Public Law 102-396
102d Congress

An Act

Oct. 6, 1992
[H.R. 5504]

Making appropriations for the Department of Defense for the fiscal year ending September 30, 1993, and for other purposes.

Department of Defense Appropriations Act, 1993.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1993, for military functions administered by the Department of Defense, and for other purposes, namely:

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; $23,238,457,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; $19,228,564,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)),

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and to the Department of Defense Military Retirement Fund; $5,980,998,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for oganizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; $18,522,963,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 265, 3021, and 3038 of title 10, United States Code, or while serving on active duty under section 672(d) of title 10, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; and for payments to the Department of Defense Military Retirement Fund; $2,170,496,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 265 of title 10, United States Code, or while serving on active duty under section 672(d) of title 10, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; and for payments to the Department of Defense Military Retirement Fund; $1,653,200,000.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 265 of title 10, United States Code, or while serving on active duty under section 672(d) of title 10, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; and for payments to the Department of Defense Military Retirement Fund; $345,526,000.

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 265, 8021, and 8038 of title 10, United States Code, or while serving on active duty under section 672(d) of title 10, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Air Reserve Officers' Training Corps, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; and for payments to the Department of Defense Military Retirement Fund; $729,019,000.

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 265, 3021, or 3496 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 672(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; and for payments to the Department of Defense Military Retirement Fund; $3,239,702,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 265, 8021, or 8496 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 672(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; and for payments to the Department of Defense Military Retirement Fund; $1,166,100,000.

TITLE II

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed $14,437,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes; $13,442,418,000 and, in addition, $2,229,000,000, to be derived by

transfer from the Defense Business Operations Fund upon completion of the identification of residual inventories and the initiation of the transfer of such inventories to the wholesale supply system of the Defense Business Operations Fund: *Provided,* That $450,000 shall be made available only for the 1993 Memorial Day Celebration and $450,000 shall be made available only for the 1993 Capitol Fourth Project: *Provided further,* That of the amounts appropriated under this heading, $120,000,000 shall not be obligated or expended until such time as the Secretary of Defense certifies to the Committees on Appropriations of the House of Representatives and the Senate that the percentage of United States military base operations and foreign national employee pay costs offset by financial or assistance-in-kind contributions made by European governments will increase during the fiscal year ending September 30, 1993: *Provided further,* That of the funds appropriated under this heading, $36,000,000 shall be made available only for the procurement of the Extended Cold Weather Clothing System (ECWCS): *Provided further,* That not less than $1,715,000 shall be made available only for the environmental assessment and environmental cleanup of the Badger Army Ammunition plant: *Provided further,* That not less than $7,000,000 shall be made available only for the environmental cleanup of the National Presto Industries Eau Claire facility: *Provided further,* That $1,000,000 of the funds appropriated under this heading shall be available for providing military police training for Marine Corps personnel at Fort McClellan, Alabama: *Provided further,* That of the funds appropriated under this paragraph, $14,000,000 shall be available for Presidio of San Francisco, to be expended for ongoing operations and maintenance costs associated with the transition to the National Park Service, to be jointly determined with the National Park Service: *Provided further,* That of the funds appropriated under this paragraph, $100,000 shall be available only to connect Lowry Grove Mobile Home Park to the St. Anthony, Minnesota, municipal water supply system.

OPERATION AND MAINTENANCE, NAVY

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed $5,005,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes; $19,108,558,000 and, in addition $94,500,000, to be derived by transfer from the Defense Business Operations Fund upon completion of the identification of residual inventories and the initiation of the transfer of such inventories to the wholesale supply system of the Defense Business Operations Fund: *Provided,* That funds appropriated or made available in this Act shall be obligated and expended to restore and maintain the facilities, activities and personnel levels, including specifically the medical facilities, activities and personnel levels, at the Memphis Naval Complex, Millington, Tennessee, to the fiscal year 1984 levels: *Provided further,* That of the amounts appropriated under this heading, $25,000,000 shall not be obligated or expended until such time as the Secretary of Defense certifies to the Committees on Appropriations of the House of Representatives and the Senate that

the percentage of United States military base operations and foreign national employee pay costs offset by financial or assistance-in-kind contributions made by European governments will increase during the fiscal year ending September 30, 1993: *Provided further,* That of the funds appropriated under this heading, $1,000,000 shall be made available only for the conduct of an Environmental Impact Study at Bellows Air Force Base: *Provided further,* That of the funds appropriated under this heading $900,000 shall be made available only for the development of a military land use plan in Hawaii, under the direction of the Commander-in-Chief, United States Pacific Command.

OPERATION AND MAINTENANCE, MARINE CORPS

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law; $1,383,138,000 and, in addition, $58,500,000, to be derived by transfer from the Defense Business Operations Fund upon completion of the identification of residual inventories and the initiation of the transfer of such inventories to the wholesale supply system of the Defense Business Operations Fund: *Provided,* That none of the funds appropriated in this paragraph may be used for the conversion of facilities maintenance, utilities, and motor transport functions at Cherry Point Marine Corps Air Station, North Carolina, to performance by private contractor under the procedures and requirements of OMB Circular A–76 until the General Accounting Office completes their audit and validates the decision: *Provided further,* That from within funds provided in this paragraph, $3,000,000 shall be available only for Marine Corps child abuse prevention program.

OPERATION AND MAINTENANCE, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed $8,912,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes; $16,009,040,000 and, in addition, $672,000,000, to be derived by transfer from the Defense Business Operations Fund upon completion of the identification of residual inventories and the initiation of the transfer of such inventories to the wholesale supply system of the Defense Business Operations Fund: *Provided,* That of the amounts appropriated under this heading, $30,000,000 shall not be obligated or expended until such time as the Secretary of Defense certifies to the Committees on Appropriations of the House of Representatives and the Senate that the percentage of United States military base operations and foreign national employee pay costs offset by financial or assistance-in-kind contributions made by European governments will increase during the fiscal year ending September 30, 1993: *Provided further,* That, of the funds appropriated under this heading, $7,000,000 shall be made available only for the operation of the Theater Air Command Control and

Simulation Facility at Kirtland Air Force Base: *Provided further,* That of the funds appropriated under this heading, $15,500,000 shall be made available only to operate, maintain and enhance the Tactical Interim CAMS and REMIS Reporting System (TICARRS) and the Smart Data System (SDS): *Provided further,* That SDS be maintained, with direct maintenance data input, as the supporting system for the F–117A aircraft: *Provided further,* That TICARRS be maintained, with direct maintenance data input, as the supporting system for the F–15 and F–16 aircraft supported by TICARRS as of October 1, 1992: *Provided further,* That of the funds appropriated under this heading, $4,000,000 shall be made available only to immediately complete the necessary comprehensive testing and continued environmental restoration of the former Olmsted Air Force Base, Pennsylvania.

OPERATION AND MAINTENANCE, DEFENSE AGENCIES

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law; $8,778,004,000, of which not to exceed $25,000,000 may be available for the CINC initiative fund account; and of which not to exceed $16,560,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes: *Provided,* That of the funds appropriated by this paragraph, $815,110,000 shall be made available only for the Special Operations Command: *Provided further,* That, of the funds appropriated under this heading, not less than $50,000,000 shall be made available only for the global disaster relief activities of the Department of Defense: *Provided further,* That, of the funds appropriated under this heading, not less than $10,000,000 shall be made available only for the disaster relief planning and studies of the Department of Defense as they relate to Department of Defense installations worldwide: *Provided further,* That, of the funds appropriated under this heading, not less than $50,000,000 shall be made available only for the Legacy Resource Management Program: *Provided further,* That of the funds appropriated under this heading, $500,000 may be made available only for the Hawaiian Volcano Observatory for monitoring volcanic activity affecting the United States Army Pohakuloa Training Area: *Provided further,* That of the funds appropriated under this heading, $50,000,000 may be made available to the Office of Economic Adjustment for economic conversion projects at the Philadelphia Naval Shipyard: *Provided further,* That of the funds appropriated under this heading, $40,000,000 may be made available for the Civilian Community Corps program: *Provided further,* That not less than $2,000,000 shall be made available only for a feasibility study on the use of a rotary reactor thermal destruction technology in the treatment and disposal of waste regulated under the Resource Conservation and Recovery Act of 1976.

OPERATION AND MAINTENANCE, ARMY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equip-

ment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $1,038,525,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $850,745,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $77,870,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $1,195,024,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft); and to establish the STARBASE youth education program; $2,255,623,000: *Provided,* That of the funds appropriated in this paragraph, $10,000,000 shall be available for a National Guard Outreach Program in the Los Angeles School District.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For operation and maintenance of the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, repair, and other necessary expenses of facilities for the training and administration of the Air National Guard, including repair of facilities, mainte-

nance, operation, and modification of aircraft; transportation of things; hire of passenger motor vehicles; supplies, materials, and equipment, as authorized by law for the Air National Guard; and expenses incident to the maintenance and use of supplies, materials, and equipment, including such as may be furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; $2,493,689,000.

NATIONAL BOARD FOR THE PROMOTION OF RIFLE PRACTICE, ARMY

For the necessary expenses and personnel services (other than pay and non-travel-related allowances of members of the Armed Forces of the United States, except for members of the reserve components thereof called or ordered to active duty to provide support for the national matches) in accordance with law, for operation and maintenance of rifle ranges; the instruction of citizens in marksmanship; the promotion of rifle practice; the conduct of the national matches; the sale of ammunition under the authority of title 10, United States Code, sections 4308 and 4311; the travel of rifle teams, military personnel, and individuals attending regional, national, and international competitions; and the payment to competitors at national matches under section 4312 of title 10, United States Code, of subsistence and travel allowances under section 4313 of title 10, United States Code; not to exceed $2,700,000.

COURT OF MILITARY APPEALS, DEFENSE

For salaries and expenses necessary for the United States Court of Military Appeals; $5,900,000, of which not to exceed $2,500 can be used for official representation purposes.

ENVIRONMENTAL RESTORATION, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For the Department of Defense; $1,199,700,000, to remain available until transferred: *Provided,* That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, research and development associated with hazardous wastes and removal of unsafe buildings and debris of the Department of Defense, or for similar purposes (including programs and operations at sites formerly used by the Department of Defense), transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense as the Secretary may designate, to be merged with and to be available for the same purposes and for the same time period as the appropriations of funds to which transferred: *Provided further,* That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further,* That if an entity to which property is transferred (or leased) is a State or political subdivision of a State, the United

States shall hold harmless, defend and indemnify such entity from and against all claims, demands, losses, damages, liens, liabilities, injuries, deaths, penalties, fines, lawsuits and other proceedings, judgments, awards and costs and expenses arising out of, or in any manner predicated upon, the presence, release or threatened release of any hazardous substance, pollutant or contaminant resulting from the activities of the Department of Defense, (including the activities of any lessee, licensee or other person on the property during any time that the property was under the control of the Department of Defense): *Provided further,* That the terms "hazardous substance" ("pollutant or contaminant" and "release" shall mean any hazardous waste, substance or toxic material, or their discharge or release, that is regulated under any environmental law or regulation applicable to the property, and) shall include petroleum, including crude oil; natural gas, liquified natural gas; and asbestos: *Provided further,* That the term "State or political subdivision of a State" shall include the State's or the political subdivision's successors, assigns, transferees and lessees, and any person who, without participating in the management of the property, holds indicia of ownership primarily to protect its security interest in the property or improvements on the property: *Provided further,* That, of the funds provided under this heading, not less than $200,000,000 shall be available only for the expedited cleanup of environmentally contaminated sites and only in accordance with a comprehensive plan submitted to Congress by the Secretary of Defense.

HUMANITARIAN ASSISTANCE

For transportation for humanitarian relief for the people of Afghanistan and Cambodia, acquisition and shipment of transportation assets to assist in the distribution of such relief, and for transportation and distribution of humanitarian relief supplies, and excess non-lethal property for worldwide humanitarian relief, as authorized by law; $28,000,000, to remain available for obligation until September 30, 1994: *Provided,* That the Department of Defense shall notify the Committees on Appropriations and Armed Services of the Senate and House of Representatives 15 days prior to the shipment of humanitarian relief which is intended to be transported and distributed to countries not previously authorized by Congress: *Provided further,* That where required and notwithstanding any other provision of law, funds made available under this heading for fiscal year 1993 or thereafter, shall be available for emergency transportation of United States or foreign nationals or the emergency transportation of humanitarian relief personnel in conjunction with humanitarian relief operations.

10 USC 401 note.

WORLD UNIVERSITY GAMES

For logistical support and personnel services including initial planning for security needs (other than pay and nontravel related allowances of members of the Armed Forces of the United States, except for members of the reserve components thereof called or ordered to active duty to provide support for the World University Games) provided by any component of the Department of Defense to the World University Games; $6,000,000.

SUMMER OLYMPICS

For logistical support and personnel services (other than pay and nontravel related allowances of members of the Armed Forces of the United States, except for members of the reserve components thereof called or ordered to active duty to provide support for the 1996 Games of the XXVI Olympiad to be held in Atlanta, Georgia) provided by any component of the Department of Defense to the 1996 Games of the XXVI Olympiad; $2,000,000.

WORLD CUP USA 1994

For logistical support and personnel services (other than pay and nontravel related allowances of members of the Armed Forces of the United States, except for members of the reserve components thereof called or ordered to active duty to provide support for the World Cup USA 1994 Organizing Committee) provided by any component of the Department of Defense to the World Cup USA 1994 Organizing Committee; $9,000,000.

REAL PROPERTY MAINTENANCE, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For the maintenance of real property of the Department of Defense under this title of this Act, as follows:

Army, $507,962,000,
Navy, $354,246,000,
Marine Corps, $96,679,000,
Air Force, $356,929,000,
Defense Agencies, $67,261,000,
Army Reserve, $20,502,000,
Navy Reserve, $24,631,000,
Air Force Reserve, $25,186,000,
Army National Guard, $30,400,000,
Air National Guard, $36,233,000,

In all: $1,520,029,000, to remain available for obligation until September 30, 1994, and in addition, during the current fiscal year, the Secretary of Defense shall transfer such funds as are available up to $400,000,000 from the National Defense Stockpile Transaction Fund, to remain available for obligation until September 30, 1994: *Provided further,* That $200,000,000 of the funds transferred from the National Defense Stockpile Transaction Fund shall be available for the minor construction and major repair of real property for the military services and Defense Agencies, and the remainder shall be available only for repairing property which has been identified by the Department of Defense as part of a backlog of maintenance and repair projects in the justification material accompanying the President's budget request for fiscal year 1993: *Provided further,* That the funds transferred from the National Defense Stockpile Transaction Fund for repairing property identified as part of a backlog of maintenance and repair projects shall be allocated by the Comptroller, Department of Defense, for the projects determined by the Department of Defense as the highest priority for repair: *Provided further,* That of the funds available under this heading, $27,000,000 shall be available only for the repair of property identified as part of a backlog of maintenance and repair projects at the Presidio of San Francisco.

TITLE III

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $1,441,842,000, to remain available for obligation until September 30, 1995.

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $1,051,667,000, to remain available for obligation until September 30, 1995.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $921,389,000, to remain available for obligation until September 30, 1995: *Provided*, That notwithstanding any other provision of law, funds received from the sale of M48- and M60-series tanks from the Army inventory by the United States under the Arms Export Control Act in the amount of $196,625,000 in fiscal year 1991 and $771,000 in fiscal year 1992 shall be available only for the M1-series tank upgrade program.

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854, title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $1,094,260,000, of which $200,000,000 shall be available only for the Armament Retooling and Manufacturing Support Initiative, to remain available for obligation until September 30, 1995.

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and nontracked combat vehicles; the purchase of not to exceed 1 vehicle required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $180,000 per vehicle; the purchase of not to exceed 38 passenger motor vehicles for replacement only; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $3,047,053,000, to remain available for obligation until September 30, 1995.

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; $6,026,213,000, to remain available for obligation until September 30, 1995.

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, other ordnance and ammunition, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted

thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; $3,760,697,000, to remain available for obligation until September 30, 1995.

SHIPBUILDING AND CONVERSION, NAVY

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long leadtime components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, as follows:

Carrier replacement program, $832,200,000;

Refueling overhauls, $37,239,000;

DDG–51 destroyer program, $3,265,770,000;

LHD–1 amphibious assault ship program, $305,000,000: *Provided,* That the Secretary of the Navy is hereby granted the authority to enter into a contract for an LHD–1 amphibious assault ship which shall be funded on an incremental basis;

LSD–41 cargo variant ship program, $300,000,000;

MHC coastal mine hunter program, $236,205,000;

AOE combat support ship program, $300,000,000;

Oceanographic ship program, $19,500,000;

For craft, outfitting, post delivery, and first destination transportation, and inflation adjustments, $682,373,000;

In all: $5,978,287,000, to remain available for obligation until September 30, 1997: *Provided,* That additional obligations may be incurred after September 30, 1997, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: *Provided further,* That none of the funds herein provided for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign shipyards for the construction of major components of the hull or superstructure of such vessel: *Provided further,* That none of the funds herein provided shall be used for the construction of any naval vessel in foreign shipyards.

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of not to exceed 602 passenger motor vehicles of which 574 shall be for replacement only; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway;

$5,615,325,000, to remain available for obligation until September 30, 1995.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, ammunition, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of not to exceed 46 passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired and construction prosecuted thereon prior to approval of title; $824,607,000, to remain available for obligation until September 30, 1995.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things; $10,029,285,000, to remain available for obligation until September 30, 1995.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things; $4,369,524,000, to remain available for obligation until September 30, 1995.

OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed 1 vehicle required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $180,000 per vehicle; the purchase of not to exceed 611 passenger motor vehicles of which 425 shall be for

replacement only; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; $7,686,524,000, to remain available for obligation until September 30, 1995.

NATIONAL GUARD AND RESERVE EQUIPMENT

For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons, and other procurement for the reserve components of the Armed Forces; $1,567,200,000, to remain available for obligation until September 30, 1995.

PROCUREMENT, DEFENSE AGENCIES

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed 1 vehicle required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $180,000 per vehicle; the purchase of not to exceed 565 passenger motor vehicles, of which 554 shall be for replacement only; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; $1,962,058,000, to remain available for obligation until September 30, 1995.

TITLE IV

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; $6,032,860,000, to remain available for obligation until September 30, 1994: *Provided,* That the general reduction of $180,583,000 taken against the appropriation level provided herein, shall be applied, except for the $210,000,000 for breast cancer research, on a pro rata basis by subproject within each R–1 program element as modified by this Act: *Provided further,* That $210,000,000 of the funds appropriated in this paragraph shall be available for a peer reviewed breast cancer research program with the Department of the Army as executive agent: *Provided further,* That the Army shall coordinate with the Armed Services Biomedical Research and Evaluation Management (ASBREM) Committee to involve facilities and medical and research personnel of the Department of the Navy and the Department of the Air Force, or other entities, in addition to facilities, medical and

research personnel, and resources of the Department of the Army in the breast cancer research program: *Provided further,* That the Department of the Army, as executive agent, shall provide a report to the congressional defense committees not later than June 1, 1993, setting forth the details of the breast cancer research program, noting inter alia the benefits which may be achieved through such research in the reduction of future costs of the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS): *Provided further,* That $7,500,000 of the funds in this paragraph shall be made available only for establishment of a flexible manufacturing center at the Scranton Army Ammunition Plant and may be transferred to another appropriation in title III of this Act: *Provided further,* That $2,000,000 shall be made available only for the Center for Prostate Disease Research at the Walter Reed Army Institute of Research: *Provided further,* That $3,000,000 shall be made available only for synaptic transmission research: *Provided further,* That $20,000,000 of the funds appropriated in this paragraph may be made available in the Acquired Immune Deficiency Syndrome program element only for a large-scale Phase III clinical investigation of the GP–160 vaccine: *Provided further,* That the funds referred to in the preceding proviso may be obligated unless, within six months after the date of the enactment of this Act, the Secretary of Defense, the Director of the National Institutes of Health, and the Commissioner of Food and Drugs submit to the Committees on Appropriations of the Senate and House of Representatives a written certification containing a determination of such officials that the large-scale Phase III clinical investigation should not proceed, the reasons for that determination, and an assessment of the GP–160 vaccine: *Provided further,* That if such certification is presented, the Secretary of Defense may use these funds only for other AIDS research needs of the Department of Defense: *Provided further,* That of the funds appropriated in this paragraph for medical technology, $4,000,000 may be used for Assistive Technology Center at the National Rehabilitation Hospital.

Reports.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; $8,930,381,000, to remain available for obligation until September 30, 1994: *Provided,* That for continued research and development programs at the National Center for Physical Acoustics, centering on ocean acoustics as it applies to advanced antisubmarine warfare acoustics issues with focus on ocean bottom acoustics, seismic coupling, sea-surface and bottom scattering, oceanic ambient noise, underwater sound propagation, bubble related ambient noise, acoustically active surfaces, machinery noise, propagation physics, solid state acoustics, electrorheological fluids, transducer development, ultrasonic sensors, and other such projects as may be agreed upon, $1,000,000 shall be made available, as a grant, to the Mississippi Resource Development Corporation, of which not to exceed $250,000 of such sum may be used to provide such special equipment as may be required for particular projects: *Provided further,* That none of the funds appropriated in this paragraph or in Title IV of Public Law 102–172 may be obligated or expended to develop or purchase equipment for an Aegis

destroyer variant (commonly known as "DDV") whose initial operating capability is budgeted to be achieved prior to the initial operating capability of the Ship Self-Defense program, nor to develop sensor or processor capabilities which duplicate in any way those being developed in the Ship Self-Defense program: *Provided further,* That the general reduction of $277,682,000 taken against this appropriation account, as reflected in the total appropriation level provided herein, shall be applied on a pro rata basis by subproject within each R–1 program element as modified by this Act: *Provided further,* That not less than $1,500,000 of the funds appropriated in this paragraph shall be made available only as a grant to the West Virginia High Technology Corporation for laboratory and other efforts associated with research, development and other programs of major importance to the Department of Defense.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; $13,199,006,000, to remain available for obligation until September 30, 1994: *Provided,* That not less than $2,000,000 of the funds appropriated in this paragraph shall be made available only for continuing the research program on development of coal-based, high thermal stability and endothermic jet fuels, including exploratory studies on direct conversion of coal to thermally stable jet fuels: *Provided further,* That not less than $6,500,000 of the funds appropriated in this paragraph shall be made available only for the Joint Seismic Program administered by the Incorporated Research Institutions for Seismology: *Provided further,* That not less than $45,000,000 of the funds appropriated in this paragraph shall be made available only for the National Center for Manufacturing Sciences (NCMS), of which not less than $5,000,000 is available only for the National Center for Tooling and Precision Components (NCTPC): *Provided further,* That not less than $55,500,000 of the funds appropriated in this paragraph shall be made available only for the Space Nuclear Thermal Propulsion Program: *Provided further,* That the general reduction of $410,515,000 taken against this appropriation account, as reflected in the total appropriation level provided herein, shall be applied on a pro rata basis by subproject within each R–1 program element as modified by this Act: *Provided further,* That of the funds appropriated in this paragraph, not less than $39,500,000 shall be made available in the SPACETRACK program element only to continue the Advanced Electro-Optical System project at the Air Force Maui Optical Station: *Provided further,* That of the funds appropriated in this paragraph, not less than $11,600,000 shall be made available in the Advanced Weapons Technology program element only for a Laser Imaging Detection and Ranging (LIDAR) project: *Provided further,* That of the funds appropriated in this paragraph not less than $5,000,000 may available in the Advanced Weapons program element only to continue the establishment and operation of an image information processing center supporting the Air Force Maui Optical Station and the Maui Optical Tracking Facility: *Provided further,* That of the funds appropriated under the previous proviso, $500,000 may be made available as a grant to the Maui Economic Development Board to assist in refining the defense and industrial

requirements and user base for the aforementioned image information processing center: *Provided further,* That of the funds appropriated in this paragraph, $10,000,000 shall be available only for grants to be made for the development of dual use space launch facilities to support Department of Defense and commercial space launch requirements, consistent with the terms of the National Space Policy Directive: *Provided further,* That the Secretary of the Air Force shall provide the Committees on Appropriations of the House of Representatives and the Senate a plan to implement this grant program not later than March 15, 1993.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE AGENCIES

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; $9,799,911,000, to remain available for obligation until September 30, 1994: *Provided,* That the general reduction of $189,065,000 taken against this appropriation account, as reflected in the appropriation level provided herein, shall be applied, except for the $3,724,800,000 for the Strategic Defense Initiative, on a pro rata basis by subproject within each R–1 program element as modified by this Act: *Provided further,* That not less than $135,000,000 of the funds appropriated in this paragraph are available only for the Extended Range Interceptor (ERINT) missile: *Provided further,* That not less than $57,776,000 of the funds appropriated in this paragraph are available only for the Arrow Continuation Experiments: *Provided further,* That not less than $111,140,000 of the funds appropriated in this paragraph are available only for the Patriot missile program: *Provided further,* That not less than $12,000,000 of the funds appropriated in this paragraph shall be available only for an Experimental Program to Stimulate Competitive Research (EPSCOR) in the Department of Defense which shall include all States eligible as of the date of enactment of this Act for the National Science Foundation Experimental Program to Stimulate Competitive Research: *Provided further,* That none of the funds in this paragraph may be obligated for the development of the Superconductive Magnetic Energy Storage system unless its processes, materials, and components are substantially manufactured in the United States: *Provided further,* That not less than $25,000,000 of the funds appropriated in this paragraph shall be made available only to explore the potential for electric vehicles to enable the armed services to achieve energy cost savings, comply with environmental requirements, and meet mission objectives: *Provided further,* That not less than $5,000,000 of the funds provided under the previous proviso shall be made available only to establish one of the demonstration sites for the aforementioned electric vehicle technology program in the State of Hawaii and not less than $2,500,000 of the funds provided under the previous proviso shall be made available only to establish one of the demonstration sites for the aforementioned electric vehicle technology program in Sacramento, California: *Provided further,* That not less than $5,000,000 of the funds appropriated

in this paragraph shall be made available as a grant only to the Texas Regional Institute for Environmental Studies for laboratory and other efforts associated with research, development and other programs of major importance to the Department of Defense: *Provided further,* That not less than $7,500,000 of the funds appropriated in this paragraph shall be made available as a grant only to the University of Maryland for laboratory and other efforts associated with research, development and other programs of major importance to the Department of Defense: *Provided further,* That not less than $3,500,000 of the funds appropriated in this paragraph shall be made available as a grant only to the University of Scranton for laboratory and other efforts associated with research, development and other programs of major importance to the Department of Defense: *Provided further,* That not less than $15,000,000 of the funds appropriated in this paragraph shall be made available as a grant only to the Spokane Intercollegiate Research and Technology Institute for laboratory and other efforts associated with research, development and other programs of major importance to the Department of Defense: *Provided further,* That not less than $9,000,000 of the funds appropriated in this paragraph shall be made available as a grant only to the Northeastern University for laboratory and other efforts associated with research, development and other programs of major importance to the Department of Defense: *Provided further,* That not less than $5,000,000 of the funds appropriated in this paragraph shall be made available as a grant only to the Colorado State University for laboratory and other efforts associated with research, development, and other programs of major importance to the Department of Defense: *Provided further,* That not less than $4,000,000 of the funds appropriated in this paragraph shall be made available as a grant only to the Louisiana State University for laboratory and other efforts associated with research, development and other programs of major importance to the Department of Defense: *Provided further,* That not less than $5,000,000 of the funds appropriated in this paragraph shall be made available as a grant only to the Illinois Institute of Technology for laboratory and other efforts associated with research, development and other programs of major importance to the Department of Defense: *Provided further,* That not less than $5,000,000 of the funds appropriated in this paragraph shall be made available as a grant only to Loma Linda University for laboratory and other efforts associated with research, development and other programs of major importance to the Department of Defense: *Provided further,* That not less than $2,000,000 of the funds appropriated in this paragraph shall be made available as a grant only to the University of Minnesota for laboratory and other efforts associated with research, development and other programs of major importance to the Department of Defense: *Provided further,* That not less than $2,000,000 of the funds appropriated in this paragraph shall be made available as a grant only to the University of Miami (Florida) for laboratory and other efforts associated with research, development and other programs of major importance to the Department of Defense: *Provided further,* That not less than $500,000 of the funds appropriated in this paragraph shall be made available as a grant only to the University of Michigan for laboratory and other efforts associated with research, development and other programs of major importance to the Department of Defense: *Provided further,* That not less than $7,500,000 of

the funds appropriated in this paragraph shall be made available as a grant only to the University of Pennsylvania for laboratory and other efforts associated with research, development and other programs of major importance to the Department of Defense: *Provided further,* That not less than $3,000,000 of the funds appropriated in this paragraph shall be made available as a grant only for the Science Center of Connecticut for laboratory and other efforts associated with research, development and other programs of major importance to the Department of Defense: *Provided further,* That not less than $2,000,000 of the funds appropriated in this paragraph shall be made available as a grant only to Villanova University for laboratory and other efforts associated with research, development and other programs of major importance to the Department of Defense: *Provided further,* That not less than $1,000,000 of the funds appropriated in this paragraph shall be made available as a grant only to the Medical College of Ohio for laboratory and other efforts associated with research, development and other programs of major importance to the Department of Defense: *Provided further,* That not less than $3,000,000 of the funds appropriated in this paragraph shall be made available as a grant only to the Rochester Institute of Technology for laboratory and other efforts associated with research, development and other programs of major importance to the Department of Defense: *Provided further,* That not less than $2,000,000 of the funds appropriated in this paragraph shall be made available as a grant only to Bryant College of Rhode Island for laboratory and other efforts associated with research, development and other programs of major importance to the Department of Defense: *Provided further,* That not less than $7,500,000 of the funds appropriated in this paragraph shall be made available as a grant only to Bradley University (Illinois) for laboratory and other efforts associated with research, development and other programs of major importance to the Department of Defense: *Provided further,* That not less than $2,000,000 of the funds appropriated in this paragraph shall be made available as a grant only to the University of South Florida for laboratory and other efforts associated with research, development and other programs of major importance to the Department of Defense: *Provided further,* That of the funds provided in this paragraph, $10,000,000 shall be made available as a grant to the National Biomedical Research Foundation for laboratory efforts associated with major research programs in neurology, oncology, virology, cardiology, pediatrics and associated specialty areas of critical importance to the Department of Defense.

GENERAL PROVISION

Grants.
Contracts.

SEC. 401. Funds appropriated in this title that are directed to be made available for a grant to, or contract with, a college or university for the performance of research and development or for construction of a research or other facility shall be made available for that purpose without regard to, and (to the extent necessary) in contravention of, section 2361 of title 10, United States Code, which is hereby modified and superceded to the extent necessary to make each such grant or award each such contract, and any such grant or contract shall be made without regard to any of the conditions specified in subsection (b) of that section or section 2304 of title 10, United States Code.

DEVELOPMENTAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, of independent activities of the Deputy Director of Defense Research and Engineering (Test and Evaluation) in the direction and supervision of developmental test and evaluation, including performance and joint developmental testing and evaluation; and administrative expenses in connection therewith; $259,707,000, to remain available for obligation until September 30, 1994.

OPERATIONAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith; $12,983,000, to remain available for obligation until September 30, 1994.

TITLE V

REVOLVING AND MANAGEMENT FUNDS

DEFENSE BUSINESS OPERATIONS FUND

For the Defense Business Operations Fund; $1,123,800,000: *Provided,* That, in addition to any other transfer authority contained in this Act, $1,054,800,000 shall be transferred from the Defense Business Operations Fund to appropriations contained in this Act to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred, as follows: $480,000,000 to Operation and Maintenance, Navy; $150,800,000 to Operation and Maintenance, Marine Corps; $312,700,000 to Operation and Maintenance, Air Force; and $111,300,000 to Operation and Maintenance, Defense Agencies: *Provided further,* That, of funds available in the Defense Business Operations Fund, not less than $90,000,000 shall be available for the purchase of 1.8 million cases of Meals Ready to Eat in the current fiscal year.

NATIONAL DEFENSE SEALIFT FUND

(INCLUDING TRANSFER OF FUNDS)

For the National Defense Sealift Fund, $613,400,000 to remain available until expended, and in addition, to be derived by transfer, $1,875,100,000 of funds previously appropriated for sealift under the heading "Shipbuilding and Convention, Navy" in fiscal years 1990, 1991 and 1992: *Provided,* That section 1024 of the National Defense Authorization Act for Fiscal Year 1993, as it passed the Senate on October 3, 1992, shall be amended in subsection 2218(c)(2) proposed for inclusion in Chapter 131 of title 10 by deleting all after "expended only" down to and including "appropriations Act" and inserting in lieu thereof, "in amounts authorized by law": *Provided further,* That for purposes of this paragraph, this Act shall be treated as having been enacted after the National

10 USC 2218.

10 USC 2218 note.

Defense Authorization Act for Fiscal Year 1993 (regardless of the actual dates of enactment).

TITLE VI

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense, as authorized by law; $9,242,572,000, of which $8,948,800,000 shall be for Operation and maintenance, of which $92,251,000 shall be for real property maintenance to remain available for obligation until September 30, 1994; and $293,772,000, to remain available for obligation until September 30, 1995, shall be for Procurement: *Provided,* That not to exceed $40,000,000 of available funds shall be provided to the Uniformed Services Treatment Facilities program to be used only to fulfill any recoupment action of the Health Care Financing Administration for health care provided to eligible retired Department of Defense beneficiaries over age 65 between October 1, 1986, and December 31, 1989: *Provided further,* That funds made available in this section shall be obligated thirty days after the Inspector General of the Department of Defense and the Inspector General of the Department of Health and Human Services have jointly reported solely on the amounts claimed by the Health Care Financing Administration under this provision, and addressed possible procedures to avoid any future billing inaccuracies: *Provided further,* That the Inspectors General shall submit this report to the Secretaries of the Departments of Defense and Health and Human Services and to the Committees on Appropriations of the Senate and the House of Representatives not later than March 31, 1993: *Provided further,* That the Health Care Financing Administration shall refrain from pursuit of recoupment actions until such funds are obligated: *Provided further,* That the Department shall competitively contract for and begin to test implementation of a mail service pharmacy benefit in fiscal year 1993 in Hawaii and in at least two regions of the United States: *Provided further,* That of the funds appropriated in this Act, $150,000 shall be used only for the implementation of a cooperative program model at Madigan Medical Center for severely behavior disordered students: *Provided further,* That notwithstanding any other provision of law or regulation, there will be no requirement for the Secretary of Defense or any other Government official to perform any Congressionally-directed certification before the CHAMPUS Reform Initiative managed care program is expanded: *Provided further,* That this provision shall only apply to sites listed in section 9032 of this Act and the Northern CHAMPUS Region: *Provided further,* That not less than $7,500,000 of the funds appropriated in this paragraph shall be made available as a grant only to the Northeast Regional Cancer Institute for programs of major importance to the Department of Defense.

Reports.

Contracts. Hawaii.

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412

of the Department of Defense Authorization Act, 1986; $518,600,000, of which $267,400,000 shall be for Operation and maintenance, $244,700,000, to remain available until September 30, 1995, shall be for Procurement, and $6,500,000, to remain available until September 30, 1994, shall be for Research, development, test and evaluation.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for Operation and maintenance; for Procurement; and for Research, development, test and evaluation; $1,140,651,000: *Provided,* That the funds appropriated by this paragraph shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: *Provided further,* That the transfer authority provided in this paragraph is in addition to any transfer authority contained elsewhere in this Act: *Provided further,* That $25,500,000 shall be available only for operation and maintenance expenses for five sea-based aerostat systems to provide detection and monitoring support for the United States Coast Guard anti-narcotics operations: *Provided further,* That of the funds appropriated in this paragraph, not less than $7,500,000 shall be available only for the Gulf States Counter-Narcotics Initiative: *Provided further,* That from within the funds appropriated in this paragraph, the Secretary shall either lease or procure, and evaluate, an existing airship as an integrated sensor platform for detection and monitoring missions in the Department's Drug Interdiction and Counternarcotics program.

Contracts.

OFFICE OF THE INSPECTOR GENERAL

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended; $126,000,000, of which $125,200,000 shall be for Operation and maintenance, of which not to exceed $300,000 is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on his certificate of necessity for confidential military purposes; and of which $800,000, to remain available until September 30, 1995, shall be for Procurement.

TITLE VII

RELATED AGENCIES

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System; $168,900,000.

COMMUNITY MANAGEMENT STAFF

For necessary expenses of the Community Management Staff; $77,700,000.

TITLE VIII

DEFENSE REINVESTMENT FOR ECONOMIC GROWTH

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for transition benefits for military and civilian employees of the Department of Defense, assistance to communities and industries affected by the military drawdown, and for other expenses associated with reinvestment for economic growth as authorized in the Defense Conversion, Reinvestment, and Transition Assistance Act of 1992, in addition to amounts appropriated elsewhere in this Act for such purposes; $472,000,000, to remain available for obligation until September 30, 1994: *Provided,* That, of the funds appropriated under this heading, $80,000,000 may be transferred by the Secretary of Defense under established procedures to the Department of Commerce, Economic Development Administration only for programs which assist workers and communities affected by the military drawdown: *Provided further,* That, of the funds appropriated under this heading, $76,000,000 may be made available to the Secretary of Defense for the provision of temporary health transition assistance for military and civilian employees of the Department of Defense: *Provided further,* That, of the funds appropriated under this heading, $72,000,000 may be made available to the Secretary of Defense for Department of Defense civilian personnel transition initiatives: *Provided further,* That, of the funds appropriated under this heading, $65,000,000 may be made available to the Secretary of Defense for his efforts to provide training in the field of education for military and civilian employees of the Department of Defense to relieve shortages of elementary and secondary school teachers and teacher's aides: *Provided further,* That, of the funds appropriated under this heading, $20,000,000 may be made available to the Secretary of Defense for Defense environmental research, education, and retraining programs: *Provided further,* That, of the funds appropriated under this heading, $84,000,000 may be made available to the Secretary of Defense to support job training and employment and educational opportunities for members of the armed forces who are discharged or released from active duty: *Provided further,* That, of the funds appropriated under this heading, $75,000,000 may be made available to the Secretary of Defense for military service members occupational conversion and training: *Provided further,* That amounts made available under this heading, which the Director of the Office of Management and Budget would, upon review, classify as domestic discretionary spending for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be withheld from obligation until provision is made for alternative use of such funds in a subsequent appropriations Act: *Provided further,* That for the purposes of this paragraph, this Act shall be treated as having been enacted after the National Defense Authorization Act for Fiscal Year 1993 (regardless of the actual dates of enactment).

TITLE IX

GENERAL PROVISIONS

SEC. 9001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

10 USC 1584 note.

SEC. 9002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: *Provided,* That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: *Provided further,* That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: *Provided further,* That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of the Philippines or foreign national employees of the Department of Defense in the Republic of Turkey.

Government employees. Wages.

Philippines. Turkey.

SEC. 9003. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

SEC. 9004. No more than 20 per centum of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last two months of the fiscal year: *Provided,* That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps, or the National Board for the Promotion of Rifle Practice, Army.

10 USC 2241 note.

SEC. 9005. During the current fiscal year and hereafter, no part of any appropriation contained in this Act, except for small purchases covered by section 2304(g) of title 10, United States Code, shall be available for the procurement of any article or item of food, clothing, tents, tarpaulins, covers, cotton and other natural fiber products, woven silk or woven silk blends, spun silk yarn for cartridge cloth, synthetic fabric or coated synthetic fabric, canvas products, or wool (whether in the form of fiber or yarn or contained in fabrics, materials, or manufactured articles), or any item of individual equipment manufactured from or containing such fibers, yarns, fabrics, or materials, or specialty metals including stainless steel flatware, or hand or measuring tools, not grown, reprocessed, reused, or produced in the United States or its possessions, except to the extent that the Secretary of the Department concerned shall determine that satisfactory quality and sufficient quantity of any articles or items of food, individual equipment, tents, tarpaulins, covers, or clothing or any form of cotton or other natural fiber products, woven silk and woven silk blends, spun silk yarn for cartridge cloth, synthetic fabric or coated synthetic fabric, canvas products, wool, or specialty metals including stainless steel flatware, grown, reprocessed, reused, or produced in the United

States or its possessions cannot be procured as and when needed at United States market prices and except procurements outside the United States in support of combat operations, procurements by vessels in foreign waters, and emergency procurements or procurements of perishable foods by establishments located outside the United States for the personnel attached thereto: *Provided,* That nothing herein shall preclude the procurement of specialty metals or chemical warfare protective clothing produced outside the United States or its possessions when such procurement is necessary to comply with agreements with foreign governments requiring the United States to purchase supplies from foreign sources for the purposes of offsetting sales made by the United States Government or United States firms under approved programs serving defense requirements or where such procurement is necessary in furtherance of agreements with foreign governments in which both governments agree to remove barriers to purchases of supplies produced in the other country or services performed by sources of the other country, so long as such agreements with foreign governments comply, where applicable, with the requirements of section 36 of the Arms Export Control Act and with section 2457 of title 10, United States Code: *Provided further,* That nothing herein shall preclude the procurement of foods manufactured or processed in the United States or its possessions.

Commerce and trade.

(TRANSFER OF FUNDS)

SEC. 9006. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed $1,500,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided,* That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by Congress: *Provided further,* That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act.

(TRANSFER OF FUNDS)

SEC. 9007. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: *Provided,* That transfers may be made between such funds and the "Foreign Currency Fluctuations, Defense" and "Operation and Maintenance" appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations

may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 9008. (a) None of the funds available to the Department of Defense in this Act shall be used by the Secretary of a military department to purchase coal or coke from foreign nations for use at United States defense facilities in Europe when coal from the United States is available.

Germany.

(b) Using funds available by this Act or any other Act, the Secretary of the Air Force, pursuant to a determination under section 2690 of title 10, United States Code, may implement cost-effective agreements for required heating facility modernization in the Kaiserslautern Military Community in the Federal Republic of Germany: *Provided,* That in the City of Kaiserslautern such agreements will include the use of United States anthracite as the base load energy for municipal district heat to the United States Defense installations: *Provided further,* That at Landstuhl Army Regional Medical Center and Ramstein Air Base, furnished heat may be obtained from private, regional or municipal services, if provisions are included for the consideration of United States coal as an energy source.

SEC. 9009. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 calendar days in session in advance to the Committees on Appropriations and Armed Services of the Senate and House of Representatives.

SEC. 9010. No part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress.

SEC. 9011. None of the funds contained in this Act available for the Civilian Health and Medical Program of the Uniformed Services shall be available for payments to physicians and other authorized individual health care providers in excess of the amounts allowed in fiscal year 1992 for similar services, except that: (a) for services for which the Secretary of Defense determines an increase is justified by economic circumstances, the allowable amounts may be increased in accordance with appropriate economic index data similar to that used pursuant to title XVIII of the Social Security Act; and (b) for services the Secretary determines are overpriced based on allowable payments under title XVIII of the Social Security Act, the allowable amounts shall be reduced by not more than 15 percent (except that the reduction may be waived if the Secretary determines that it would impair adequate access to health care services for beneficiaries). The Secretary shall solicit public comment prior to promulgating regulations to implement this section. Such regulations shall include a limitation, similar to that used under title XVIII of the Social Security Act, on the extent to which a provider may bill a beneficiary an actual charge in excess of the allowable amount.

Regulations.

SEC. 9012. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 1995.

SEC. 9013. None of the funds provided in this Act shall be available to initiate (1) a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year of the contract or that includes an unfunded contingent liability in excess of $20,000,000, or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year, unless the Committees on Appropriations and Armed Services of the Senate and House of Representatives have been notified at least thirty days in advance of the proposed contract award: *Provided,* That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: *Provided further,* That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed $500,000,000 unless specifically provided in this Act: *Provided further,* That no multiyear procurement contract can be terminated without 10-day prior notification to the Committees on Appropriations and Armed Services of the House of Representatives and the Senate: *Provided further,* That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement.

Funds appropriated in title III of this Act may be used for multiyear procurement contracts as follows:

Defense Support Satellites 23, 24 and 25 and the Enhanced Modular Signal Processor.

(TRANSFER OF FUNDS)

SEC. 9014. None of the funds appropriated in this Act may be made available through transfer, reprogramming, or other means between the Central Intelligence Agency and the Department of Defense for any intelligence or special activity different from that previously justified to the Congress unless the Director of Central Intelligence or the Secretary of Defense has notified the House and Senate Appropriations Committees of the intent to make such funds available for such activity.

SEC. 9015. (a) None of the funds appropriated by this Act shall be available to convert a position in support of the Army Reserve, Air Force Reserve, Army National Guard, and Air National Guard occupied by, or programmed to be occupied by, a (civilian) military technician to a position to be held by a person in an active duty status or active Guard or Reserve status if that conversion would reduce the total number of positions occupied by, or programmed to be occupied by, (civilian) military technicians of the component concerned, below 70,363: *Provided,* That none of the funds appropriated by this Act shall be available to support more than 46,449 positions in support of the Army Reserve, Army National Guard, or Air National Guard occupied by, or programmed to be occupied by, persons in an active Guard or Reserve status: *Provided further,* That none of the funds appropriated by this Act may be used to include (civilian) military technicians in computing civilian personnel ceilings, including statutory or administratively imposed ceilings, on activities in support of the Army Reserve, Air Force Reserve, Army National Guard, or Air National Guard.

(b) None of the funds appropriated by this Act shall be used to include (civilian) military technicians in any administratively imposed freeze on civilian positions.

Indians.
Real property.

SEC. 9016. Notwithstanding any other provision of law, governments of Indian tribes shall be treated as State and local governments for the purposes of disposition of real property recommended for closure in the report of the Defense Secretary's Commission on Base Realignments and Closures, December 1988, the report to the President from the Defense Base Closure and Realignment Commission, July 1991, and Public Law 100–526.

SEC. 9017. (a) The provisions of section 115(a)(4) of title 10, United States Code, shall not apply with respect to fiscal year 1993 or with respect to the appropriation of funds for that year.

(b) During fiscal year 1993, 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.

(c) The fiscal year 1994 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 1994 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 1994.

SEC. 9017A. Notwithstanding any other provision of law, none of the funds made available by this Act shall be used by the Department of Defense to exceed, outside the fifty United States, its territories, and the District of Columbia, 131,250 civilian workyears: *Provided,* That workyears shall be applied as defined in the Federal Personnel Manual: *Provided further,* That workyears expended in dependent student hiring programs for disadvantaged youths shall not be included in this workyear limitation.

SEC. 9018. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 9019. None of the funds appropriated by this Act shall be obligated for the pay of any individual who is initially employed after the date of enactment of this Act as a technician in the administration and training of the Army Reserve and the maintenance and repair of supplies issued to the Army Reserve unless such individual is also a military member of the Army Reserve troop program unit that he or she is employed to support. Those technicians employed by the Army Reserve in areas other than Army Reserve troop program units need only be members of the Selected Reserve.

SEC. 9020. None of the funds available to the Department of Defense may be used for the floating storage of petroleum or petroleum products except in vessels of or belonging to the United States.

10 USC 401 note.

SEC. 9021. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized

Reports.

operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported to Congress on September 30 of each year: *Provided,* That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99–239: *Provided further,* That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

Pacific Islands. Micronesia.

Territories.

SEC. 9022. Notwithstanding any other provision of law, the Secretaries of the Army and Air Force may authorize the retention in an active status until age sixty of any officer who would otherwise be removed from an active status and who is employed as a National Guard or Reserve technician in a position in which active status in a reserve component of the Army or Air Force is required as a condition of that employment.

Armed Forces reserves.

SEC. 9023. Notwithstanding any other provision of law, the Army Central Hospital Fund, a Non Appropriated Fund Instrumentality, shall be terminated upon enactment of this Act. All residual funds will, on that date, be transferred to an appropriated trust fund established by the Secretary of the Army for the operation and maintenance of "Fisher Houses" located in proximity to Army Medical Treatment Facilities. The Secretary shall promulgate regulations governing the expenditure and accountability of these funds.

Termination date.

Regulations.

SEC. 9024. (a) None of the funds appropriated by this Act shall be used to make contributions to the Department of Defense Education Benefits Fund pursuant to section 2006(g) of title 10, United States Code, representing the normal cost for future benefits under section 1415(c) of title 38, United States Code, for any member of the armed services who, on or after the date of enactment of this Act—

(1) enlists in the armed services for a period of active duty of less than three years; or

(2) receives an enlistment bonus under section 308a or 308f of title 37, United States Code,

nor shall any amounts representing the normal cost of such future benefits be transferred from the Fund by the Secretary of the Treasury to the Secretary of Veterans Affairs pursuant to section 2006(d) of title 10, United States Code; nor shall the Secretary of Veterans Affairs pay such benefits to any such member: *Provided,* That, in the case of a member covered by clause (1), these limitations shall not apply to members in combat arms skills or to members who enlist in the armed services on or after July 1, 1989, under a program continued or established by the Secretary of Defense in fiscal year 1991 to test the cost-effective use of special recruiting incentives involving not more than nineteen noncombat arms skills approved in advance by the Secretary of Defense: *Provided further,* That this subsection applies only to active components of the Army.

(b) None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: *Provided,* That this subsection shall not apply to those members who have reenlisted with this option prior to October 1, 1987: *Provided further,* That this subsection applies only to active components of the Army.

SEC. 9025. Funds appropriated in this Act shall be available for the payment of not more than 75 percent of the charges of a postsecondary educational institution for the tuition or expenses of an officer in the Ready Reserve of the Army National Guard or Army Reserve for education or training during his off-duty periods, except that no part of the charges may be paid unless the officer agrees to remain a member of the Ready Reserve for at least four years after completion of such training or education.

SEC. 9026. None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of enactment of this Act, is performed by more than ten Department of Defense civilian employees until a most efficient and cost-effective organization analysis is completed on such activity or function and certification of the analysis is made to the Committees on Appropriations of the House of Representatives and the Senate: *Provided,* That this section shall not apply to a commercial or industrial type function of the Department of Defense that: (1) is included on the procurement list established pursuant to section 2 of the Act of June 25, 1938 (41 U.S.C. 47), popularly referred to as the Javits-Wagner-O'Day Act; (2) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or (3) is planned to be converted to performance by a qualified firm under 51 percent Native American ownership.

SEC. 9027. None of the funds available to the Department of Defense shall be available to award a competitive procurement contract for any round of 120mm mortar ammunition unless such round has successfully passed first article acceptance testing and has a validated level III technical data package which supports such competitive procurement: *Provided,* That none of the funds appropriated in this Act to the Department of the Army may be obligated for procurement of 120mm mortars or 120mm mortar ammunition manufactured outside of the United States.

SEC. 9027A. Notwithstanding any other provision of law, none of the funds appropriated in this Act may be used to purchase, install, replace, or otherwise repair any lock on a safe or security container which protects information critical to national security or any other classified materials and which has not been certified as passing the security lock specifications contained in regulation FF–L–2740 dated October 12, 1989, and has not passed all testing criteria and procedures established through February 28, 1992.

SEC. 9028. None of the funds appropriated or made available by this Act may be obligated for acquisition of major automated information systems which have not successfully completed oversight reviews required by Defense Department regulations: *Pro-*

vided, That none of the funds appropriated or made available by this Act may be obligated on Composite Health Care System acquisition contracts if such contracts would cause the total life cycle cost estimate of $1,600,000,000 expressed in fiscal year 1986 constant dollars to be exceeded.

SEC. 9029. None of the funds provided by this Act may be used to pay the salaries of any person or persons who authorize the transfer of unobligated and deobligated appropriations into the Reserve for Contingencies of the Central Intelligence Agency.

SEC. 9030. Funds appropriated by this Act for construction projects of the Central Intelligence Agency, which are transferred to another Agency for execution, shall remain available until expended.

SEC. 9031. Notwithstanding any other provision of law, the Secretary of the Navy may use funds appropriated to charter ships to be used as auxiliary minesweepers providing that the owner agrees that these ships may be activated as Navy Reserve ships with Navy Reserve crews used in training exercises conducted in accordance with law and policies governing Naval Reserve forces: *Provided,* That none of the funds appropriated or made available in this Act may be used to inactivate, disestablish, or discontinue the Navy's Craft of Opportunity Program. State listing.

SEC. 9032. Notwithstanding any other provision of law, the Department shall competitively award contracts for the geographical expansion of the CHAMPUS Reform Initiative in Florida (which may include Department of Veterans Affairs medical facilities with the concurrence of the Secretary of Veterans Affairs), Washington, Oregon, and the Alexandria, Louisiana (England Air Force Base) Forth Worth, Texas (Carswell Air Force Base) and Austin, Texas (Bergstrom Air Force Base) regions: *Provided further,* That none of the funds appropriated, or otherwise made available to the Department of Defense, by this or any other Act of Congress, shall be used to implement or administer a health care delivery management program for Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) eligible beneficiaries in California, Florida, Hawaii, Oregon, Washington, New Orleans, and the Alexandria, Louisiana (England Air Force Base) Forth Worth, Texas (Carswell Air Force Base) and Austin, Texas (Bergstrom Air Force Base) regions, unless the scope of benefits and program management structure preserve the basic design in operation that provided on October 1, 1991, under the California and Hawaii CHAMPUS Reform Initiative Demonstration Program: *Provided further,* That no funds may be used to implement or otherwise administer a health care delivery management program that restricts access to military treatment facilities or otherwise reduces the health care benefits of eligible beneficiaries who choose not to enroll in that program: *Provided further,* That no provision of this or any other Act shall be interpreted as granting authority under title 10, United States Code, section 2304(c)(5) to contract with CHAMPUS fiscal intermediaries (FI), without soliciting competitive, at-risk proposals for health care services, for the purpose of giving them more responsibility for implementing or otherwise administering a health care delivery management program: *Provided further,* That this restriction shall not apply to the current FI contracts for the Tidewater area of Virginia and the Southeastern CHAMPUS Region: *Provided further,* That this restriction shall not apply to FI contracts at base closure and realignment sites,

Contracts.

except in the Northern CHAMPUS Region, if the contracts are expiring within 18 months: *Provided further,* That within thirty days following enactment of this Act, the Department shall take action to amend the contract award under solicitation number MDA 903–90–R–0027 or release a competitive solicitation for a new contract to begin providing services in Alexandria, Louisiana, and the regions of Fort Worth and Austin, Texas, by May 1, 1993: *Provided further,* That Solicitation Number MDA 906–91–R–0002 be amended to conform with this provision of law and shall provide for no less than a six-month transition period: *Provided further,* That the preemption provisions of section 1103(a) of title 10, United States Code, shall not be limited to contractual provisions relating to coverage of benefits, but shall apply to all contracts entered into pursuant to this general provision and Solicitation Number MDA 906–92–R–0004 and shall preempt any and all State and local laws and regulations which relate to health insurance or

Contracts.

health care plans: *Provided further,* That the Department of Defense shall enter into participation agreements with the Uniformed Services Treatment facilities implementing the managed care program mandated under section 718(c) of the National Defense Authorization Act for fiscal year 1991 (Public Law 101–510; 104 Stat. 1587) which provides for such service delivery under such program beginning no later than October 1, 1993.

SEC. 9033. Funds appropriated or made available in this Act shall be obligated and expended to continue to fully utilize the facilities at the United States Army Engineer's Waterways Experiment Station, including the continued availability of the supercomputer capability: *Provided,* That none of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the Armed Services and Appropriations Committees of Congress that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

SEC. 9034. None of the funds provided in this Act shall be available for use by a Military Department to modify an aircraft, weapon, ship or other item of equipment, that the Military Department concerned plans to retire or otherwise dispose of within five years after completion of the modification: *Provided,* That this prohibition shall not apply to safety modifications: *Provided further,* That this prohibition may be waived by the Secretary of a Military Department if the Secretary determines it is in the best national security interest of the country to provide such waiver and so notifies the congressional defense committees in writing: *Provided further,* That during the current fiscal year and the following fiscal year, additional obligations may be incurred under fiscal year 1990 procurement appropriations for the installation of equipment when obligations were incurred during the period of availability of such appropriations for the procurement of such equipment but obligations for the installation of such equipment were not able to be incurred before the expiration of the period of availability of such appropriations.

SEC. 9035. For the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177) as amended by the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987 (Public Law 100–119) and by the Budget Enforcement Act of 1990 (Public Law 101–508), the term program, project,

and activity for appropriations contained in this Act shall be defined as the most specific level of budget items identified in the Department of Defense Appropriations Act, 1993, the accompanying House and Senate Committee reports, the conference report and accompanying joint explanatory statement of the managers of the Committee of Conference, the related classified annexes, and the P–1 and R–1 budget justification documents as subsequently modified by Congressional action: *Provided,* That the following exception to the above definition shall apply:

For the Military Personnel and the Operation and Maintenance accounts, the term "program, project, and activity" is defined as the appropriations accounts contained in the Department of Defense Appropriations Act: *Provided further,* That at the time the President submits his budget for fiscal year 1994, the Department of Defense shall transmit to the Committees on Appropriations and the Committees on Armed Services of the Senate and the House of Representatives a budget justification document to be known as the "O–1" which shall identify, at the budget activity, activity group, and subactivity group level, the amounts requested by the President to be appropriated to the Department of Defense for operation and maintenance in any budget request, or amended budget request, for fiscal year 1994.

SEC. 9036. Of the funds appropriated to the Army, $230,700,000 shall be available only for the Reserve Component Automation System (RCAS): *Provided*, That none of these funds can be expended—

(1) except as approved by the Chief of the National Guard Bureau;

(2) unless RCAS resource management functions are performed by the National Guard Bureau;

(3) to pay the salary of an RCAS program manager who has not been selected and approved by the Chief of the National Guard Bureau and chartered by the Chief of the National Guard Bureau and the Secretary of the Army;

(4) unless the Program Manager (PM) charter makes the PM accountable to the Chief of the National Guard Bureau and fully defines his authority, responsibility, reporting channels and organizational structure;

(5) to pay the salaries of individuals assigned to the RCAS program management office unless such organization is comprised of personnel chosen jointly by the Chiefs of the National Guard Bureau and the Army Reserve;

(6) to pay contracted costs for the acquisition of RCAS unless RCAS is an integrated system consisting of software, hardware, and communications equipment and unless such contract continues to preclude the use of Government furnished equipment, operating systems, and executive and applications software; and

(7) unless RCAS performs its own classified information processing.

SEC. 9036A. None of the funds appropriated or otherwise made available by this Act may be obligated or expended for development or procurement of any automated Computer Aided Logistics system unless specific approval for such system is provided in writing to the Committees on Appropriations and Armed Services of the House and Senate by the Assistant Secretary of Defense for Production and Logistics at least 30 days prior to any contract solicitation.

SEC. 9037. None of the funds provided for the Department of Defense in this Act may be obligated or expended for fixed price-type contracts in excess of $10,000,000 for the development of a major system or subsystem unless the Under Secretary of Defense for Acquisition determines, in writing, that program risk has been reduced to the extent that realistic pricing can occur, and that the contract type permits an equitable and sensible allocation of program risk between the contracting parties: *Provided,* That the Under Secretary may not delegate this authority to any persons who hold a position in the Office of the Secretary of Defense below the level of Assistant Secretary of Defense: *Provided further,* That at least thirty days before making a determination under this section the Secretary of Defense will notify the Committees on Appropriations of the Senate and House of Representatives in writing of his intention to authorize such a fixed price-type developmental contract and shall include in the notice an explanation of the reasons for the determination.

SEC. 9038. Monetary limitations on the purchase price of a passenger motor vehicle shall not apply to vehicles purchased for intelligence activities conducted pursuant to Executive Order 12333 or successor orders.

SEC. 9039. Not to exceed $20,000,000 of the funds available to the Department of the Army during the current fiscal year may be used to fund the construction of classified military projects within the Continental United States, including design, architecture, and engineering services.

SEC. 9040. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: *Provided,* That for the purpose of this section manufactured will include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): *Provided further,* That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: *Provided further,* That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 9040A. The Secretary of Defense shall take such action as necessary to assure that a minimum of 75 percent of the coal and petroleum pitch carbon fiber requirement be procured from domestic sources by 1994.

(TRANSFER OF FUNDS)

SEC. 9041. Notwithstanding any other provision of law, the Department of Defense may transfer prior year unobligated balances and funds appropriated in this Act to the operation and maintenance appropriations for the purpose of providing military

technician and Department of Defense medical personnel pay and medical programs (including CHAMPUS) the same exemption from sequestration set forth in the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177) as amended by the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987 (Public Law 100–119) and by the Budget Enforcement Act of 1990 (Public Law 101–508) as that granted the other military personnel accounts: *Provided,* That any transfer made pursuant to any use of the authority provided by this provision shall be limited so that the amounts reprogrammed to the operation and maintenance appropriations do not exceed the amounts sequestered under the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177) as amended by the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987 (Public Law 100–119) and by the Budget Enforcement Act of 1990 (Public Law 101–508): *Provided further,* That the authority to make transfers pursuant to this section is in addition to the authority to make transfers under other provisions of this Act: *Provided further,* That the Secretary of Defense may proceed with such transfer after notifying the Appropriations Committees of the House of Representatives and the Senate twenty calendar days in session before any such transfer of funds under this provision.

SEC. 9041A. (a) Of the amounts available to the Department of Defense for fiscal year 1993, not less than $10,000,000 shall be available for National Defense Science and Engineering Graduate Fellowships to be awarded on a competitive basis by the Secretary of Defense to United States citizens or nationals pursuing advanced degrees in fields of primary concern and interest to the Department.

(b) Fellowships awarded pursuant to subsection (a) above shall not be restricted on the basis of the geographical locations in the United States of the institutions at which the recipients are pursuing the aforementioned advanced degrees.

(c) Not less than 50 per centum of the funds necessary to carry out this section shall be derived from the amounts available for the University Research Initiatives Program in "Research, Development, Test and Evaluation, Defense Agencies", and the balance necessary shall be derived from amounts available for Defense Research Sciences under title IV of this Act.

SEC. 9042. None of the funds available to the Department of the Navy may be used to enter into any contract for the overhaul, repair, or maintenance of any naval vessel homeported on the West Coast of the United States which includes charges for interport differential as an evaluation factor for award.

SEC. 9043. None of the funds appropriated by this Act available for the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) shall be available for the reimbursement of any health care provider for inpatient mental health service for care received when a patient is referred to a provider of inpatient mental health care or residential treatment care by a medical or health care professional having an economic interest in the facility to which the patient is referred: *Provided,* That this limitation does not apply in the case of inpatient mental health services provided under the program for the handicapped under subsection (d) of section 1079 of title 10, United States Code, provided as partial hospital care, or provided pursuant to a waiver authorized by the Secretary of Defense because of medical or psychological circumstances of the patient that are confirmed by a health profes-

sional who is not a Federal employee after a review, pursuant to rules prescribed by the Secretary, which takes into account the appropriate level of care for the patient, the intensity of services required by the patient, and the availability of that care.

Computer technology.

SEC. 9044. The designs of the Army Comanche Helicopter, the Navy A–X Aircraft, the Air Force Advanced Tactical Fighter, and any variants of these aircraft, must incorporate Joint Integrated Avionics Working Group standard avionics specifications and must fully comply with all DOD regulations requiring the use of the Ada computer programming language no later than 1998: *Provided,* That all new Department of Defense procurements shall separately identify software costs in the work breakdown structure defined by MIL–STD–881 in those instances where software is considered to be a major category of cost.

SEC. 9045. Of the funds appropriated, reimbursable expenses incurred by the Department of Defense on behalf of the Soviet Union or its successor entities in monitoring United States implementation of the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range or Shorter-Range Missiles ("INF Treaty"), concluded December 8, 1987, may be treated as orders received and obligation authority for the applicable appropriation, account, or fund increased accordingly. Likewise, any reimbursements received for such costs may be credited to the same appropriation, account, or fund to which the expenses were charged: *Provided,* That reimbursements which are not received within one hundred and eighty days after submission of an appropriate request for payment shall be subject to interest at the current rate established pursuant to section 2(b)(1)(B) of the Export-Import Bank Act of 1945 (59 Stat. 526). Interest shall begin to accrue on the one hundred and eighty-first day following submission of an appropriate request for payment: *Provided further,* That funds appropriated in this Act may be used to reimburse United States military personnel for reasonable costs of subsistence, at rates to be determined by the Secretary of Defense, incurred while accompanying Soviet Inspection Team members or inspection team members of the successor entities of the Soviet Union engaged in activities related to the INF Treaty: *Provided further,* That this provision includes only the in-country period (referred to in the INF Treaty) and is effective whether such duty is performed at, near, or away from an individual's permanent duty station.

Prisoners of war. Missing in action.

SEC. 9046. Funds available in this Act may be used to provide transportation for the next-of-kin of individuals who have been prisoners of war or missing in action from the Vietnam era to an annual meeting in the United States, under such regulations as the Secretary of Defense may prescribe.

Reports.

SEC. 9047. None of the funds available to the Department of Defense or Navy shall be obligated or expended to (1) implement Automatic Data Processing, Data Processing Installation, Central Design Activity, or Information Technology Facility consolidation plans, or (2) to make reductions in force or transfers in personnel, end strengths, billets, functions, or missions that affect the Naval Computer and Telecommunications Stations, the Enlisted Personnel Management Center, and the Naval Reserve Personnel Center and related missions, functions and commands, except in the National Capital Region, until sixty legislative days after the Secretary of Defense submits a report, including complete review comments

and a certification, by the General Accounting Office, to the Committees on Appropriations of the House and Senate justifying any consolidations or reductions in force or transfers in personnel, end strengths, billets, and functions in terms of: (1) addressing the overall mission, functions, and operations staffing of all active and reserve Naval and Department of Defense Automatic Data Processing, Information Technology Facilities, Central Design Activities, all active and reserve Naval personnel functions, commands and field activities, and the establishment, as part of DMRD 918, of a Data Processing Installation and Central Design Activity megacenter, including reserve functions, at the Naval Computer and Telecommunications Station, New Orleans; and (2) certifying that any consolidation plans, new operations or reductions in force or transfers in personnel, end strengths, billets, functions, or missions: (a) do not duplicate functions presently conducted, do not adversely impact, in terms of reductions in force or transfers in personnel, end strength, billets, functions, or missions, the Naval Computer and Telecommunications Station, New Orleans, the Enlisted Personnel Management Center, or the Naval Reserve Personnel Center, do not consolidate or transfer Department of Defense or Service Data Processing Installations, Central Design Activities, or Information Technology Facilities, or claim savings, that are in more than one defense management report plan; (b) are the most cost effective from a budgetary standpoint; (c) will not adversely affect the mission, readiness and strategic considerations of the Navy and the Naval Reserve, and will not adversely impact on the quality of life and economic benefits of the individual serviceman, dependents, and civilian personnel or have an adverse economic impact on a metropolitan region.

10 USC 2687 note.

SEC. 9047A. Notwithstanding any other provision of law, the Secretary of Defense may, by Executive Agreement, establish with host nation governments in NATO member states a separate account into which such residual value amounts negotiated in the return of United States military installations in NATO member states may be deposited, in the currency of the host nation, in lieu of direct monetary transfers to the United States Treasury: *Provided,* That such credits may be utilized only for the construction of facilities to support United States military forces in that host nation, or such real property maintenance and base operating costs that are currently executed through monetary transfers to such host nations: *Provided further,* That the Department of Defense's budget submission for each fiscal year shall identify such sums anticipated in residual value settlements, and identify such construction, real property maintenance or base operating costs that shall be funded by the host nation through such credits: *Provided further,* That all military construction projects to be executed from such accounts must be previously approved in a prior Act of Congress: *Provided further,* That each such Executive Agreement with a NATO member host nation shall be reported to the Committees on Appropriations and Armed Services of the House of Representatives and the Senate thirty days prior to the conclusion and endorsement of any such agreement established under this provision.

Reports.

SEC. 9048. No funds appropriated by this Act may be obligated or expended to prepare, or to assist any contractor of the Department of Defense in preparing, any material, report, list, or analysis with respect to the actual or projected economic or employment

impact in a particular State or congressional district of an acquisition program for which all research, development, testing and evaluation has not been completed.

SEC. 9049. All obligations incurred in anticipation of the appropriations and authority provided in this Act are hereby ratified and confirmed if otherwise in accordance with the provisions of this Act.

SEC. 9050. None of the funds appropriated by this Act shall be available for a contract for studies, analyses, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines:

(1) as a result of thorough technical evaluation, only one source is found fully qualified to perform the proposed work, or

(2) the purpose of the contract is to explore an unsolicited proposal which offers significant scientific or technological promise, represents the product of original thinking, and was submitted in confidence by one source, or

(3) the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support:

Provided, That this limitation shall not apply to contracts in an amount of less than $25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

SEC. 9051. None of the funds available to the Department of Defense in this Act shall be used to demilitarize or dispose of more than 310,784 unserviceable M1 Garand rifles and M1 Carbines.

SEC. 9052. Notwithstanding any other provision of law, none of the funds appropriated by this Act shall be available to pay more than 50 percent of an amount paid to any person under section 308 of title 37, United States Code, in a lump sum.

SEC. 9053. None of the funds appropriated by this Act may be used by the Department of Defense to assign a supervisor's title or grade when the number of people he or she supervises is considered as a basis for this determination: *Provided,* That savings that result from this provision are represented as such in future budget proposals.

SEC. 9054. None of the funds appropriated by this or any other Act with respect to any fiscal year for the Navy may be used to carry out an electromagnetic pulse program in the Chesapeake Bay area in connection with the Electromagnetic Pulse Radiation Environment Simulator for Ships (EMPRESS II) program unless or until the Secretary of Defense certifies to the Congress that conduct of the EMPRESS II program is essential to the national security of the United States and to achieving requisite military capability for United States naval vessels, and that the economic, environmental, and social costs to the United States of conducting the EMPRESS II program in the Chesapeake Bay area are far less than the economic, environmental, and social costs caused by conducting the EMPRESS II program elsewhere.

SEC. 9055. Of the funds appropriated by this Act, no more than $18,500,000 shall be available for the mental health care demonstration project at Fort Bragg, North Carolina: *Provided,* That adjustments may be made for normal and reasonable price and program growth.

SEC. 9056. None of the funds appropriated by this Act may be used to pay health care providers under the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) for services determined under the CHAMPUS Peer Review Organization (PRO) Program to be not medically or psychologically necessary. The Secretary of Defense may by regulation adopt any quality and utilization review requirements and procedures in effect for the Peer Review Organization Program under title XVIII of the Social Security Act (Medicare) that the Secretary determines necessary, and may adapt the Medicare requirements and procedures to the circumstances of the CHAMPUS PRO Program as the Secretary determines appropriate.

SEC. 9057. Such sums as may be necessary for fiscal year 1993 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act. Wages.

SEC. 9058. None of the funds appropriated by this Act shall be available for payments under the Department of Defense contract with the Louisiana State University Medical Center involving the use of cats for Brain Missile Wound Research, and the Department of Defense shall not make payments under such contract from funds obligated prior to the date of the enactment of this Act, except as necessary for costs incurred by the contractor prior to the enactment of this Act, and until thirty legislative days after the final General Accounting Office report on the aforesaid contract is submitted for review to the Committees on Appropriations of the House of Representatives and the Senate: *Provided,* That funds necessary for the care of animals covered by this contract are allowed. Animals. Reports. Medical research.

SEC. 9059. None of the funds provided in this Act or any other Act shall be available to conduct bone trauma research at the Letterman Army Institute of Research until the Secretary of the Army certifies that the synthetic compound to be used in the experiments is of such a type that its use will result in a significant medical finding, the research has military application, the research will be conducted in accordance with the standards set by an animal care and use committee, and the research does not duplicate research already conducted by a manufacturer or any other research organization.

SEC. 9060. The Secretary of Defense shall include in any base closure and realignment plan submitted to Congress after the date of enactment of this Act, a complete review for the five-year period beginning on October 1, 1992, which shall include expected force structure and levels for such period, expected installation requirements for such period, a budget plan for such period, the cost savings expected to be realized through realignments and closures of military installations during such period, an economics model to identify the critical local economic sectors affected by proposed closures and realignments of military installations and an assessment of the economic impact in each area in which a military installation is to be realigned or closed. 10 USC 2687 note.

SEC. 9061. No more than $50,000 of the funds appropriated or made available in this Act shall be used for any single relocation

of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: *Provided,* That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and Senate that such a relocation is required in the best interest of the Government: *Provided further,* That no funds appropriated or made available in this Act shall be used for the relocation into the National Capital Region of the Air Force Office of Medical Support located at Brooks Air Force Base.

Contracts. Labor.

SEC. 9061A. Notwithstanding any other provision of law, each contract awarded by the Department of Defense in fiscal year 1993 for construction or service performed in whole or in part in a State which is not contiguous with another State and has an unemployment rate in excess of the national average rate of unemployment as determined by the Secretary of Labor shall include a provision requiring the contractor to employ, for the purpose of performing that portion of the contract in such State that is not contiguous with another State, individuals who are residents of such State and who, in the case of any craft or trade, possess or would be able to acquire promptly the necessary skills: *Provided,* That the Secretary of Defense may waive the requirements of this section in the interest of national security.

SEC. 9062. The Secretary of Defense shall ensure that at least 50 percent of the Joint Service Missile Mission is in place at Letterkenny Army Depot by the time Systems Integration Management Activity and Depot Systems Command are scheduled to relocate to Rock Island Arsenal, Illinois. This provision is in no way intended to affect the move of the 2.5- and 5-ton truck maintenance mission from Letterkenny Army Depot to Tooele Army Depot.

SEC. 9062A. Notwithstanding any other provision of law, of the funds made available by this Act to the Department of the Navy, $500,000, to remain available until September 30, 1993, shall be available only for the expenses of the Kahoolawe Island Commission which is hereby authorized to delay until March 31, 1993, the submission of its final report: *Provided,* That the Secretary of the Navy shall provide the Commission such assistance and facilities as may be necessary to carry out its proceedings.

SEC. 9063. None of the funds appropriated in this Act shall be used to produce more than two-thirds of the liquid gas requirements in-house at Andersen Air Force Base on Guam. At least one-third of Andersen Air Force Base's liquid gas requirements shall be met by acquiring liquid gas from commercial sources on Guam.

SEC. 9064. During the current fiscal year, funds appropriated or otherwise available for any Federal agency, the Congress, the judicial branch, or the District of Columbia may be used for the pay, allowances, and benefits of an employee as defined by section 2105 of title 5 or an individual employed by the government of the District of Columbia, permanent or temporary indefinite, who—

(1) is a member of a Reserve component of the armed forces, as described in section 261 of title 10, or the National Guard, as described in section 101 of title 32;

(2) performs, for the purpose of providing military aid to enforce the law or providing assistance to civil authorities in the protection or saving of life or property or prevention of injury—

(A) Federal service under section 331, 332, 333, 3500, or 8500 of title 10, or other provision of law, as applicable, or

(B) full-time military service for his State, the District of Columbia, the Commonwealth of Puerto Rico, or a territory of the United States; and

(3) requests and is granted—

(A) leave under the authority of this section; or

(B) annual leave, which may be granted without regard to the provisions of sections 5519 and 6323(b) of title 5, if such employee is otherwise entitled to such annual leave:

Provided, That any employee who requests leave under subsection (3)(A) for service described in subsection (2) of this section is entitled to such leave, subject to the provisions of this section and of the last sentence of section 6323(b) of title 5, and such leave shall be considered leave under section 6323(b) of title 5. Government employees.

SEC. 9065. None of the funds appropriated by this Act shall be available to perform any cost study pursuant to the provisions of OMB Circular A–76 if the study being performed exceeds a period of twenty-four months after initiation of such study with respect to a single function activity or forty-eight months after initiation of such study for a multi-function activity.

SEC. 9066. None of the funds appropriated by this Act shall be used to begin closing a military treatment facility unless the Secretary of Defense notifies the Committees on Appropriations of the House of Representatives and the Senate ninety days prior to such action.

SEC. 9067. Funds appropriated by this Act for the American Forces Information Service shall not be used for any national or international political or psychological activities.

SEC. 9068. None of the unobligated balances available in the National Defense Stockpile Transaction Fund during the current fiscal year may be obligated or expended to finance any grant or contract to conduct research, development, test and evaluation activities for the development or production of advanced materials, unless amounts for such purposes are specifically appropriated in a subsequent appropriations Act.

SEC. 9069. (a) As stated in section 3(5)(A) of the Export Administration Act of 1979 (50 U.S.C. App. 2402(5)(A)), it is the policy of the United States to oppose restrictive trade practices or boycotts fostered or imposed by foreign countries against other countries friendly to the United States or against any other United States person.

(b)(1) Consistent with the policy referred to in subsection (a), no Department of Defense prime contract in excess of the small purchase threshold, as defined in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11)), may be awarded to a foreign person, company, or entity unless that person, company, or entity certifies to the Secretary of Defense that it does not comply with the secondary Arab boycott of Israel.

(2) The Secretary of Defense may waive the prohibition in paragraph (1) in specific instances when the Secretary determines that the waiver is necessary in the national security interests of the United States. Within 15 days after the end of each calendar quarter, the Secretary shall submit to Congress a report identifying each contract for which a waiver was granted under this paragraph during such quarter. Reports.

(3) This provision does not apply to contracts for consumable supplies, provisions or services intended to be executed for the support of the United States or of allied forces in a foreign country, nor does it apply to contracts pertaining to any equipment, technology, data, or services for intelligence or classified purposes, or the acquisition or lease thereof by the United States Government in the interests of national security.

Computer technology.
10 USC 113 note.

SEC. 9070. Notwithstanding any other provision of law, where cost effective, all Department of Defense software shall be written in the programming language Ada, in the absence of special exemption by an official designated by the Secretary of Defense.

SEC. 9071. Notwithstanding any other provision of law or regulation, the Secretary of Defense may adjust wage rates for civilian employees hired for certain health care occupations as authorized for the Secretary of Veterans Affairs by section 4107(g) of title 38, United States Code as in existence on October 1, 1990.

SEC. 9072. None of the funds available to the Department of Defense shall be used for the training or utilization of psychologists in the prescription of drugs, except pursuant to the findings and recommendations of the Army Surgeon General's Blue Ribbon Panel as specified in its February and August 1990 meeting minutes.

SEC. 9073. During the current fiscal year, none of the funds appropriated in this Act may be used to reduce the military or civilian medical and medical support personnel end strength at a base undergoing a partial closure or realignment, where more than one joint command is located, below the September 30, 1991 level.

SEC. 9074. Of the funds made available in this Act, not less than $10,596,000 shall be available for the Civil Air Patrol, of which $4,471,000 shall be available for Operation and Maintenance.

SEC. 9075. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 815th Tactical Airlift Squadron of the Air Force Reserve, if such action would reduce the WC–130 Weather Reconnaissance mission below the levels funded in this Act.

SEC. 9076. During the current fiscal year, withdrawal credits may be made by the Defense Business Operations Fund to the credit of current applicable appropriations of an activity of the Department of Defense in connection with the acquisition by that activity of supplies that are repairable components which are repairable at a repair depot and that are capitalized into the Defense Business Operations Fund as the result of management changes concerning depot level repairable assets charged to an activity of the Department of Defense which is a customer of the Defense Business Operations Fund that became effective on April 1, 1992.

SEC. 9077. (a) Of the funds for the procurement of supplies or services appropriated by this Act, qualified nonprofit agencies for the blind or other severely handicapped shall be afforded the maximum practicable opportunity to participate as subcontractors and suppliers in the performance of contracts let by the Department of Defense.

Small businesses.
Contracts.

(b) During the current fiscal year, a business concern which has negotiated with a military service or defense agency a subcontracting plan for the participation by small business concerns pursuant to section 8(d) of the Small Business Act (15 U.S.C. 637(d)) shall be given credit toward meeting that subcontracting

goal for any purchases made from qualified nonprofit agencies for the blind or other severely handicapped.

(c) For the purpose of this section, the phrase "qualified nonprofit agency for the blind or other severely handicapped" means a nonprofit agency for the blind or other severely handicapped that has been approved by the Committee for the Purchase from the Blind and Other Severely Handicapped under the Javits-Wagner-O'Day Act (41 U.S.C. 46–48).

Establishment.
21 USC 873 note.

SEC. 9078. There is established, under the direction and control of the Attorney General, the National Drug Intelligence Center, whose mission it shall be to coordinate and consolidate drug intelligence from all national security and law enforcement agencies, and produce information regarding the structure, membership, finances, communications, and activities of drug trafficking organizations: *Provided,* That funding for the operation of the National Drug Intelligence Center, including personnel costs associated therewith, shall be provided from the funds appropriated to the Department of Defense for drug interdiction and counter-drug activities: *Provided further,* That of the funds so appropriated for the fiscal year beginning October 1, 1991, $20,000,000 available for the National Drug Intelligence Center may be available to the Secretary of Defense to reimburse the Department of Justice for support provided to the National Drug Intelligence Center: *Provided further,* That section 8083 of the Department of Defense Appropriations Act, 1992 (Public Law 102–172) is amended by striking out "available only for" and inserting "available until expended only for" in lieu thereof.

105 Stat. 1191.

SEC. 9078A. None of the funds made available by this Act shall be available for any Military Department of the United States to conduct bombing training, gunnery training, or similar munitions delivery training on the parcel of land known as Kahoolawe Island, Hawaii.

SEC. 9079. During the current fiscal year, the Navy may provide notice to exercise options under the LEASAT program for the next fiscal year, in accordance with the terms of the Aide Memoire, dated January 5, 1981, as amended by the Aide Memoire dated April 30, 1986, and as implemented in the LEASAT contract.

SEC. 9080. Section 8090 of the Department of Defense Appropriations Act, 1992 (Public Law 102–172) is amended by deleting subsections (c), (d), and (e).

105 Stat. 1193.

SEC. 9080A. None of the funds available to the Department of Defense during the current fiscal year may be obligated or expended to develop for aircraft or helicopter weapons systems an airborne instrumentation system for flight test data acquisition other than the Common Airborne Instrumentation System under development in the Central Test and Evaluation Investment Development program element funded in the "Developmental Test and Evaluation, Defense" appropriations account.

SEC. 9081. During the current fiscal year, net receipts pursuant to collections from third party payers pursuant to section 1095 of title 10, United States Code, shall be made available to the local facility of the uniformed services responsible for the collections and shall be over and above the facility's direct budget amount.

SEC. 9082. None of the funds in this Act shall be obligated for the procurement of Multibeam Sonar Mapping Systems not manufactured in the United States: *Provided,* That the Secretary of the military department responsible for such procurement may

waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 9082A. Notwithstanding any other provision of law, the Department of Defense is hereby authorized to develop and procure the LANDSAT 7 vehicle.

SEC. 9083. None of the funds appropriated in this Act may be used to fill the commander's position at any military medical facility with a health care professional unless the prospective candidate can demonstrate professional administrative skills.

SEC. 9084. Of the funds appropriated by this Act for the Defense Health Program, notwithstanding any other provision of law, the amount payable for services provided under this section shall not be less than the amount calculated under the coordination of benefits reimbursement formula utilized when CHAMPUS is a secondary payor to medical insurance programs other than Medicare, and $20,000,000 shall be available (notwithstanding the last sentence of section 1086(c) of title 10, United States Code) to continue Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) benefits, until age 65, under such section for a former member of a uniformed service who is entitled to retired or retainer pay or equivalent pay, or a dependent of such a member, who becomes eligible for hospital insurance benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) solely on the grounds of physical disability: *Provided,* That expenses under this section shall only be covered to the extent that such expenses are not covered under parts A and B of title XVIII of the Social Security Act and are otherwise covered under CHAMPUS: *Provided further,* That no reimbursement shall be made for services provided prior to October 1, 1991.

SEC. 9085. During the current fiscal year, the Secretary of Defense may accept burdensharing contributions in the form of money from Japan, the Republic of Korea, and the State of Kuwait for the costs of local national employees, supplies, and services of the Department of Defense to be credited to applicable Department of Defense operation and maintenance appropriations available for the salaries and benefits of national employees of Japan, the Republic of Korea, and the State of Kuwait, supplies, and services to be merged with and to be available for the same purposes and time period as those appropriations to which credited: *Provided,* That not later than 30 days after the end of each quarter of the fiscal year, the Secretary of Defense shall submit to the Congress a report of contributions accepted by the Secretary under this provision during the preceding quarter.

Reports.

Securities.

SEC. 9086. During the current fiscal year, obligations against the stock funds of the Department of Defense may not be incurred in excess of 70 percent of sales from such stock funds during the current fiscal year: *Provided,* That in determining the amount of obligations against, and sales from the stock funds, obligations and sales for fuel, subsistence, commissary items, retail operations, the cost of operations, and repair of spare parts shall be excluded: *Provided further,* That upon a determination by the Secretary of Defense that such action is critical to the national security of the United States, the Secretary may waive the provisions of this

section: *Provided further,* That if the provisions of this section are waived, the Secretary shall immediately notify the Congress of the waiver and the reasons for such a waiver.

SEC. 9087. (a) None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the P–3 squadrons of the Navy, and Navy Reserve below the levels funded in this Act.

(b) The Secretary of the Navy shall obligate funds appropriated for fiscal years 1991, 1992, and 1993 for modernization of P–3B aircraft of the Navy Reserve on those P–3B aircraft which the Secretary of the Navy intends to keep in the fleet for more than five years: *Provided,* That the provision of section 1437 of the National Defense Authorization Act, 1991 (Public Law 101–510) shall not be considered in, or have any effect on, making any determination whether such aircraft shall be kept in the fleet for more than five years.

SEC. 9088. Notwithstanding section 9003 of this Act, of the $100,000,000 appropriated in section 8105A of the Department of Defense Appropriations Act, 1992 (Public Law 102–172), for payment of claims to United States military and civilian personnel for damages incurred as a result of the volcanic eruption of Mount Pinatubo in the Philippines, $35,000,000 shall remain available for obligation until September 30, 1993: *Provided,* That in addition to amounts appropriated elsewhere in this Act, $15,000,000 shall be available for obligation for the same purposes stated above in this section until September 30, 1993: *Provided further,* That an additional $20,000,000 is appropriated to be available only for the relocation of Air Force units from Clark Air Force Base and Navy units from the Subic Bay Navy Base and Cubi Point Naval Air Station.

SEC. 9089. None of the funds appropriated in this Act may be obligated or expended for any contract or grant with a university or other institution of higher learning unless such contract or grant is audited in accordance with the Federal Acquisition Regulation and the Department of Defense Federal Acquisition Regulation Supplement or any other applicable auditing standards and requirements and the institution receiving the contract or grant fully responds to all formal requests for financial information made by responsible Department of Defense officials: *Provided,* That if an institution does not provide an adequate financial response within 12 months, the Secretary of Defense shall terminate that and all other Department of Defense contracts or grants with the institution.

SEC. 9089A. Not less than $74,950,000 of the funds appropriated under the heading "Research, Development, Test and Evaluation, Defense Agencies" in title IV of this Act shall be made available as grants to the following institutions in the following amounts for laboratory and other efforts associated with research, development and other programs of major importance to the Department of Defense: University of Arizona, $5,000,000; St. Norbert College, $3,900,000; Johns Hopkins University, $15,000,000; University of Wisconsin Center for Advanced Propulsion, $15,000,000; John Carroll University, $5,300,000; University of Northern Iowa, $750,000; Medical College of Wisconsin, $15,000,000; University of St. Thomas, St. Paul, Minnesota, $15,000,000: *Provided,* That the funds made available by this section shall be distributed under the terms and conditions established

Grants. Science and technology.

in section 401, as amended, of title IV of Public Law 102–172: *Provided further,* That the Secretary of Defense shall review the grants made available and specified by this section and shall award such amounts as he deems appropriate based on the potential contribution each proposed project may make to the national scientific and technical posture: *Provided further,* That the funds made available by this section may be obligated only in accordance with a merit based selection process, utilizing recommendtions of a peer review process, consistent with the provisions of section 2361 (a) of title 10, United States Code: *Provided further,* That the Secretary of Defense shall select persons to participate in such peer review process only from the faculty or staff of institutions that are members of the National Association of State Universities and Land Grant Colleges or the American Association of State College and Universities.

SEC. 9090. (a) Funds appropriated in this Act to finance activities of Department of Defense (DOD) Federally Funded Research and Development Centers (FFRDCs) may not be obligated or expended for an FFRDC if a member of its Board of Directors or Trustees simultaneously serves on the Board of Directors or Trustees of a profit-making company under contract to the Department of Defense unless the FFRDC has a DOD approved conflict of interest policy for its members.

(b) None of the funds appropriated in this Act are available to establish a new FFRDC, either as a new entity, or as a separate entity administered by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other nonprofit entities.

(c) The total amount appropriated to or for the use of the Department of Defense by this Act is reduced by $300,000,000 to reflect savings from the decreased use of non-FFRDC consulting services by the Department of Defense. The Secretary of Defense shall allocate the amount reduced in the preceding sentence and not later than March 1, 1993, report to the Senate and the House Committees on Appropriations how this reduction was allocated among the Services and Defense Agencies: *Provided,* That this subsection does not apply to the reserve components.

Reports.

SEC. 9091. None of the funds appropriated in this Act shall be available to comply with, or to implement any provision issued in compliance with, the August 27, 1984 memorandum of the Deputy Secretary of Defense entitled "Debarment from Defense Contracts for Felony Criminal Convictions".

SEC. 9091A. Of the funds made available by this Act in title III, Procurement, $8,000,000, drawn pro rata from each appropriations account in title III, shall be available for incentive payments authorized by section 504 of the Indian Financing Act of 1974, 25 U.S.C. 1544. These payments shall be available only to contractors which have submitted subcontracting plans pursuant to 15 U.S.C. 637(d)(4)(B), and according to regulations which shall be promulgated by the Secretary of Defense within 90 days of the passage of this Act.

Regulations.

SEC. 9092. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: *Provided,* That these procurement restrictions shall apply to any and all Federal Supply

Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: *Provided further,* That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further,* That these restrictions shall not apply to contracts which are in being as of the date of enactment of this Act.

SEC. 9092A. None of the funds in this or any other Act shall be available for the preparation of studies on—

(a) the feasibility of removal and transportation of unitary chemical weapons from the eight chemical storage sites within the continental United States: *Provided,* That this prohibition shall not apply to non-stockpile material in the United States or to studies needed for environmental analysis required by the National Environmental Policy Act;

(b) the potential future uses of the nine chemical disposal facilities other than for the destruction of stockpile chemical munitions and as limited by section 1412(c)(2), Public Law 99–145: *Provided,* That this prohibition does not apply to future use studies for the CAMDS facility at Tooele, Utah.

SEC. 9093. Notwithstanding any other provision of law, no more than fifteen percent of the funds available to the Department of Defense for sealift may be used to acquire, through charter or purchase, ships constructed in foreign shipyards: *Provided,* That ships acquired as provided above shall be necessary to satisfy the shortfalls identified in the Mobility Requirements Study: *Provided further,* That any work required to convert foreign built ships acquired as provided above to United States Coast Guard and American Bureau of Shipping standards, or conversion to a more useful military configuration, must be accomplished in United States domestic shipyards: *Provided further,* That none of the funds shall be used to purchase bridge or machinery control systems, or interior communications equipment, and auxiliary equipment, including pumps for all shipboard services, for sealift ships unless the system or equipment is manufactured in the United States or more than half the value in terms of cost has been added in the United States: *Provided further,* That the Secretary of the military department responsible for such procurement of bridge or machinery control systems, or interior communications equipment, and auxiliary equipment, including pumps for all shipboard services, may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

Maritime affairs.

SEC. 9094. For the purposes of this Act, the term "congressional defense committees" means the Committees on Armed Services, the Committees on Appropriations, the Committee on Appropriations, subcommittees on Defense of the Senate and the House of Representatives.

SEC. 9095. Notwithstanding any other provision of law, during the current fiscal year, the Secretary of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: *Provided*, That the Defense Contract Audit Agency shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: *Provided further*, That Office of Management and Budget Circular A–76 shall not apply to competitions conducted under this section.

International agreements. Commerce and trade. 41 USC 10b–2.

SEC. 9096. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary's blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding, between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.

Reports.

(b) The Secretary of Defense shall submit to Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 1993. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

(c) For purposes of this section, the term "Buy American Act" means title III of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933 (41 U.S.C. 10a et seq.).

SEC. 9097. None of the funds appropriated or made available in this Act or any Act making appropriations for the Department of Defense during the current fiscal year may be obligated for procurement of ball bearings or roller bearings other than in accordance with the provisions of subpart 208.79 of the Defense Federal Acquisition Regulation Supplement (DFARS) as promulgated effective on July 11, 1989.

(TRANSFER OF FUNDS)

SEC. 9098. Notwithstanding any other provision of law, $82,000,000 made available in the fiscal year 1991 Department of Defense Appropriations Act (Public Law 101–511) for "Aircraft Carrier Service Life Extension Program" under the heading "Shipbuilding and Conversion, Navy, 1991/1995" shall be transferred to "Operation and Maintenance, Navy" for a large scale industrial availability, presumed to be 24 months, of the USS JOHN F. KENNEDY at the Philadelphia Naval Shipyard.

SEC. 9099. (a) Of the funds made available by this Act in title II, Operation and Maintenance, Army, $23,270,000 shall be available only to execute the cleanup of uncontrolled hazardous

waste contamination affecting the Sale Parcel at Hamilton Air Force Base, in Novato, in the State of California.

(b) In the event that the purchaser of the Sale Parcel exercises its option to withdraw from the sale as provided in the Agreement and Modification, dated September 25, 1990, between the Department of Defense, the General Services Administration, and the purchaser, the purchaser's deposit of $4,500,000 shall be returned by the General Services Administration and funds eligible for reimbursement under the Agreement and Modification shall come from the funds made available to the Department of Defense by this Act.

(c) The purchase rights under the purchase contract for the Sale Parcel may be assigned to any financially qualified entity, as determined in accordance with existing GSA procedures. The purchaser's withdrawal and reimbursement rights under the Agreement and Modification shall be assigned to any assignee of the purchase rights under the purchase contract for the Sale Parcel (including the purchaser's lenders). The purchaser shall be permitted to purchase the Sale Parcel in stages, and the purchaser's withdrawal and reimbursement rights shall survive pro rata with respect to any portion of the Sale Parcel not purchased.

(d) Notwithstanding any other provision of law, the Air Force shall be reimbursed for expenditures in excess of $15,000,000 in connection with the total clean-up of uncontrolled hazardous waste contamination on the aforementioned Sale Parcel from the proceeds collected upon the closing of the Sale Parcel.

Real property.
Flood control.

(e) Notwithstanding any other provision of law, the Department of Defense shall convey the Building 442 parcel, the Building 467 parcel, the former P.O.L. storage parcel and the two parcels carved out of the easternmost portion of the Sale Parcel (all of which parcels are contiguous to and surrounded by the Sale Parcel), as well as easements for the location of a temporary flood control levee around portions of the Sale Parcel and such other easements as the Secretary of the Army shall deem appropriate, to the purchaser of the Sale Parcel, without restrictions. The conveyances contemplated by this section shall be for cash and/or interests in real property at least equal in value (as determined by the Secretary of the Army) to the land and interests in real property conveyed by the United States.

(f) The exact acreage and legal description of the property to be conveyed or exchanged under this section shall be determined by surveys that are satisfactory to the Secretary of the Army. The costs of such surveys shall be borne by the purchaser.

(g) Notwithstanding any other provision of law, the Agreement and Modification may be amended to authorize the purchaser or its affiliates, in lieu of the Government, to manage and let contracts or subcontracts for the cleanup of landfill No. 26 in accordance with the Record of Decision, as modified, as a means of demonstrating the economic efficiencies that would accrue as a result of non-Federal management of environmental restoration projects. In providing for such cleanup management, the Department of Defense may impose such terms and conditions, and grant such indemnifications, as are appropriate to provide for an effective and efficient cleanup consistent with the public interest: *Provided,* That (1) the purchaser agrees (i) to manage the cleanup in accordance with plans and specifications approved by the Department of Defense, and (ii) to continue to perform its management obligations in the

event it terminates and withdraws from the sale under the Agreement and Modification; and, (2) payments made pursuant to this section shall be within the funds made available for the cleanup under this, any prior, and any future appropriations Act, but shall not exceed the Department of Defense's estimate of the cost it would have incurred in accomplishing the same work (as such estimates may be adjusted to reflect changed circumstances).

(h) The Department of Defense shall not make any payment to the purchaser for the costs of the cleanup under any such amendment unless and until the Department of Defense has certified that the cleanup, or any portion of the work associated with the cleanup, for which the purchaser requests payment is in accordance with the approved plans.

(i) Nothing in this section shall be deemed to diminish the United States Government's liability with respect to the landfill contamination.

SEC. 9099A. Section 112(e)(1) of title 32, United States Code, is amended by inserting "(or during fiscal year 1993 otherwise implementing)" immediately after "administering".

10 USC 2774 note.

SEC. 9100. Notwithstanding any other provision of law, the Secretary of Defense may, when he considers it in the best interest of the United States, cancel any part of an indebtedness, up to $2,500, that is or was owed to the United States by a member or former member of a uniformed service if such indebtedness, as determined by the Secretary, was incurred in connection with Operation Desert Shield/Storm: *Provided,* That the amount of an indebtedness previously paid by a member or former member and cancelled under this section shall be refunded to the member.

(TRANSFER OF FUNDS)

SEC. 9101. During the current fiscal year, not to exceed $60,500,000 of cash balances in the Defense Business Operations Fund shall be transferred to appropriations of the Department of Defense which are available for energy conservation improvement projects under the Department of Defense Energy Conservation Improvement Program: *Provided,* That the authority to make transfers pursuant to this section is in addition to any other transfer authority provided by this Act.

(TRANSFER OF FUNDS)

SEC. 9101A. In addition to any other transfer authority contained in this Act, $1,371,800,000 from the Defense Business Operations Fund shall be transferred to appropriations contained in this Act to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred, as follows: $456,687,000 to Operation and Maintenance, Army; $299,167,000 to Operation and Maintenance, Navy; $20,448,000 to Operation and Maintenance, Marine Corps; $402,479,000 to Operation and Maintenance, Air Force; $30,038,000 to Operation and Maintenance, Defense Agencies; $9,442,000 to Operation and Maintenance, Army Reserve; $14,924,000 to Operation and Maintenance, Navy Reserve; $754,000 to Operation and Maintenance, Marine Corps Reserve; $15,844,000 to Operation and Maintenance, Air Force Reserve; $31,307,000 to Operation and Maintenance, Army National Guard; $39,830,000 to Operation and

Maintenance, Air National Guard; and $50,880,000 to the Defense Health Program.

SEC. 9102. Appropriations contained in this Act that remain available at the end of the current fiscal year as a result of energy cost savings realized by the Department of Defense shall remain available for obligation for the next fiscal year to the extent, and for the purposes, provided in section 2865 of title 10, United States Code.

SEC. 9103. The Secretary of Defense is authorized to provide optional summer school programs in addition to the programs otherwise authorized by the Defense Dependents Education Act of 1978 (Public Law 95–561), and to charge a fee for participation in such optional education programs. Optional summer school program fees shall be made available for use by the Secretary to defray the costs of summer school operations. Education.

SEC. 9104. Unobligated balances of the funds appropriated in the Department of Defense Appropriations Act, 1992 (Public Law 102–172) under the headings "World University Games" and "Summer Olympics" in title II of that Act shall, notwithstanding section 8003 of that Act, remain available for obligation until September 30, 1993.

SEC. 9105. (a) None of the funds appropriated by this Act may be obligated or expended for any program, project, sub-project, or activity which is accomplished under a "Limited Dissemination (LIMDIS)" security control method until the Secretary of Defense submits, to the Congressional defense committees, a report containing: Reports.

(1) annual costs in the fiscal years 1994–1999 Future Years Defense Program, and total costs;

(2) appropriation account and program element or line item;

(3) content and military justification; and

(4) acquisition milestones and schedule through completion.

(b) The information in the report required by subsection (a) above shall be provided for each program, project, sub-project, or activity accomplished under the LIMDIS security control method during fiscal years 1990–1993, and for each such effort to be undertaken in fiscal year 1994.

(c) The report required by subsection (a) above shall be submitted no later than the date upon which the fiscal year 1994 Department of Defense budget request is provided to Congress.

(d) The requirements contained in subsections (a) through (c), above, shall not apply to LIMDIS programs, projects, subprojects, or activities within the National Foreign Intelligence Program.

SEC. 9106. After December 31, 1992, voluntary separation incentives payable under 10 U.S.C. 1175 may be paid in such amounts as are necessary from the assets of the Voluntary Separation Incentive Fund established by section 1175(h)(1). 10 USC 1175 note.

(INCLUDING TRANSFER OF FUNDS)

SEC. 9107. Amounts deposited during fiscal years 1992 and 1993 to the special account established under 40 U.S.C. 485(h)(2) and to the special account established under 10 U.S.C. 2667(d)(1) are appropriated and shall be available until transferred by the Secretary of Defense to current applicable appropriations or funds of the Department of Defense under the terms and conditions specified by 40 U.S.C. 485(h)(2) (A) and (B) and 10 U.S.C.

2667(d)(1)(B), to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred.

SEC. 9108. None of the funds available to the Department of Defense in this Act may be used to award a contract for the procurement of four-ton dolly jacks if such equipment is or would be manufactured outside the United States of America and would be procured under any contract, agreement, arrangement, compact or other such instrument for which provisions including price differential provisions of the Buy American Act of 1933, as amended, or any other Federal buy national law was waived: *Provided,* That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 9109. Notwithstanding any other provision of law, reimbursements received from the North Atlantic Treaty Organization for the E–3 Airborne Warning and Control System (AWACS) Radar System Improvement Program (RSIP) attributable to development work for fiscal years 1987 through 1992 shall be available to the Air Force until September 30, 1994, for meeting that service's financial commitments for the AWACS RSIP.

(TRANSFER OF FUNDS)

SEC. 9110. (a) The Secretary of Defense may transfer to appropriate appropriation accounts for the Department of Defense, out of funds appropriated to the Department of Defense for fiscal year 1993, up to $400,000,000 to be available for the purposes authorized in the Former Soviet Union Demilitarization Act of 1992: *Provided,* That amounts so transferred shall be in addition to amounts transferred pursuant to the authority provided in section 108 of Public Law 102–229 (105 Stat. 1708).

(b) Of the funds transferred pursuant to subsection (a):

(1) not less than $10,000,000 shall be available only for the study, assessment, and identification of nuclear waste disposal by the former Soviet Union in the Arctic region;

(2) not less than $25,000,000 shall be available only for Project PEACE;

(3) not more than $50,000,000 may be made available for the Multilateral Nuclear Safety Initiative announced in Lisbon, Portugal on May 23, 1992;

(4) not more than $40,000,000 may be made available for demilitarization of defense industries;

(5) not more than $15,000,000 may be made available for military-to-military contacts;

(6) not more than $25,000,000 may be made available for joint research and development programs; and

(7) not more than $10,000,000 may be made available for the Volunteers Investing in Peace and Security (VIPS) program.

(c) The Secretary of Defense may transfer from amounts appropriated to the Department of Defense for fiscal year 1993 or from balances in working capital funds not to exceed $15,000,000 to

the appropriate accounts within the Department of Defense for the purposes authorized in section 109 of Public Law 102–229.

(d) The authority provided in sections 108 and 109 of Public Law 102–229 (105 Stat. 1708) to transfer amounts appropriated for fiscal year 1992 shall continue to be in effect during fiscal year 1993.

(e) The Secretary of Defense may transfer to appropriate appropriation accounts for the Department of Defense, out of funds available to the Department of Defense for fiscal year 1993, up to $40,000,000 to be available for international nonproliferation activities authorized in the Weapons of Mass Destruction Control Act of 1992: *Provided,* That such transfer authority shall not be available for payments either to the "Contributions to International Organizations" account of the Department of State or to activities carried out by the International Atomic Energy Agency which have traditionally been the responsibilities of the Departments of State or Energy: *Provided further,* That up to $20,000,000 of the transfer authority provided in this section may be used for the activities of the On-Site Inspection Agency in support of the United Nations Special Commission on Iraq.

(f) The transfer authority provided in this section shall be in addition to any other transfer authority contained in this Act.

SEC. 9111. In order to maintain an electric furnace capacity in the United States, preference for the purchase of chromite ore and manganese ore authorized for disposal from the National Defense Stockpile shall be given to domestic producers of high carbon ferrochromium and high carbon ferromanganese—

(A) whose primary output during the three preceding years has been ferrochromium or ferromanganese; and

(B) who guarantee to use the chromite and manganese ore for domestic purposes.

SEC. 9112. Notwithstanding any other provision of law, the Naval shipyards of the United States shall be eligible to participate in any manufacturing extension program financed by funds appropriated in this or any other Act.

SEC. 9113. (a) None of the funds available to the Department of Defense may be used to implement Defense Management Report Decision No. 944, dated December 9, 1991, concerning Conventional Ammunition, or any revision or successor document, or to carry out any implementing instruction for said directive, revision, or successor document, or to implement any other document of any kind pertaining to conventional ammunition which has the objective of financing conventional ammunition out of any funds other than funds appropriated or available for procurement of ammunition.

(b) The fiscal year 1994/1995 budget request for the Department of Defense, as well as all justification material and other documentation supporting the fiscal year 1994/1995 Department of Defense request shall be prepared and submitted to the Congress as if subsection (a) of this provision were effective with regard to fiscal year 1994/1995. Such budget request, budget material, and budget documentation shall be prepared using the practices and policies followed in preparation of the fiscal year 1992/1993 budget.

SEC. 9114. None of the funds appropriated by this Act shall be used for the support of any nonappropriated fund activity of the Department of Defense that procures malt beverages and wine with nonappropriated funds for resale (including such alcoholic beverages sold by the drink) on a military installation located

10 USC 2488 note.

in the United States, unless such malt beverages and wine are procured in that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: *Provided,* That in the case in which the military installation is located in more than one State, purchases may be made in any State in which the installation is located: *Provided further,* That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages for military installations in States which are not contiguous with another State: *Provided further,* That alcoholic beverages other than wine and malt beverages in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

Alcohol and alcohol abuse.

SEC. 9115. During the current fiscal year, none of the funds available to the Department of Defense may be used to procure or acquire (1) defensive handguns or defensive handgun ammunition unless such handguns or handgun ammunition are the M9 9mm Department of Defense standard handgun or ammunition for such handguns, or (2) offensive handguns and ammunition except for the Special Operations Forces.

SEC. 9116. Of the funds appropriated to the Department of Defense for Operation and Maintenance, Defense Agencies, not less than $8,000,000 shall be made available only for the mitigation of environmental impacts on Indian lands resulting from Department of Defense activities: *Provided,* That the Secretary of Defense shall first enter into an agreement with the Administration for Native Americans on the obligation of these funds.

Contracts. Native Americans.

Contracts. Fraud.

SEC. 9117. If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a "Made in America" inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall debar the person from contracting with the Federal Government for a period of not less than three years and not more than five years. For purposes of this section, the term "debar" has the meaning given that term by section 2393(c) of title 10, United States Code.

SEC. 9118. During the current fiscal year, appropriations available to the Department of Defense may be used to reimburse a member of a reserve component of the Armed Forces who is not otherwise entitled to travel and transportation allowances and who occupies transient government housing while performing active duty for training or inactive duty training: *Provided,* That such members may be provided lodging in kind if transient government quarters are unavailable as if the member was entitled to such allowances under subsection (a) of section 404 of title 37, United States Code: *Provided further,* That if lodging in kind is provided, any authorized service charge or cost of such lodging may be paid directly from funds appropriated for operation and maintenance of the reserve component of the member concerned.

Health care facilities. California.

SEC. 9119. Funds appropriated by this Act for the Defense Health Program shall be used to maintain at minimum a 50-bed medical care facility at Silas B. Hays Army Community Hospital at Fort Ord, California during fiscal year 1993.

SEC. 9120. For fiscal year 1993, the total amount appropriated to fund the Uniformed Services Treatment Facilities program, operated pursuant to section 911 of Public Law 97–99 (42 U.S.C. 248c),

is limited to $230,000,000, of which not more than $207,130,000 may be provided by the funds appropriated by this Act.

SEC. 9121. None of the funds available in this Act may be used to support in any manner, including travel or other related expenses, the "Tailhook Association": *Provided,* That investigations by the Secretary of the Navy or consultation with the Tailhook Association are not prohibited by this provision.

Government employees.

SEC. 9122. The Department of Defense shall reduce the authorized number of Senior Executive Service (SES) positions by a percentage equivalent to the percentage reduction in its civilian employment during fiscal year 1993, which percentage shall be applied against the total number of SES positions authorized the Department of Defense by the Office of Personnel Management for fiscal year 1993: *Provided,* That such percentage reductions shall be applied so that the ratio of career SES positions to non-career SES positions in the Department shall remain the same.

SEC. 9123. During the current fiscal year, from funds available in this Act, the Director of the Air National Guard shall establish a Command, Control, Communications and Intelligence planning office manned by three full-time Air Guard officers in the rank of O–6, O–5, and O–4: *Provided,* That these officers shall be in addition to the strengths authorized in section 524 of title 10, United States Code.

Government employees. Manpower.

SEC. 9124. As of September 1, 1993, none of the funds appropriated by this Act shall be available for payment of the compensation of personnel assigned to or serving in the National Foreign Intelligence Program in excess of 98 percent of such personnel actually assigned to or serving in the National Foreign Intelligence Program on September 30, 1992: *Provided,* That in making any reduction in the number of such personnel that may be required pursuant to this section, the percentage of reductions to Senior Intelligence Service positions shall be equal to or exceed the percentage of reductions to non-Senior Intelligence Service positions: *Provided further,* That in making any reduction in the number of such personnel that may be required pursuant to this section, the percentage of reductions to positions in the National Capital Region shall be equal to or exceed the percentage of reductions to positions outside of the National Capital Region.

SEC. 9125. None of the funds appropriated in this Act or made available to the Department of Defense and deposited into the Pentagon Reservation Maintenance Revolving Fund may be used for the purpose of renovation or construction which would result in an expansion of the net usable space of the Pentagon. Funds deposited into the Pentagon Reservation Maintenance Revolving Fund may be used for other purposes including necessary day-to-day operations and real property maintenance to meet health and safety requirements of the Pentagon Reservation. Not later than March 1, 1993, the Secretary of Defense shall submit to the Committees on Armed Services and Appropriations of the House and Senate a report setting forth (1) a revised renovation program for the Pentagon Reservation limited to concerns of health and safety; and (2) a construction schedule with an associated cost estimated based upon normal construction procedures which eliminates additional costs for expediting construction.

Reports.

10 USC 114 note.

SEC. 9126. The Classified Annex prepared by the Committee of Conference to accompany the conference report on the bill H.R. 5504 of the One Hundred Second Congress and transmitted to

the President is hereby incorporated into this Act: *Provided,* That the amounts specified in the Classified Annex are not in addition to amounts appropriated by other provisions of this Act: *Provided further,* That the President shall provide for appropriate distribution of the Classified Annex, or of appropriate portions of the Classified Annex, within the executive branch of the Government.

President.

(TRANSFER OF FUNDS)

SEC. 9127. (a) Upon enactment of this Act, the Secretary of Defense shall make the following transfers of funds: *Provided,* That the amounts transferred shall be available for the same purposes as the appropriations to which transferred, and for the same time period as the appropriation from which transferred: *Provided further,* That the amounts shall be transferred between the following appropriations in the amounts specified:

From:

Under the heading, "Weapons Procurement, Navy, 1992/1994":

Torpedoes and Related Equipment, $9,300,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1986/1990":

LHD–1 amphibious assault ship program, $9,300,000;

From:

Under the heading, "Weapons Procurement, Navy, 1992/1994":

Torpedoes and Related Equipment, $16,300,000;

Under the heading, "Other Procurement, Navy, 1992/1994", $13,000,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1990/1994":

T–AGOS surveillance ship program, $13,300,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1987/1991":

AOE fast combat support ship program, $16,300,000;

T–AO fleet oiler program, $13,000,000;

Contracts.

T–ACS auxiliary crane ship program, $13,300,000: *Provided,* That notwithstanding any other provision of law or regulation, the Secretary of the Navy and the Secretary of Transportation are authorized and directed to increase the current contract price (the contract price, including all modifications as of the date of enactment of this Act) for the T–ACS 7 and T–ACS 8 conversion and reactivation contract by $13,300,000 based upon the Defense Contract Audit Agency's estimated incurred costs sustained by the contractor and shall pay to the contractor which built and delivered T–ACS 7 and T–ACS 8 the amount of $13,300,000, no later than November 1, 1992: *Provided further,* That the contractor shall execute a release discharging the Government, its officers, agents and employees from any additional liability arising under or relating to the contract for T–ACS 7 and 8: *Provided further,* That the contractor shall agree to dismiss with prejudice its pending action in the United States District Court;

From:

Under the heading, "Aircraft Procurement, Navy, 1991/1993", $131,800,000;
Under the heading, "Aircraft Procurement, Navy, 1992/1994", $17,700,000;
Under the heading, "Weapons Procurement, Navy, 1992/1994":
Torpedoes and Related Equipment, $63,700,000;
Under the heading, "Other Procurement, Navy, 1992/1994", $30,900,000;
Under the heading, "Shipbuilding and Conversion, Navy, 1992/1996":
T–AGOS 39/40 program, $15,000,000;
To:
Under the heading, "Shipbuilding and Conversion, Navy, 1988/1992":
CVN nuclear aircraft carrier program, $229,500,000;
LHD–1 amphibious assault ship program, $3,600,000;
T–AO fleet oiler program, $10,500,000;
LSD–41 cargo variant ship program, $15,500,000;
From:
Under the heading, "Aircraft Procurement, Navy, 1992/1994", $112,300,000;
Under the heading, "Weapons Procurement, Navy, 1992/1994":
Other Missile Programs, $31,500,000;
Under the heading, "Shipbuilding and Conversion, Navy, 1990/1994":
T–AGOS surveillance ship program, $45,000,000;
Under the heading, "Shipbuilding and Conversion, Navy, 1992/1996":
LCAC landing craft air cushion program, $74,000,000;
DDG–51 destroyer program, $89,400,000;
To:
Under the heading, "Shipbuilding and Conversion, Navy, 1989/1993":
TRIDENT ballistic missile submarine program, $2,100,000;
SSN–688 attack submarine program, $8,800,000;
SSN–21 attack submarine program, $284,800,000;
DDG–51 destroyer program, $41,300,000;
MHC coastal mine hunter program, $11,900,000;
AOE combat support ship program, $3,300,000;
From:
Under the heading, "Shipbuilding and Conversion, Navy, 1992/1996":
T–AGOS surveillance ship program, $62,400,000;
MHC coastal mine hunter program, $25,500,000;
Under the heading, "Weapons Procurement, Navy, 1992/1994":
Other Missile Programs, $53,200,000;
To:
Under the heading, "Shipbuilding and Conversion, Navy, 1990/1994":
TRIDENT ballistic missile submarine program, $5,900,000;
SSN–688 attack submarine program, $6,800,000;
DDG–51 destroyer program, $5,400,000;

ENTERPRISE refueling/modernization program, $93,200,000;

Oceanographic ship program, $9,900,000;

AOE combat support ship program, $3,900,000;

LSD–41 dock landing ship cargo variant program, $16,000,000;

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1991/1995":

DDG–51 destroyer program, $19,800,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1991/1995":

TRIDENT ballistic missile submarine program, $19,800,000;

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1992/1996":

T–AGOS surveillance ship program, $77,200,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1991/1995":

TRIDENT ballistic missile submarine program, $22,100,000;

SSN–21 attack submarine program, $40,100,000;

LSD–41 dock landing ship cargo variant program, $15,000,000;

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1992/1996":

T–AGOS surveillance ship program, $8,900,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1992/1996":

Oceanographic ship program, $8,900,000;

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1992/1996":

LCAC landing craft air cushion program, $45,000,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1985/1989":

T–AO fleet oiler program, $45,000,000.

Contracts.

(b) (1) Notwithstanding any other provision of law or regulation, the Secretary of the Navy is authorized and directed to increase the ceiling price of the T–AO 191 and 192 completion contract in the amount of $45,000,000 and maintain the same ceiling price to target cost ratio as in the existing contract (115 percent). Such increase shall be made upon the Contractor's execution of a full and final release discharging the Government, its officers, agents and employees from any liability for activities under, or associated with, the T–AO 191 and 192 completion contract occurring prior to the effective date of the Contract Modification resulting from this Act.

(2) The Secretary of the Navy shall pay the contractor, within ten days of enactment of this Act, an amount equal to the difference between the total of the Contractor's incurred costs, properly cer-

tified, less retentions and the total of payments made to that date by the Navy.

SEC. 9128. (a) Subsection (a) of section 166a of title 10, United States Code, is amended in the first sentence by striking out "funds, upon request," and all that follows through the period and inserting in lieu thereof "funds to the commander of a combatant command, upon the request of the commander, or to the Director of the Joint Staff with respect to an area or areas not within the area of responsibility of a commander of a combatant command.".

(b) Subsection (b)(7) of such section is amended by inserting "(including transportation, translation, and administrative expenses)" before the period at the end.

(c) Subsection (c) of such section is amended by inserting before the period at the end the following:

"(c) PRIORITY.—The Chairman of the Joint Chiefs of Staff, in considering requests for funds in the CINC Initiative Fund or the provision of funds to the Director of the Joint Staff under subsection (a), should give priority consideration to—

"(1) requests for funds to be used for activities that would enhance the war fighting capability, readiness, and sustainability of the forces assigned to the commander requesting the funds; and

"(2) the provision of funds to be used for activities with respect to an area or areas not within the area of responsibility of a commander of a combatant command that would reduce the threat to, or otherwise increase, the national security of the United States.".

(d) Subsection (e)(1)(C) of such section is amended to read as follows:

"(C) not more than $5,000,000 may be used to provide military education and training (including transportation, translation, and administrative expenses) to military and related civilian personnel of foreign countries as authorized by subsection (b)(7).".

SEC. 9129. Notwithstanding any other provision of law, any statutorily-required analysis of the impact on the defense technology and industrial base of terminations and significant reductions of major research and development programs and procurement programs of the Department of Defense shall address only those actions recommended by the Defense Department in its annual budget request and amendments thereto, supplemental requests, or proposed rescissions.

Contracts.
10 USC 2341 note.

SEC. 9130. (a) Notwithstanding any other provision of law, funds appropriated under this Act for the Department of Defense shall be made available for the Overseas Workload Program: *Provided,* That a firm of any member nation of the North Atlantic Treaty Organization (NATO) or of any major non-NATO ally or countries in the European Theater, shall be eligible to bid on any contract for the maintenance, repair, or overhaul of equipment of the Department of Defense to be awarded under competitive procedures as part of the program of the Department of Defense known as the Overseas Workload Program.

(b) A contract awarded during fiscal year 1993, or thereafter, to a firm described in subsection (a) may be performed in the theater in which the equipment is normally located or in the country in which the firm is located.

Israel.

(c) For purposes only of this section, Israel shall be considered in the European Theater in every respect, with its firms fully eligible for nonrestrictive, nondiscriminatory contract competition under the Overseas Workload Program.

(d) No funds appropriated for the Overseas Workload Program for fiscal year 1993 or thereafter shall be used for contracts awarded in fiscal year 1993 or thereafter which have not been opened for competition in a manner consistent with this provision.

SEC. 9131. (a) None of the funds appropriated or otherwise made available in this Act may be used to transport or provide for the transportation of chemical munitions to the Johnston Atoll for the purpose of storing or demilitarizing such munitions.

(b) The prohibition in subsection (a) shall not apply to any obsolete World War II chemical munition of the United States found in the World War II Pacific Theater of Operations.

(c) The President may suspend the application of subsection (a) during a period of war in which the United States is a party.

President.
Federal budget.
10 USC 221 note.

SEC. 9132. The President shall include with each budget for a fiscal year submitted to the Congress under section 1105 of title 31, United States Code, materials that shall identify clearly and separately the amounts requested in the budget for appropriation for that fiscal year for salaries and expenses related to administrative activities of the Department of Defense, the military departments, and the Defense Agencies.

SEC. 9133. None of the funds provided in this Act may be obligated to implement any test of changes in the Department's domestic interstate household goods program as proposed in the Federal Register on June 29, 1992.

SEC. 9134. The Secretary of Defense shall provide for the conduct of an independent study, with participation by one or more federally funded research and development centers, of the Trident missile system. A report containing the results of such study, together with the Secretary's comments and recommendations concerning the report shall be submitted to the Congressional defense committees, in classified and unclassified versions, on or before July 1, 1993. This report shall address, inter alia, the following issues:

Reports.

(1) The relative merits and costs of continuing the Trident II missile production versus the refurbishment of existing Trident I missiles, taking into account such factors as inflation, appropriate regulations such as OMB Circular A–94 and DOD Instruction 7041.3, refurbishment costs for the Trident I that would be incurred anyway, the impact of the new START agreements, refurbishment requirements of the Trident II, and other related factors.

(2) The relative merits and costs of continuing with current plans to backfit the first eight Trident submarines with Trident II missiles versus their continuation with Trident I missiles, taking into account such factors as inflation, appropriate regulations such as OMB Circular A–94 and DOD Instruction 7041.3, refurbishment costs for the Trident I that would be incurred anyway, the impact of the new START agreements, refurbishment requirements of the Trident II, and other related factors.

(3) The relative merits and costs of taking anticipated SLBM warhead reductions under START in the following ways:

(A) by offloading individual warheads from missiles;

(B) by offloading missiles from submarines;

(C) by dismantling submarines;
(D) some combination of the above.

(4) Options for the United Kingdom to meet its strategic requirements in a situation where the United States procurement of Trident II missiles is terminated earlier than originally planned.

(5) The reasons why the costs stated for Trident I refurbishment are substantially greater than Minutemen III refurbishment.

(6) The reasons why strategic missile flight testing rates are substantially different for the Navy and Air Force, along with recommendations for uniform testing rates.

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

SEC. 9135. For an additional amount for "Operations, research, and facilities" to cover the cost of grants to persons engaged in commercial fisheries, as provided in section 308 of the Interjurisdictional Fisheries Act of 1986, as amended by this Act, $65,000,000 to remain available until expended: *Provided,* That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further,* That such sums shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement, as defined in section 251 of such Act is transmitted by the President to Congress: *Provided further,* That section 308 of the Interjurisdictional Fisheries Act of 1986 (16 U.S.C. 4107) is amended by adding at the end the following new subsection:

"(d) GRANTS TO COMMERCIAL FISHERMEN.—(1) In addition to the amounts authorized under subsections (a), (b), and (c), there are authorized to be appropriated to the Department of Commerce $65,000,000 for fiscal year 1992 to enable the Secretary to award grants to persons engaged in commercial fisheries, for uninsured losses determined by the Secretary to have been suffered as a direct result of a fishery resource disaster arising from Hurricane Hugo, Hurricane Andrew, Hurricane Iniki, or any other natural disaster. Amounts appropriated under this subsection shall remain available until expended.

"(2) The Secretary shall determine the extent, and the beginning and ending dates, of any fishery resource disaster under this subsection.

"(3) Eligibility for a grant under this subsection shall be limited to any person that has less than $2,000,000 in gross revenues annually, as determined by the Secretary.

"(4) A person may receive a grant under this subsection for up to 75 percent of any uninsured commercial fishery loss resulting from such a fishery resource disaster (to the extent that such losses have not been compensated by other Federal and State programs), but shall receive no more than $100,000 in the aggregate for all such losses suffered as a result of any particular fishery resource disaster.

"(5) The Secretary shall establish, after notice and opportunity for public comment, appropriate limitations, terms, and conditions for awarding grants under this subsection, including provisions specifying the means by which applicants must demonstrate claimed losses and limiting the aggregate amounts that may be paid to persons that are affiliated with each other or under common ownership.

"(6) As used in this subsection, the term 'person' means any individual or any corporation, partnership, trust, association, or other nongovernmental entity.".

SEC. 9136. Of the funds appropriated for drug interdiction and counter narcotics, $35,000,000 shall be appropriated for the purposes of modifying with improved radars and FLIRs and leasing up to 15 T–47 aircraft.

SEC. 9137. It is the sense of the Congress that—

(1) the Corps of Engineers of the Army should evaluate new concrete construction technologies in order to identify technologies that, if used in the construction of Department of Defense facilities in regions susceptible to hurricanes, would prevent future hurricanes striking those regions from causing the extensive level of damage to those facilities that Hurricane Andrew and Hurricane Iniki caused at installations and facilities of the Department of Defense in Florida and Hawaii, respectively; and

(2) the Secretary of Defense should ensure that, to the extent that it is cost effective to do so, concrete construction technologies identified in accordance with paragraph (1) be used in the construction of facilities of the Department of Defense in those regions in the future.

Reports.

SEC. 9138. (a) The Secretary of Defense shall transmit to Congress a report on whether the United States should participate with other countries of the Western Hemisphere in an international rapid deployment force for use in international crises in the Western Hemisphere.

(b) The report shall include a discussion of, and the Secretary's recommendations regarding, the following matters:

(1) Whether a rapid deployment force should be established.

(2) The circumstances under which the rapid deployment force should be used for intervention in international crises in the Western Hemisphere.

(3) Whether the establishment of a rapid deployment force with the mission to engage in military operations in the Western Hemisphere in such an intervention is prohibited by, or inconsistent with, the Charter of the Organization of American States.

(4) How to ensure that the elements of the Armed Forces of the United States in the rapid deployment force are not introduced into situations involving life-threatening dangers without the specific approval of the United States under the laws of the United States, including the War Powers Resolution (50 U.S.C. 1541 et seq.).

(c) The Secretary shall submit the report required by subsection (a) at the same time as the President submits to Congress the budget for fiscal year 1994 pursuant to section 1105 of title 31, United States Code.

Intergovernmental relations.

SEC. 9139. (a) During the current fiscal year, whenever a State or local development authority or other State or local installation

reuse entity submits to the Secretary of a military department for approval a proposed interim lease of a facility at a closing installation under the jurisdiction of that Secretary, the Secretary shall approve or disapprove the proposed interim lease within 60 days after the proposed interim lease is submitted to the Secretary.

(b) For purposes of this section, the term "closing", with respect to an installation, means an installation that is being closed pursuant to—

(1) the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 102–510; 104 Stat. 1808; 10 U.S.C. 2687 note);

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

(3) section 2687 of title 10, United States Code.

SEC. 9140. SENSE OF CONGRESS REGARDING UNRESOLVED COMMERCIAL DISPUTES IN SAUDI ARABIA.

(a) FINDINGS.—The Congress finds that—

(1) the Department of Commerce has identified "18 major unsettled cases, involving 14 American firms with claims of approximately $500 million", in Saudi Arabia in a letter dated May 27, 1992, to the House Subcommittee on Europe and the Middle East;

(2) the Department has testified that many of these disputes "go back 8 to 10 years";

(3) the Department of Commerce has testified that "Saudi Arabia's commercial law has not kept pace with its great economic strides. The Kingdom's system of commercial regulation lacks an effective internationally accepted mechanism to resolve disputes with foreign firms.";

(4) the Department of Commerce has testified that "The United States has trading relationships with virtually all the nations in the Near East region. The only country in which we encounter a continual problem with unresolved commercial disputes is Saudi Arabia."; and

(5) failure to resolve these contractual disputes results in great hardship for the American businesses involved and their employees.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Government of the United States and the Government of Saudi Arabia should work diligently and without delay to resolve satisfactorily the outstanding commercial disputes identified in the Department of Commerce letter.

(c) REPORT.—Not later than February 1, 1993, the Secretary of Defense, after consultation with the Secretary of State and the Secretary of Commerce, shall submit a report to the Congress on the status of the process for the resolution of commercial disputes in Saudi Arabia and the prognosis for any of the 18 such disputes which remain unresolved.

SEC. 9141. (a) Of the funds appropriated in this Act under the heading "Research, Development, Test and Evaluation, Army" 35 percent of the funds made available for each of the Comanche Light Armed Scout Helicopter, Apache-Longbow, and Apache–C programs may not be obligated and expended until the Secretary of Defense submits a report addressing the military and fiscal validity of the programs.

(b) Of the funds appropriated in this Act under the headings "Research, Development, Test and Evaluation, Navy" and "Research, Development, Test and Evaluation, Air Force" 35 percent of the funds made available for each of the AX Advanced Attack Aircraft, F–18 E/F upgrade variant, and F–22 Advanced Tactical Fighter programs may not be obligated and expended until the Secretary of Defense submits a report addressing the military and fiscal validity of the programs.

Classified information. Public information.

(c) The reports required in subsections (a) and (b) above shall be submitted, in both classified and unclassified versions, to the congressional defense committees no later than May 15, 1993.

SEC. 9142. Of the funds appropriated in this Act, not more than nor less than $3,800,000,000 shall be available only for the Strategic Defense Initiative.

Ante, p. 1120.

SEC. 9143. Title II of Public Law 102–368 is amended in the paragraph "Operation and maintenance, Defense Agencies", under the heading "SUPPLEMENTAL APPROPRIATIONS" by inserting ", including those" after "school districts" in the first proviso (relating to educational assistance to school districts).

Regulations. Colleges and universities. Schools. Civil rights.

SEC. 9144. None of the funds provided in this Act shall be available for use by a Military Department for the operation of any Officers Candidate School, War College, Command and General Staff College, or Military Academy unless, within 60 days of the enactment of this Act, the Chief of Staff of the United States Army, the Chief of Staff of the United States Air Force, the Chief of Naval Operations, and the Commandant of the Marine Corps each provides written certification to the Armed Services and Appropriations Committees of the House of Representatives and of the Senate that appropriate measures have been taken to publish and enforce regulations which expressly prohibit discrimination on the basis of race, color, religion, sex, or national origin.

SEC. 9145. Of the funds appropriated under the heading "Research, Development, Test and Evaluation, Army" in this Act, not less than $20,000,000 shall be made available only for the National Defense Environmental Corporation, or its successor in interest, for the continued establishment and operation of the National Defense Center for Environmental Excellence (NDCEE): *Provided,* That nothing in the contract for this effort shall prohibit use of the NDCEE by industry, associations, other Department of Defense services and agencies, and other government agencies for efforts to be separately negotiated and funded.

SEC. 9146. During the current fiscal year, the amount of individual loans, guarantees, purchase agreements and other actions under sections 301, 302, and 303 of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2091, 2092, and 2093) may not exceed $50,000,000.

Washington. Federal buildings and facilities. Public lands.

SEC. 9147. (a) The project for Bonneville Lock and Dam, Columbia River, Oregon and Washington, authorized by the Act of August 20, 1937 (50 Stat. 731), and modified by the Water Resources Development Act of 1974 (93 Stat. 35), is further modified to direct the Secretary of the Army to complete the relocation of the city of North Bonneville, Washington, by undertaking and completing the following actions:

(1) On or before the 30th day following the date of the enactment of this Act, convey to the city, at no cost to the city, all right, title, and interest of the United States to all constructed municipal facilities, utilities, fixtures, and equip-

ment for the relocated town, together with associated easements and rights of entry.

(2) On or before the 30th day following the date of the enactment of this Act, convey to the city, at no cost to the city, all right, title, and interest of the United States to all public lands, as designated in the plats of the initial town. Such lands are identified as open spaces, municipal lots, street rights-of-way, and city park and community center lot (lot 2, block 5), as shown on the plat of relocated North Bonneville.

(3) In accordance with subsection (b), convey to the city all right, title, and interest of the United States to the following parcels of optimum town land, as described and identified in Committee Print 102–67 of the Committee on Public Works and Transportation.

(A) Parcels 2 B, C, and H on or before the 30th day following the date of the enactment of this Act.

(B) Parcel 1 (other than those lands, not to exceed 10 acres, which are necessary and appropriate for fish and wildlife mitigation as determined by the Secretary of the Army, in consultation with the Secretary of the Interior) on or before the 30th day following receipt by the Secretary of the Army of certification by the State of Washington Department of Ecology that remedial actions required by such department to address contamination on parcel 1 have been completed to the satisfaction of such department.

(4) Execute and transmit to the city a release of a claim of the United States in the amount of $365,181.12 (plus interest) for operation and maintenance costs incurred by the Secretary of the Army during the period in which the city relocation was not completed.

(5) At the time of conveyance of the parcels under paragraph (3), grant easements—

(A) for reasonable public pedestrian and vehicular access to the Columbia River; and

(B) for storm drain outfalls reasonably required to serve the city of North Bonneville.

(b) Conveyance of the parcels under subsection (a)(3) shall be in consideration of $597,804 to be paid by the city of North Bonneville to the United States. The Secretary of the Army shall determine the portion of such sum represented by each parcel and upon the conveyance of a parcel shall require payment for such parcel, without interest, not later than 10 years after the date of such conveyance.

(c) Completion of the actions required under subsection (a) shall constitute completion of the relocation of the city of North Bonneville and shall fully satisfy any claim of the city for just compensation relating to the taking by the United States of the municipal facilities and utilities of the city. Upon completion of actions required under subsection (a) and request by the Secretary of the Army, the city shall transmit to the Secretary of the Army written certification of such completion and a release of any future claim of the city for just compensation relating to such taking.

Pennsylvania.
Real property.

SEC. 9148. Notwithstanding any other provision of law, the Secretary of Defense shall participate in an infrastructure demonstration program conducted by the Regional Equipment Center, Cambria County, Pennsylvania: *Provided,* That within ninety days

following enactment of this Act, the Secretary shall provide directly such property within the control of the Department of Defense or any component thereof as mutually agreed to by the Regional Equipment Center and the Secretary and as necessary to carry out the provisions of this section: *Provided further,* That of the funds available to the Defense Logistics Agency, $1,000,000 shall be available only to establish the Regional Equipment Center in Cambria Country Pennsylvania.

SEC. 9149. For expenses necessary for the purpose of acquiring, transporting and drawing down crude oil to be stored in the Strategic Petroleum Reserve for national defense purposes, $125,625,000 is appropriated to the Secretary of Defense, which shall be transferred to the Secretary of Energy by November 1, 1992, to remain available until expended: *Provided,* That the Secretary of Energy may transfer up to $700,000 to the Strategic Petroleum Reserve Account for purposes of operating, maintaining and managing the Strategic Petroleum Reserve: *Provided further,* That the acquisition and storage of crude oil authorized under this heading shall be in addition to any acquisition or storage of crude oil for the Strategic Petroleum Reserve authorized or required by any other law, except that the crude oil acquired under this heading may be comingled with other petroleum products in the Strategic Petroleum Reserve: *Provided further,* That upon the Presidential findings under section 161(d) of the Energy Policy and Conservation Act (42 U.S.C. 6241(d)), and upon the recommendation of the Secretary of Defense, the Secretary of Energy shall draw down and distribute for the Department of Defense, for its use, sale, or exchange, the amount of crude oil acquired under this heading: *Provided further,* That crude oil acquired under this heading may be stored, drawn down and distributed, used, sold, or exchanged, without regard to: (a) the Strategic Petroleum Reserve Plan; (b) otherwise applicable Federal contracting statutes and regulations; and (c) requirements of section 154 (b)–(e), 159 (a)–(f) and 161(e) of the Energy Policy and Conservation Act (42 U.S.C. 6234 (b)–(e), 6239(a)–(f) and 6241(e)): *Provided further,* That the costs of the draw down shall be reimbursed to the Strategic Petroleum Reserve Account, Department of Energy, from funds available to the Secretary of Defense at the time of the draw down: *Provided further,* That upon draw down and sale of the oil acquired under the authority hereunder, the receipts of sale shall be deposited in this account and shall remain available until expended for the acquisition of oil and related expenses for the purposes herein stated: *Provided further,* That no amendment to the Strategic Petroleum Reserve Plan is required for the implementation under this heading: *Provided further,* That outlays under this heading shall not be counted against any outlay ceiling established in the SPR Petroleum Account: *Provided further,* That any appropriation under this heading shall not be counted as an appropriation for the purposes of section 160(g)(4) of the Energy Policy and Conservation Act (42 U.S.C. 6240(g)(4)).

SEC. 9150. Notwithstanding any other provision of law, the Secretary of Defense is authorized to expend up to $5,000,000 of funds available to the Department of Defense during the current fiscal year or hereafter for the purpose of acquiring approximately one thousand five hundred and two acres of tidelands in the State of Washington from the Coast Oyster Company: *Provided,* That as soon as practicable following such acquisition, such tidelands shall be conveyed without a requirement for compensation to the

State of Washington: *Provided further,* That such acquisition and transfer shall be for mitigating responsibilities related to tideland access guaranteed under treaties between American Indian tribes in the Puget Sound region and the Federal Government: *Provided further,* That the Government of the United States shall be held harmless or indemnified for any and all risks and claims resulting from activities carried out on such land prior to its conveyance to the State of Washington.

Claims.
Real property.
Washington.

SEC. 9151. During the current fiscal year, funds available to the Department of Defense used for a system or item procured by, or provided to, the Department of Defense containing manufactured carbonyl iron powders shall be available only for a system or item containing domestically manufactured carbonyl iron powders: *Provided,* That the Secretary of Defense may waive the provision of this section upon a determination that it is in the national interest: *Provided further,* That for the purpose of this section "domestically manufactured" means manufactured in a facility located in the United States or Canada.

SEC. 9152. Notwithstanding the provisions of section 351 (a) of the National Defense Authorization Act for Fiscal Year 1993 or any other provision of law, no funds appropriated or available to the Department of Defense shall be made available to prevent or delay the transfer and execution of the tactical missile maintenance consolidation to Letterkenny Army Depot and, in addition, no funds shall be made available for a depot selection competition to assess depot level tactical missile maintenance. For purposes of this section, this Act shall be treated as having been enacted after the National Defense Authorization Act for Fiscal Year 1993 (regardless of the actual dates of enactment).

SEC. 9153. Funds available for disaster relief activities of the Department of Defense may be used to provide bridge financing for the National Guard, for pay and allowances of members of the National Guard assisting in times of emergencies and natural disasters, until such time as Federal emergency has been declared.

SEC. 9154. Funds appropriated in this Act under the heading "Operation and Maintenance, Navy" shall be available for payments arising out of the deaths and injuries that resulted from the accidental striking of the Turkish ship Muavenet by a missile fired from the aircraft carrier Saratoga on October 1, 1992.

SEC. 9155. Section 206(a) of the International Emergency Economic Powers Act (50 U.S.C. 1705(a)) is amended by striking out "$50,000" and inserting in lieu thereof "$10,000".

SEC. 9156. The energy, educational, and medical facilities listed in amendment number 37 of the conference agreement on H.R. 5373, an Act making appropriations for energy and water development for the fiscal year ending September 30, 1993, and for other purposes, as reported and filed by the Committee of Conference on September 15, 1992, in the House of Representatives (House Report 102-866) for which the sum of $94,800,000 was included therein for such facilities, are hereby authorized and that sum as named in the appropriation shall be available only for these facilities in lieu of competitive merit-review awards or any other provision contained in that appropriations as enacted into law.

SEC. 9157. In addition to amounts appropriated elsewhere in this Act to the Department of Defense, $4,500,000 is appropriated only for the construction of a visitors center at the United States Naval Academy, Annapolis, Maryland; $5,500,000 is appropriated

only for the construction of a library at Fort Bragg, North Carolina; $9,700,000 is appropriated only for the construction of the 154th Composite Group Consolidated Support Facility, Hickam Air Force Base, Oahu, Hawaii; $1,050,000 is appropriated only for the construction of an armory at Kaunakakai, Molokai, Hawaii; $8,500,000 is appropriated only for the construction of FACP facilities at Barking Sands Naval Air Station, Kauai, Hawaii; and $4,300,000 is appropriated only for the construction of an armory at Wahiawa, Oahu, Hawaii.

SEC. 9158. From within funds provided in title II of this Act, the Secretary of Defense, in consultation with the Secretary of State, may obligate up to $100,000,000 to provide goods, services, and other support for international peacekeeping and humanitarian relief efforts under the authorities of the United Nations Participation Act of 1945, as amended (Public Law 79–264).

SEC. 9159. SACRAMENTO AND AMERICAN RIVERS FLOOD CONTROL PROJECT, CALIFORNIA: PRECONSTRUCTION ENGINEERING AND DESIGN; NATOMAS LEVEE CONSTRUCTION.

(a) CONTINUATION OF ENGINEERING AND DESIGN.—The Secretary of the Army is directed to reevaluate the project for flood control and recreation, Sacramento and American Rivers, California, as described in the feasibility report of the Chief of Engineers, entitled the "American River Watershed Investigation", dated July 1, 1992, subject to the provisions of this section.

(b) NATOMAS LEVEE FEATURES.—

(1) CONSTRUCTION.—The Secretary of the Army is authorized and directed to construct the Natomas levee features of the project as described in the feasibility report referred to in subsection (a), subject to entering into appropriate local cost-sharing agreements from the non-Federal sponsors of the project, provided that such construction does not encourage the development of deep floodplains.

(2) CREDIT FOR CERTAIN NON-FEDERAL WORK.—The Secretary of the Army shall credit against the non-Federal share of the cost of construction under paragraph (1), or reimburse the non-Federal sponsors, for any planning and construction work performed by the non-Federal sponsors to protect the Natomas area which is commenced prior to the Army Corps of Engineers' receiving appropriations to initiate such construction and which is consistent with the feasibility report referred to in subsection (a).

(c) GATING AND EXPANDABILITY REPORT.—In carrying out the reevaluation described in subsection (a) and in consultation with the State of California, the local non-Federal sponsors, and other interested groups, the Secretary of the Army is directed, within one year after the date of the enactment of this Act, to submit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report which:

(1) analyzes the outlet design of the flood control dam proposed as a feature of the project referred to in subsection (a), including an analysis of various configurations and capacities of gates (including a completely ungated configuration, a partly ungated configuration, emergency gates, operational gates, or a combination thereof) to ensure the safety of the flood control dam itself, to provide for system safety, to mini-

mize small event flooding of the Auburn Canyon, and to minimize damages to the vegetation, soils, and habitat in the canyon; and

(2) includes further analysis as to whether any feature or characteristic of the flood control dam would preclude its efficient expansion for water, power, or other purposes, and whether the design would create any greater difficulty for an expanded dam to meet seismic requirements than a multipurpose dam would otherwise encounter, and further assessment of the extra costs attributable to installation into an expanded dam such penstocks, operational gates and other features of a multipurpose dam which would not be included in an expandable dam lacking advanced features.

(d) REPAYMENT OF DESIGN WORK.—The non-Federal share of the costs of the design and reevaluations described in subsection (a) shall not be required to be repaid until after the execution of the agreement required by section 103(j) of the Water Resources Development Act of 1986 and immediately prior to the initiation of construction of the project or the appropriate separable element.

(e) SPECIAL EVALUATION REPORTS.—

(1) In carrying out the reevaluation described in subsection (a) and in consultation with the State of California, the local non-Federal sponsors, and other interested groups, the Secretary of the Army shall perform further evaluation of, and, within twelve months after the date of the enactment of this Act, submit to the Committee on Public Works and Transportation of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on, other features and operational procedures that should be implemented in a coordinated plan to provide flood protection sufficiently high for a major urban area subject to risk of frequent floods causing great economic, environmental, and social damage. The report shall specifically address, at a minimum, the following:

(i) The reliability, costs, environmental impacts, and public safety risks associated with increasing objective flows in the Lower American River above the 115,000 cubic feet per second design capacity, as well as the costs and impacts of permanent reoperation of Folsom Reservoir at different levels of increased flood storage, including the appropriate alternatives for sharing costs associated with Folsom Dam.

(ii) The costs and benefits of lowering the spillway at Folsom Dam in order to improve the dam's ability to pass a maximum probable flood and improve its operational flexibility for flood control.

(iii) The costs and benefits of transferring flood control obligations from the Folsom Reservoir to a new flood control facility at Auburn, increasing the Folsom Reservoir's capability for water supply.

(iv) The costs and benefits of utilizing existing and increased flood space in the upstream reservoirs to enhance the flood control capability at Folsom Dam and of establishing offstream storage in Deer Creek, alone or in combination with the alternatives referenced in paragraphs (i) and (ii) of this subsection.

(2) The Secretary of the Army shall further consult with, and solicit the views of, the National Academy of Engineering on the contingency assumptions, hydrological methodologies used in the preparation of the American River Project, and other engineering assumptions and methodologies influencing the scope and formulation of the American River flood control alternatives. Such consultation shall also solicit the views of the National Academy of Engineering on the merits of normalized use of reservoir surcharge space in a flood control regime for Sacramento. Any opinions with respect to these and other issues rendered by the National Academy of Engineering shall be made available to the public and included in the reports transmitted to Congress pursuant to this section.

Public information.

(f) FOLSOM DAM.—

(1) IN GENERAL.—Congress recognizes the urgency of ensuring that Folsom Dam is operated correctly, safely, efficiently and prudently for flood control purposes. The Secretary of the Interior (in consultation with the Sacramento Flood Control Agency and the Secretary of the Army) shall operate Folsom Dam to provide the maximum level of flood protection.

(2) FLOOD MANAGEMENT PLAN.—(A) Not later than one year after the date of enactment of this Act, and consistent with existing law, the Secretaries of the Army and Interior shall jointly develop and implement a flood management plan for the American River and Folsom Dam that ensures prompt, reliable, and full utilization of the flood control capability at Folsom Dam and other existing water resources development projects located in the American River watershed, California. Consistent with existing law, the plan should maximize the flood control capability within Folsom Dam's flood space reservation. The plan shall also identify opportunities and make recommendations to improve the stream gauge network and flood forecast system for the upper American River watershed. The Plan should also recognize that reservoir releases need to be made as quickly as possible in anticipation of incoming flow and in accordance with existing documents: "1959 Reservoir Regulations, Appendix II, the Corps Master Manual, Sacramento River Basin Reservoir Regulation Manual, Folsom Dam/Reservoir, American River: October 1, 1956," revised March 1959.

(B) The components of the inflow forecasting system and revised flood release rules and practices, and hydrographic and flood frequency models shall give due deference to the National Academy of Engineering findings developed pursuant to subsection (e)(2) of this section.

SEC. 9160. In addition to amounts appropriated elsewhere in this Act, $500,000 shall be available only for the settlement of subcontractor claims associated with the Army Corps of Engineers contract DACA85–88–0025, for the construction of an Aircraft Maintenance Management Facility at Eielson Air Force Base: *Provided,* That the Secretary of the Air Force shall evaluate such claims as may be submitted by subcontractors engaged under this contract, and, notwithstanding any other provision of law, may pay such amounts from the funds provided in this paragraph as the Secretary deems appropriate to settle completely any claims the Secretary determines to have merit: *Provided further,* That the Secretary shall report to the House and Senate Committees

Reports.

on Appropriations the resolution of such claims as are presented for consideration not later than March 15, 1993.

SEC. 9161. Section 118(a) of title 28, United States Code, is amended by inserting "Lancaster," before "Reading".

SEC. 9162. Notwithstanding any other provision of law, from the funds made available in title II of this Act, the Secretary of Defense may make a grant of $34,000,000 to the American Red Cross for reimbursement for disaster relief expenditures for Guam, American Samoa and Puerto Rico.

Contracts. Claims.

SEC. 9163. Notwithstanding any other provision of law or regulation, the Secretary of the Navy is authorized and directed to increase the current contract price (the contract price including all modifications as of the date of enactment of this Act) for the T–AGS 39 and 40 design and construction contract by $40,000,000 using funds provided in Public Law 102–172 for this program, and shall pay to the contractor which built and delivered T–AGS 39 and 40 the amount of $40,000,000, no later than December 31, 1992: *Provided,* That the contractor shall execute a release discharging the Government, its officers, agents and employees from any additional liability arising under or relating to the contract for T–AGS 39 and 40: *Provided further,* That the contractor shall agree to dismiss with prejudice its pending action in the United States Claims Court.

Contracts.

SEC. 9164. Notwithstanding any other provision of law, prior to March 1, 1993, the Secretary of the Air Force is directed to enter into a Supplemental Agreement to Air Force Prime Contract F04701–85–C–0019 for a Heavy Lift Expendable Launch Vehicle: *Provided,* That such a Supplemental Agreement shall address the Solid Rocket Motor Upgrade (SRMU) program and shall provide up to $350,000,000 in payment to the prime contractor and the agreed upon payments to the subcontractor for costs associated with: (a) conversion of the existing SRMU subcontract to a Fixed Price Incentive subcontract with equitable changes to the Titan IV Prime contract as necessary to encompass this conversion and subsections (b), (c), and (d) of this paragraph; (b) removal of concurrency in the SRMU development and production programs; (c) working capital contributions related to SRMU development, tooling and production; and (d) amortization of deferred non-recurring development, qualification and tooling: *Provided further,* That as a condition of the Supplemental Agreement, the Air Force shall require the prime contractor to certify that all legal disputes have been completely and finally resolved between the parties to the SRMU subcontract: *Provided further,* That the Air Force shall restructure the SRMU program to align production with mission model launch requirements: *Provided further,* That within funds appropriated to the Department of the Air Force either in this Act or in Public Law 102–172 not less than $200,000,000 nor more than $300,000,000 shall be available for the Supplemental Agreement and that such sums shall be in addition to any amounts appropriated specifically for the Titan IV program in this Act or in Public Law 102–172: *Provided further,* That the Secretary of the Air Force may use incremental funding for the restructured Titan IV program under the existing contract for 41 vehicles: *Provided further,* That the prime contractor shall certify all costs for which reimbursement is received and all such costs shall be subject to the normal allowability standards of the United States Government: *Provided further,* That the Air Force shall notify the

Committees on Appropriations of the House and Senate of the results of the negotiations and how funds will be made available to pay the negotiated settlement.

SEC. 9165. Within funds appropriated in this Act for the National Foreign Intelligence Program, the Director of Central Intelligence may transfer up to $32,000,000 to the Federal Bureau of Investigation for special programs: *Provided,* That the Director of Central Intelligence shall notify the House and Senate Committees on Appropriations prior to transferring any funds pursuant to this section.

SEC. 9166. In addition to amounts appropriated or otherwise made available by this Act, $303,000,000 is hereby appropriated to the Department of Defense and shall be available only for transfer to the United States Coast Guard, of which $253,000,000 shall be merged with and be available for the same purposes and same time period as "Operating Expenses" for fiscal year 1993 and $50,000,000 shall be merged with and be available for the same purposes and same time period as "Reserve Training" for fiscal year 1993: *Provided,* That the foregoing transfers shall be made immediately upon enactment of this Act.

SEC. 9167. None of the funds available to the Department of Defense may be obligated or expended for construction of a Ground Wave Emergency Network (GWEN) site in the Commonwealth of Massachusetts in Fiscal Year 1993.

42 USC 11701 *et seq.*; 25 USC 1621d.

SEC. 9168. S. 2681, as passed by the Senate on September 12, 1992, is hereby enacted into law.

This Act may be cited as the "Department of Defense Appropriations Act, 1993".

Approved October 6, 1992.

LEGISLATIVE HISTORY—H.R. 5504:

HOUSE REPORTS: Nos. 102-627 (Comm. on Appropriations) and 102-1015 (Comm. of Conference).
SENATE REPORTS: No. 102-408 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 138 (1992):
July 2, considered and passed House.
Sept. 21-23, considered and passed Senate, amended.
Oct. 5, House and Senate agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 28 (1992):
Oct. 6, Presidential statement.