by section 234)" in subsection (a) and inserting in lieu thereof "by adding at the end"; and

(B) by striking out "by adding after the item relating to section 2364 (as added by section 234)" in subsection (a)(2) and inserting in lieu thereof "by adding at the end".

(4) Section 926(a)(2) is amended by inserting "of such title" after "chapter 137".

(5) Section 932(d) is repealed.

(6) Section 954(a)(2) is amended by striking out "section 971" and inserting in lieu thereof "section 951".

SEC. 6. CONSTRUCTION OF DUPLICATE AUTHORIZATION AND APPROPRIATION PROVISIONS

(a) **RULE FOR CONSTRUCTION OF DUPLICATE PROVISIONS.**—(1) In applying the provisions of Public Laws 99-500, 99-591, and 99-661 described in paragraph (2)—

100 Stat.
1783-118,
3341-118.

37 USC 1014
note.

10 USC 2365.

10 USC 2437
note.

10 USC 2326
note.

10 USC 2365.

100 Stat.
1783-153,
3341-153, 3933.
10 USC 1621
note.

100 Stat.
1783-172,
3341-172, 3952.
10 USC 2301
note.

100 Stat. 1783,
3341, 3816.

(A) the identical provisions of those public laws referred to in such paragraph shall be treated as having been enacted only once, and

(B) in executing to the United States Code and other statutes of the United States the amendments made by such identical provisions, such amendments shall be executed so as to appear only once in the law as amended.

(2) Paragraph (1) applies with respect to the provisions of the Defense Appropriations Act and the Defense Authorization Act (as amended by sections 3, 4, 5, and 10(a)) referred to across from each other in the following table:

100 Stat. 1783,
3341, 3816.

Section 101(c) of Public Law 99-500	Section 101(c) of Public Law 99-591	Division A of Public Law 99-661
Title X	Title X	Title IX
Sec. 9122	Sec. 9122	Sec. 522
Sec. 9036(b)	Sec. 9036(b)	Sec. 1203
Sec. 9115	Sec. 9115	Sec. 1311

(b) **RULE FOR DATE OF ENACTMENT.**—(1) The date of the enactment of the provisions of law listed in the middle column, and in the right-hand column, of the table in subsection (a)(2) shall be deemed to be October 18, 1986 (the date of the enactment of Public Law 99-500).

100 Stat. 1783.

(2) Any reference in a provision of law referred to in paragraph (1) to "the date of the enactment of this Act" shall be treated as a reference to October 18, 1986.

SEC. 7. TECHNICAL AND CLERICAL AMENDMENTS TO TITLE 10, UNITED STATES CODE

(a) **TECHNICAL AND CLARIFYING AMENDMENTS.**—Title 10, United States Code, is amended as follows:

(1) Section 138(c) (as amended by section 903(c)(4) of the Defense Acquisition Improvement Act) is amended by striking out "to the Secretary" and all that follows and inserting in lieu thereof "to the Secretary of Defense and the Under Secretary of Defense for Acquisition and shall be accompanied by such comments as the Secretary may wish to make on the report."

(2) Section 867(g)(1) is amended by striking out "the Director, Judge Advocate Division, Headquarters, United States Marine Corps" and inserting in lieu thereof "the Staff Judge Advocate to the Commandant of the Marine Corps".

(3) The second sentence of subsection (a) of section 1466 as in effect before the enactment of the Defense Appropriations Act is hereby reenacted as a flush sentence at the end of such subsection.

100 Stat.
1783-83,
3341-83.

(4) Section 2320(a) (as amended by section 953(a) of the Defense Acquisition Improvement Act) is amended—

(A) by inserting after "Federal funds" in paragraph (2)(A) the following: "(other than an item or process developed under a contract or subcontract to which regulations under section 9(j)(2) of the Small Business Act (15 U.S.C. 638(j)(2)) apply)"; and

Contracts.

(B) by striking out "of the United States in technical data pertaining to an item or process developed entirely or in part with Federal funds" in paragraph (2)(G)(ii) and inserting in lieu thereof "in technical data otherwise accorded to the United States under such regulations".

(5)(A) Section 2321 (as amended by section 953(b) of the Defense Acquisition Improvement Act) is amended—

(i) by redesignating subsections (c) through (f) as subsections (e) through (h), respectively; and

(ii) by striking out subsections (a) and (b) and inserting in lieu thereof the following:

“(a) **CONTRACTS COVERED BY SECTION.**—This section applies to any contract for supplies or services entered into by the Department of Defense that includes provisions for the delivery of technical data.

“(b) **CONTRACTOR JUSTIFICATION FOR RESTRICTIONS.**—A contract subject to this section shall provide that a contractor under the contract and any subcontractor under the contract at any tier shall be prepared to furnish to the contracting officer a written justification for any use or release restriction (as defined in subsection (i)) asserted by the contractor or subcontractor.

Contracts.

“(c) **REVIEW OF RESTRICTIONS.**—(1) The Secretary of Defense shall ensure that there is a thorough review of the appropriateness of any use or release restriction asserted with respect to technical data by a contractor or subcontractor at any tier under a contract subject to this section.

“(2) The review of an asserted use or release restriction under paragraph (1) shall be conducted before the end of the three-year period beginning on the later of—

“(A) the date on which final payment is made on the contract under which the technical data is required to be delivered; or

“(B) the date on which the technical data is delivered under the contract.

Contracts.

“(d) **CHALLENGES TO RESTRICTIONS.**—(1) The Secretary of Defense may challenge a use or release restriction asserted with respect to technical data by a contractor or subcontractor at any tier under a contract subject to this section if the Secretary finds that—

“(A) reasonable grounds exist to question the current validity of the asserted restriction; and

“(B) the continued adherence by the United States to the asserted restriction would make it impracticable to procure the item to which the technical data pertain competitively at a later time.

“(2)(A) A challenge to an asserted use or release restriction may not be made under paragraph (1) after the end of the three-year period described in subparagraph (B) unless the technical data involved—

“(i) are publicly available;

“(ii) have been furnished to the United States without restriction; or

“(iii) have been otherwise made available without restriction.

“(B) The three-year period referred to in subparagraph (A) is the three-year period beginning on the later of—

“(i) the date on which final payment is made on the contract under which the technical data are required to be delivered; or

“(ii) the date on which the technical data are delivered under the contract.

“(3) If the Secretary challenges an asserted use or release restriction under paragraph (1), the Secretary shall provide written notice of the challenge to the contractor or subcontractor asserting the restriction. Any such notice shall—

“(A) state the specific grounds for challenging the asserted restriction;

“(B) require a response within 60 days justifying the current validity of the asserted restriction; and

“(C) state that evidence of a justification described in paragraph (4) may be submitted.

“(4) It is a justification of an asserted use or release restriction challenged under paragraph (1) that, within the three-year period preceding the challenge to the restriction, the Department of Defense validated a restriction identical to the asserted restriction if—

“(A) such validation occurred after a challenge to the validated restriction under this paragraph; and

“(B) the validated restriction was asserted by the same contractor or subcontractor (or a licensee of such contractor or subcontractor).”

(B) Subsection (e) of such section (as redesignated by subparagraph (A)(i)) is amended by striking out “If a contractor or subcontractor asserting a restriction subject to this section” and inserting in lieu thereof “**TIME FOR CONTRACTORS TO SUBMIT JUSTIFICATIONS.**—If a contractor or subcontractor asserting a use or release restriction”.

(C) Subsection (f) of such section (as redesignated by subparagraph (A)(i)) is amended—

(i) by striking out “(1) Upon” and inserting in lieu thereof “**DECISION BY CONTRACTING OFFICER.**—(1) Upon”; and

(ii) by striking out “subsection (b)” in paragraphs (1) and (2) and inserting in lieu thereof “subsection (d)(3)”.

(D) Subsection (g) of such section (as redesignated by subparagraph (A)(i)) is amended by inserting “**CLAIMS.**—” after “(g)”.

(E) Subsection (h) of such section (as redesignated by subparagraph (A)(i)) is amended—

(i) by inserting “**RIGHTS AND LIABILITY UPON FINAL DISPOSITION.**—” after “(h)”; and

(ii) by striking out “the restriction on the right of the United States to use such technical data” in the matter in paragraph (1) preceding subparagraph (A) and inserting in lieu thereof “the use or release restriction”; and

(iii) by striking out “on the right of the United States to use the technical data” in paragraph (1)(A); and

(iv) by striking out “, as appropriate,” in paragraph (1)(B) and inserting in lieu thereof “asserting the restriction”; and

(v) by striking out “the restriction on the right of the United States to use such technical data” in the matter in paragraph (2) preceding subparagraph (A) and inserting in lieu thereof “the use or release restriction”.

(F) Such section is further amended by adding at the end the following new subsection:

“(i) **USE OR RELEASE RESTRICTION DEFINED.**—In this section, the term ‘use or release restriction’, with respect to technical data delivered to the United States under a contract subject to this section, means a restriction by the contractor on the right of the United States—

“(1) to use such technical data; or

“(2) to release or disclose such technical data to persons outside the Government or permit the use of such technical data by persons outside the Government.”

Contracts.

10 USC 2322.

(6) Section 2322(b) is amended by striking out “two years” and all that follows and inserting in lieu thereof “on January 17, 1987”.

(7)(A) Section 2328 (as added by section 954(a) of the Defense Acquisition Improvement Act) is amended—

(i) in subsection (a)(1)—

(I) by striking out “technical data to a person requesting such a” and inserting in lieu thereof “such technical data to the person requesting the”; and

(II) by striking out “search and duplication” and inserting in lieu thereof “search, duplication, and review”;

(ii) by striking out “DISPOSITION OF COSTS” in subsection (b) and inserting in lieu thereof “CREDITING OF RECEIPTS”; and

(iii) by striking out “section 552(a)(4)(A)” in subsection (c)(3) and inserting in lieu thereof “section 552(a)(4)(A)(iii)”.

(B)(i) The heading of such section is amended to read as follows:

“§ 2328. Release of technical data under Freedom of Information Act: recovery of costs”.

(ii) The item relating to such section in the table of sections at the beginning of chapter 137 is amended to read as follows:

“2328. Release of technical data under Freedom of Information Act: recovery of costs.”.

(8) The heading of chapter 138 is amended to read as follows:

“CHAPTER 138—ACQUISITION AND CROSS-SERVICING AGREEMENTS WITH NATO ALLIES AND OTHER COUNTRIES”.

10 USC 2364.

(9) Section 2364(c) (as added by section 234(c) of the Defense Authorization Act) is amended—

(A) by striking out “a decision” in paragraph (2) and inserting in lieu thereof “the decision”;

(B) by striking out “[a]/[the] selection by an appropriate official of the Department of Defense of” in paragraph (3) and inserting in lieu thereof “the decision by an appropriate official of the Department of Defense selecting”; and

(C) by striking out “approval by an appropriate official of the Department of Defense for” in paragraph (4) and inserting in lieu thereof “the decision by an appropriate official of the Department of Defense approving”.

(10) Subsection (d) of section 3036 (as amended by section 922 of Public Law 99-662) is amended—

(A) by designating the first sentence as paragraph (1);

(B) by designating the second sentence as paragraph (2); and

(C) by striking out “United States” and all that follows in such subsection and inserting in lieu thereof the following:

“United States or to a State or political subdivision of a State. The Chief of Engineers may provide any part of those services by con-

State and local governments.

tract. Services may be provided to a State, or to a political subdivision of a State, only if—

“(A) the work to be undertaken on behalf of non-Federal interests involves Federal assistance and the head of the department or agency providing Federal assistance for the work does not object to the provision of services by the Chief of Engineers; and

“(B) the services are provided on a reimbursable basis.”.

(b) MAJOR DEFENSE ACQUISITION PROGRAMS.—Chapter 144 of title 10, United States Code (as added by section 101(a) of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 (Public Law 99-433)) is amended as follows:

Infra.

(1) The heading of such chapter is amended to read as follows:

“CHAPTER 144—MAJOR DEFENSE ACQUISITION PROGRAMS”.

(2)(A) Such chapter is amended by inserting after the table of sections the following new section:

“§ 2430. Major defense acquisition program defined

10 USC 2430.

“In this chapter, the term ‘major defense acquisition program’ means a Department of Defense acquisition program that is not a highly sensitive classified program (as determined by the Secretary of Defense) and—

“(1) that is designated by the Secretary of Defense as a major defense acquisition program; or

“(2) that is estimated by the Secretary of Defense to require an eventual total expenditure for research, development, test, and evaluation of more than \$200,000,000 (based on fiscal year 1980 constant dollars) or an eventual total expenditure for procurement of more than \$1,000,000,000 (based on fiscal year 1980 constant dollars).”.

(B) The table of sections at the beginning of the chapter is amended by inserting before the item relating to section 2431 the following new item:

“2430. Major defense acquisition program defined.”.

(3) Section 2432 (as redesignated by section 101(a)(5) of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 (Public Law 99-433)), is amended—

(A) by striking out paragraph (1) and redesignating paragraphs (2), (3), and (4) as paragraphs (1), (2), and (3), respectively; and

(B) by striking out “programed” each place such term appears in subsection (a)(2), as redesignated by subparagraph (A), and inserting in lieu thereof “programmed”.

(4) Section 2433(a)(1) (as redesignated by section 101(a)(5) of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 (Public Law 99-433)), is amended by striking out “(1) Major defense acquisition program”, “program” and inserting in lieu thereof “(1) The terms ‘program’”.

(5) Section 2434(b) (as redesignated by section 101(a)(5) of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 (Public Law 99-433) and amended by section 1208 of the

Department of Defense Authorization Act, 1987 (division A of Public Law 99-661) is amended—

(A) by striking out paragraph (1); and
(B) by redesignating paragraphs (2), (3), and (4) as paragraphs (1), (2), and (3), respectively.

10 USC 2435. (6) Section 2435 (as added by section 904(a) of the Defense Acquisition Improvement Act) is amended by striking out subsection (c).

(7) Section 2436(d)(3) (as added by section 905(a)(1) of the Defense Acquisition Improvement Act) is amended by inserting a comma after "In this subsection".

(8) Section 2437(a)(1) (as added by section 906(a)(1) of the Defense Acquisition Improvement Act) is amended by striking out "subsection (b)" and inserting in lieu thereof "subsection (c)".

10 USC 2431 et seq. (9)(A) Section 2305a of title 10, United States Code, is transferred to the end of such chapter 144, redesignated as section 2438, and amended—

(i) by striking out "program," in subsection (d)(1) and all that follows in that subsection and inserting in lieu thereof "program."; and

(ii) by striking out "section 2432(a)(1)(B)" both places it appears in subsection (d)(2) and inserting in lieu thereof "section 2430(2)".

(B) The item relating to such section in the table of sections at the beginning of chapter 137 of such title is transferred to the end of the table of sections at the beginning of chapter 144 of such title and revised to reflect the redesignation of such section made by subparagraph (A).

(C) CLERICAL AND CONFORMING CROSS-REFERENCE AMENDMENTS.—(1) The tables of chapters at the beginning of subtitle A, and at the beginning of part IV of subtitle A, of title 10, United States Code, are each amended—

(A) by striking out the item in each such table relating to chapter 138 and inserting in lieu thereof the following:

"138. Acquisition and Cross-Servicing Agreements with NATO Allies and Other Countries..... 2341";

(B) by striking out the item in each such table relating to chapter 144 and inserting in lieu thereof the following:

"144. Major Defense Acquisition Programs..... 2430";
and

(C) by striking out "2701" in the item relating to chapter 161 and inserting in lieu thereof "2721".

(2) Sections 138(a)(2)(B) and 1621(3) of title 10, United States Code (as amended by section 110(g) of Public Law 99-433), are amended by striking out "section 2432(a)(1)" and inserting in lieu thereof "section 2430".

Ante, p. 279.

(d) UNITED STATES CODE CITATIONS.—Title 10, United States Code, is further amended as follows:

(1) Section 113(e)(2) (as amended by section 603(b) of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 (Public Law 99-433; 100 Stat. 1075)) is amended by inserting "(50 U.S.C. 404a)" after "National Security Act of 1947".

(2) Section 2208(i)(3) is amended by inserting "(22 U.S.C. 2778)" after "section 38 of the Arms Export Control Act".

(3) Section 2304 is amended—

10 USC 2304.

(A) by inserting “(41 U.S.C. 403 note)” in subsections (a)(1)(A) and (g)(1) after “Competition in Contracting Act of 1984”; and

(B) by inserting “(41 U.S.C. 416)” in subsection (f)(1)(C) after “Office of Federal Procurement Policy Act”.

(4) Section 2318 is amended—

(A) by inserting “(41 U.S.C. 418(a))” in subsection (a)(1) after “Policy Act”;

(B) by inserting “(41 U.S.C. 418 (b), (c))” in subsection (a)(2) after “Policy Act”; and

(C) by inserting “(41 U.S.C. 419)” in the second sentence of subsection (c) after “Policy Act”.

(5) Section 2319 is amended—

(A) by inserting “(15 U.S.C. 637(b)(7))” in subsection (c)(4) after “the Small Business Act”; and

(B) by inserting “(15 U.S.C. 632)” in subsection (d)(2) after “the Small Business Act”.

(6) Section 2664(a)(3) is amended by inserting “App.” after “46 U.S.C.”.

(e) **DUPLICATE SECTION DESIGNATIONS.**—Title 10, United States Code, is further amended as follows:

(1)(A) Section 1051, as added by section 806(b)(1) of Public Law 99-399 and amended by section 1343(a)(25) of the Defense Authorization Act, is redesignated as section 1032 and is transferred within chapter 53 to appear immediately after section 1031.

10 USC 1031 et seq.

(B) The table of sections at the beginning of chapter 53 is amended—

(i) by inserting after the item relating to section 1031 the following new item:

“1032. Disability and death compensation: dependents of members held as captives.”;

and

(ii) by striking out the item relating to the second section 1051.

(2) Section 1095, as added by section 806(c)(1) of Public Law 99-399, is redesignated as section 1095a, and the item relating to that section in the table of sections at the beginning of chapter 55 is amended to reflect such redesignation.

(3) Section 2810, as added by section 315(a) of the Defense Authorization Act, is redesignated as section 2811, and the item relating to that section in the table of sections at the beginning of subchapter I of chapter 169 is revised to reflect that redesignation.

(f) **REFERENCES TO REAL ESTATE MINOR CONSTRUCTION AMOUNT.**—Title 10, United States Code, is further amended as follows:

(1) Sections 2233a(a)(2)(B)(ii)(II), 2806(c)(1), and 2861(b)(6) are amended by striking out “specified by law” and inserting in lieu thereof “specified by section 2805(a)(2) of this title”.

(2) Section 2853 is amended—

(A) by striking out “the amount specified by law as the maximum amount for a minor military construction project” the first place such term appears in subsection (a)(1) and inserting in lieu thereof “the minor project ceiling (as defined in subsection (f))”;

(B) by striking out “the amount specified by law as the maximum amount for a minor military construction project” each place such term appears (other than as specified in subparagraph (A)) and inserting in lieu thereof “the minor project ceiling”;

(C) by striking out “such maximum amount” both places it appears in subsection (b) and inserting in lieu thereof “the amount of such ceiling”; and

(D) by adding at the end the following new subsection: “(f) In this section, the term ‘minor project ceiling’ means the amount specified by section 2805(a)(2) of this title as the maximum amount for a minor military construction project.”

(g) INTERNAL CROSS-REFERENCES.—Title 10, United States Code, is further amended as follows:

(1) Section 2313(d)(1) is amended by striking out “section 2306(f)” and inserting in lieu thereof “section 2306a”.

(2) Section 2343(b) is amended by striking out “2306(f),” and inserting in lieu thereof “section 2306a.”

(3) Section 8062(e) (as amended by section 110(g)(10) of Public Law 99-433) is amended by striking out “section 114” and inserting in lieu thereof “section 115”.

(h) REFERENCES TO INTERNAL REVENUE CODE OF 1954.—(1) The following sections of title 10, United States Code, are amended by striking out “Internal Revenue Code of 1954” and inserting in lieu thereof “Internal Revenue Code of 1986”: sections 1403, 1408(a)(4)(D), 1451(e)(4)(B)(ii), and 2401(d)(1)(B).

(2)(A) The heading of section 1403 of such title is amended to read as follows:

“§ 1403. Disability retired pay: treatment under Internal Revenue Code of 1986”.

(B) The item relating to such section in the table of sections at the beginning of chapter 71 of such title is amended to read as follows: “1403. Disability retired pay: treatment under Internal Revenue Code of 1986.”

(i) ENACTMENT DATE REFERENCES.—Title 10, United States Code, is further amended as follows:

(1) Sections 101(44), 101(45), and 191(b) are amended by striking out “the date of the enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986” and inserting in lieu thereof “October 1, 1986”.

(2) Section 708(d)(1) is amended by striking out “the date of the enactment of this section” and inserting in lieu thereof “October 19, 1984”.

(3) Section 2031(a) is amended by striking out “beginning with the calendar year 1966”.

(4) Section 2319(c) is amended by striking out “the date of the enactment of the Defense Procurement Reform Act of 1984” in paragraphs (1) and (3) and inserting in lieu thereof “October 19, 1984.”

(j) CAPITALIZATION, PUNCTUATION, ETC. AMENDMENTS.—Title 10, United States Code, is further amended as follows:

(1) Subsection (f) of section 114 (as added by section 105(d) of the Defense Authorization Act) is redesignated as subsection (e).

(2) Section 115(b)(1)(B)(vii) (as added by section 413(2) of the Defense Authorization Act) is amended by striking out “members” and inserting in lieu thereof “Members”. 10 USC 115.

(3) Section 1208(a) is amended—

(A) by striking out “clause (1)” and “clause (2),” and inserting in lieu thereof “paragraph (1)” and “paragraph (2),” respectively; and

(B) by striking out “clause (2)(B) of this subsection” and inserting in lieu thereof “paragraph (2)”.

(4) The heading of section 1623 (as amended by section 1343(a)(10) of the Defense Authorization Act) is amended by striking out “flag and general” and inserting in lieu thereof “general and flag”.

(5) Section 2397 is amended—

(A) by striking out “3-year” in subsection (b)(1)(B) and inserting in lieu thereof “three-year”;

(B) by striking out “2-year” each place it appears and inserting in lieu thereof “two-year”; and

(C) by striking out “, United States Code” in the second sentence of subsection (f)(2).

(6) Subsection (f) of section 2634 (as added by section 620(b)(2) of the Defense Authorization Act) is redesignated as subsection (d).

(7)(A) The heading of section 2774 is amended by striking out “allowances, and” and inserting in lieu thereof “allowances and of”.

(B) Subsection (a) of such section is amended by striking out “as defined in section 101(3) of title 37,”.

(C) The item relating to that section in the table of sections at the beginning of chapter 165 is amended to read as follows:
“2774. Claims for overpayment of pay and allowances and of travel and transportation allowances.”

(8) Section 2828 is amended by striking out “Armed Forces” in subsections (a)(1) and (c) and inserting in lieu thereof “armed forces”.

(9) Section 2861(b)(7) is amended by inserting “of this title” after “section 2858”.

(10)(A) The tables of chapters at the beginning of subtitle B, and at the beginning of part I of subtitle B, are each amended by striking out “3010” in the item relating to chapter 303 and inserting in lieu thereof “3011”.

(B) The tables of chapters at the beginning of subtitle D, and at the beginning of part I of subtitle D, are each amended by striking out “8010” in the item relating to chapter 803 and inserting in lieu thereof “8011”.

(11) Sections 4723 and 8723 (as amended by section 604(f)(1)(D) of the Defense Authorization Act) are amended by striking out the comma after “disease”.

(k) DEFINITIONS.—Title 10, United States Code, is further amended as follows:

(1) Section 101 is amended—

(A) by inserting “The term” in each paragraph (other than paragraph (2)) after the paragraph designation;

(B) by inserting “the term” in paragraph (2) after “United States,” the second place it appears; and

- (C) by revising the first word after the open quotation marks in each paragraph (other than paragraphs (1), (8) through (13), (44), and (45)) so that the initial letter of such word is lower case.
- (2) Sections 976(a), 1045(e), 1587(a), 1621, 2006(b), 2120, 2213(e), 2232, 2302 (other than paragraph (3)), 2305a(d), 2350, 2362(e), 2394(c), 2397(a), 2397a(a), 2403(a), 2432(a), 2547(e), 2801(c), and 5001(a) are amended—
- (A) by inserting “The term” in each paragraph after the paragraph designation; and
- (B) by revising the first word after the first quotation marks in each paragraph (other than in sections 1045(e), 2006(b)(1), 2213(e)(2), 2232(1), 2350(2), 2801(c)(3), 5001(a)(1), and 5001(a)(2)) so that the initial letter of such word is lower case.
- (3) Sections 130(b)(2), 708(e), 975(a)(2), 1490(c), 2319(a), 2324(k), 2391(d), 2401a(d), 2404(e), 2825(a)(2), 2826(f), and 2862(a)(2) are amended by inserting “the term” after “In this section.”
- (4) Section 276(b) is amended by inserting “, the term” after “In this section”.
- (5) Sections 1126(d) and 7420 are amended—
- (A) by striking out the dash in the matter preceding paragraph (1) and inserting in lieu thereof a colon;
- (B) by inserting “The term” in each paragraph after the paragraph designation;
- (C) by striking out the semicolon at the end of each of paragraphs (1) through (4) and inserting in lieu thereof a period; and
- (D) by striking out “; and” at the end of paragraph (5) and inserting in lieu thereof a period.
- (6) Section 2181 is amended—
- (A) by striking out “‘Captive’” and inserting in lieu thereof “The terms ‘captive’”; and
- (B) by striking out “‘Dependent’” and inserting in lieu thereof “The term ‘dependent’”.
- (7) Section 2433(a) is amended—
- (A) by inserting “The term” in paragraphs (2) and (4) after the paragraph designation; and
- (B) by striking out “(3) ‘Procurement’” and inserting in lieu thereof “(3) The term ‘procurement’”.
- (8) Section 3001 is amended by inserting “the term” after “In this title.”
- (9) Section 7430(i) is amended by striking out “As used in” and inserting in lieu thereof “In”.
- (10) Section 7721(b) is amended by inserting “, the term” after “In this chapter”.

37 USC 404, 404
note.

SEC. 8. AMENDMENTS TO TITLE 37, UNITED STATES CODE

(a) **CONFLICTING PROVISIONS.**—The amendments made to section 404(d) of title 37, United States Code, by section 614(a) of the Defense Authorization Act shall be executed as if that portion of section 9073 of the Defense Appropriations Act which is before the proviso had not been enacted, and such amendments shall be effective as provided in section 614(b) of the Defense Authorization Act. Such portion of section 9073 which is before the proviso shall not be in effect after the date of the enactment of this Act, and the reference

100 Stat.
1783-113,
3341-113.

to "this section" in such proviso shall be deemed to refer to section 614 of the Defense Authorization Act.

100 Stat. 3879.

(b) **DUPLICATE SECTION DESIGNATIONS.**—Title 37, United States Code, is amended as follows:

(1) Section 431, as added by section 615 of the Defense Authorization Act, is redesignated as section 432, and the item relating to that section in the table of sections at the beginning of chapter 7 of such title is revised to reflect that redesignation.

(2) Section 1013, as added by section 9103 of the Defense Appropriations Act, is redesignated as section 1014, and the item relating to that section in the table of sections at the beginning of chapter 19 of such title is revised to reflect that redesignation.

(c) **REFERENCE TO INTERNAL REVENUE CODE OF 1954.**—Section 558 of title 37, United States Code, is amended by striking out "Internal Revenue Code of 1954" and inserting in lieu thereof "Internal Revenue Code of 1986".

26 USC 1 et seq.

(d) **CLERICAL AMENDMENTS.**—Title 37, United States Code, is amended as follows:

(1) Section 301(b) is amended by striking out "Monthly rate" each place it appears and inserting in lieu thereof "Monthly Rate".

(2) Section 302a is amended—

(A) by striking out "a" at the beginning of paragraphs (1), (2), and (3) and inserting in lieu thereof "A";

(B) by striking out ", or" at the end of paragraph (1)(A) and inserting in lieu thereof "; or";

(C) by striking out the semicolon at the end of paragraph (1)(B) and inserting in lieu thereof a period; and

(D) by striking out "; and" at the end of paragraph (2) and inserting in lieu thereof a period.

(3) Section 303 is amended—

(A) by striking out "a" at the beginning of paragraphs (1), (2), and (3) and inserting in lieu thereof "A";

(B) by striking out ", or" at the end of paragraph (1)(B) and inserting in lieu thereof "; or";

(C) by striking out the semicolon at the end of paragraph (1)(C) and inserting in lieu thereof a period;

(D) by striking out the comma at the end of paragraphs (1)(A) and (1)(B) and inserting in lieu thereof a semicolon; and

(E) by striking out "; and" at the end of paragraph (2) and inserting in lieu thereof a period.

(4) Section 308i is amended in subsection (b)(1)(B) by inserting a comma after "\$2,500".

(5) Section 403(1)(1) is amended by striking out "Armed Forces" and inserting in lieu thereof "armed forces".

(6) Sections 404(d)(1)(A) and 408 are amended by striking out "privately-owned" and inserting in lieu thereof "privately owned".

(7) Section 406 is amended—

(A) by striking out "round trip" each place it appears in subsection (a) and inserting in lieu thereof "round-trip"; and

(B) by striking out "roundtrip" in subsection (b) and inserting in lieu thereof "round-trip".

37 USC 411.

(8) Section 411b(a) is amended by striking out "forty-eight" each place it appears in paragraphs (1) and (2) and inserting in lieu thereof "48".

(9) Section 411c(b) is amended—

(A) by striking out "roundtrip" and inserting in lieu thereof "round-trip"; and

(B) by striking out "roundtrips" and inserting in lieu thereof "round-trips".

(e) DEFINITIONS.—Title 37, United States Code, is further amended as follows:

(1) Section 101 is amended—

(A) by striking out "for the purposes of this title—" and inserting in lieu thereof "the following definitions apply in this title:";

(B) by inserting "The term" in each paragraph after the paragraph designation;

(C) by revising the first word after the open quotation marks in each paragraph (other than paragraphs (1) and (6) through (10)) so that the initial letter of such word is lower case;

(D) by striking out the semicolon at the end of paragraphs (1) through (24) and inserting in lieu thereof a period; and

(E) by striking out "and" at the end of paragraph (24).

(2) Section 301 is amended—

(A) by striking out "For the purposes of this subsection," in subsection (a) and inserting in lieu thereof "In this subsection, the term"; and

(B) by striking out "paragraph" in subsection (f)(2)(C) and inserting in lieu thereof "paragraph, the term".

(3) Section 301a(6) is amended—

(A) by striking out "For the purposes of this section, the term—" and inserting in lieu thereof "In this section:";

(B) by inserting "The term" in each subparagraph after the subparagraph designation;

(C) by striking out the semicolon at the end of subparagraphs (A) and (B) and inserting in lieu thereof a period; and

(D) by striking out "and" at the end of subparagraph (B).

(4) Section 301c(a)(5) is amended—

(A) by striking out "For the purposes of this section, the term—" and inserting in lieu thereof "In this section:";

(B) by inserting "The term" in subparagraphs (A) and (B) after each subparagraph designation; and

(C) by revising the first word after the open quotation marks in subparagraphs (A) and (B) so that the initial letter of such word is lower case.

(5) Section 305a(d) is amended by striking out "For the purposes of this section," and inserting in lieu thereof "In this section,".

(6) Sections 315, 409(e), 411d(d), and 501(a) are amended by inserting "the term" after "In this section,".

(7) Section 401 is amended by inserting "the term" after "In this chapter,".

(8) Section 403a(c)(6)(B) is amended by inserting "the term" after "In subparagraph (A),".

(9) Section 501(g) is amended in the last sentence by inserting “the term” before the open quotation marks each place they appear. 37 USC 411.

(10) Section 551 is amended—

(A) by striking out “In this chapter—” and inserting in lieu thereof “In this chapter:”;

(B) by inserting “The term” in each paragraph after the paragraph designation;

(C) by striking out the semicolon at the end of paragraphs

(1) and (2) and inserting in lieu thereof a period; and

(D) by striking out “and” at the end of paragraph (2).

(11) Section 559(a) is amended—

(A) by striking out “In this section—” and inserting in lieu thereof “In this section:”;

(B) by inserting “The term” in paragraphs (1) and (2) after the paragraph designation; and

(C) by striking out “; and” at the end of paragraph (1) and inserting in lieu thereof a period.

SEC. 9. RECODIFICATION OF CERTAIN INTELLIGENCE PROVISIONS

(a) RECODIFICATION.—(1) Part I of subtitle A of title 10, United States Code, is amended by adding at the end the following new chapter: 10 USC 101.

“CHAPTER 21—DEPARTMENT OF DEFENSE INTELLIGENCE MATTERS

“Sec.

“421. Funds transfers for foreign cryptologic support.

“422. Counterintelligence official reception and representation expenses.

“423. Authority to use proceeds from counterintelligence operations of the military department.”.

(2) Section 128 of such title (as redesignated by section 101 of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 (Public Law 99-433)) is transferred to the end of chapter 21 of such title (as added by paragraph (1)) and is redesignated as section 421.

(3) Sections 140a and 140b of such title (as added by sections 401 and 403, respectively, of the Intelligence Authorization Act for Fiscal Year 1987 (Public Law 99-569)) are transferred to the end of such chapter and redesignated as sections 422 and 423, respectively.

(b) CONFORMING AND CLERICAL AMENDMENTS.—(1) The table of sections at the beginning of chapter 3 of such title is amended by striking out the item relating to section 128.

(2) The table of sections at the beginning of chapter 4 of such title is amended by striking out the items relating to sections 140a and 140b (as added by sections 401 and 403, respectively, of the Intelligence Authorization Act for Fiscal Year 1987).

(3) Section 423 of such title (as redesignated by subsection (a)(3)) is amended by striking out “United States Code,” in subsection (a).

(4) The tables of chapters at the beginning of subtitle A, and at the beginning of part I of subtitle A, of such title are amended by inserting after the item relating to chapter 20 (as added by section 333(a)(2) of the Defense Authorization Act) the following new item:

“21. Department of Defense Intelligence Matters..... 421”.

SEC. 10. CORRECTIONS TO SMALL BUSINESS PROCUREMENT PROVISIONS

(a) DEFENSE ACQUISITION IMPROVEMENT ACT.—Section 921 of the Defense Acquisition Improvement Act is amended as follows:

(1) Subsection (a)(1) is amended by striking out “paragraph” and inserting in lieu thereof “clause”.

(2) Subsection (h)(3) is amended by striking out “value of contracts to be awarded under such sections” at the end of the first sentence and inserting in lieu thereof “dollar value of the contracts to be awarded in that industry category”.

(3) Subsection (j) is amended by striking out “construction” and all that follows in such subsection and inserting in lieu thereof “construction by Great Lakes Naval Training Center, Illinois, and of the total dollar amount of the contracts awarded for fiscal year 1987 for refuse systems and related services by such training center, not more than 30 percent of each such dollar amount may be under contracts awarded through so-called small business set-aside programs.”.

(b) SMALL BUSINESS ACT.—(1) Section 15(o) of the Small Business Act (as added by section 921(c)(2) of the Defense Acquisition Improvement Act) is amended—

(A) by striking out “the concern” in paragraph (1)(A) and all that follows through “employees” and inserting in lieu thereof “at least 50 percent of the cost of contract performance incurred for personnel shall be expended for employees of the concern”; and

(B) in paragraph (3)—

(i) by striking out “subparagraph” and inserting in lieu thereof “paragraph”; and

(ii) by adding at the end the following new sentence: “The percentage applicable to any such requirement shall be determined in accordance with paragraph (2).”.

(2)(A) Paragraph (3) of section 3(a) of such Act (as added by section 921(f) of the Defense Acquisition Improvement Act) is amended by striking out “value of contracts to be awarded under such sections” and inserting in lieu thereof “dollar value of the contracts to be awarded in that industry category”.

(B) Paragraph (4)(A)(i) of such section is amended by striking out “paragraph (3)(A)” and inserting in lieu thereof “paragraph (3)”.

(C) Paragraph (5) of such section is amended by striking out “made with the expiration of 180 days after each” and inserting in lieu thereof “shall be made not later than 180 days after the end of each such”.

(3) Paragraph (14) of section 8(a) of such Act (as added by section 921(c)(1) of the Defense Acquisition Improvement Act) is amended by striking out “section 15(n)” in subparagraphs (B) and (C) and inserting in lieu thereof “section 15(o)”.

SEC. 11. OTHER TECHNICAL AMENDMENTS

(a) CROSS-REFERENCE CORRECTIONS.—(1) Section 1243(a) of the Defense Procurement Reform Act of 1984 (title XII of Public Law 98-525; 98 Stat. 2609) is amended by striking out “section 139a(a)” and inserting in lieu thereof “section 2430”.

(2) Section 915(d) of the Defense Procurement Improvement Act of 1985 (title IX of Public Law 99-145; 99 Stat. 688) is amended by striking out “section 139a(a)(1)” and inserting in lieu thereof “section 2430”.

100 Stat.
1783-147,
3341-147, 3926.
15 USC 644.
15 USC 632 note.

Contracts.

15 USC 644.

15 USC 632.

15 USC 637.

10 USC 2432
note.
10 USC 139a
note.
10 USC 2431
note.
10 USC 139 note.

(b) PUBLIC LAW 99-433.—Section 523(c)(1) of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 (100 Stat. 1063) by striking out “section” and inserting in lieu thereof “sections”.

10 USC 3033
note.

SEC. 12. EFFECTIVE DATES

(a) PUBLIC LAW 99-661.—The amendments made by section 3 shall apply as if included in Public Law 99-661 when enacted on November 14, 1986.

10 USC 774 note.
100 Stat. 3816.

(b) PUBLIC LAWS 99-500 AND 99-591.—The amendments made by section 4 shall apply as if included in Public Laws 99-500 and 99-591 when enacted on October 18, 1986, and October 30, 1986, respectively.

10 USC 1466
note.

(c) DEFENSE ACQUISITION IMPROVEMENT ACT.—The amendments made by sections 5 and 10 shall apply as if included in each instance of the Defense Acquisition Improvement Act (as specified in section 2) when each was enacted.

15 USC 632 note.

(d) TECHNICAL DATA.—(1) The amendments to section 2321 of title 10, United States Code, made by section 7(a)(5) shall apply to contracts for which solicitations are issued after the end of the 210-day period beginning on October 18, 1986.

100 Stat.
1783-130,
3341-130, 3910.
Contracts.
10 USC 2321
note.

(2) The amendment to section 2328 of such title made by section 7(a)(7)(A)(i)(II) shall take effect on the same date and in the same manner as provided in section 1804(b) of Public Law 99-570 for the amendment made by section 1803 of that Public Law to section 552a of title 5, United States Code.

10 USC 2328
note.
100 Stat.
3207-50.
100 Stat.
3207-49.

Approved April 21, 1987.

LEGISLATIVE HISTORY—H.R. 1783:

CONGRESSIONAL RECORD, Vol. 133 (1987):

Mar. 31, considered and passed House.

Apr. 8, considered and passed Senate.