

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1992

Nov. 26, 1991
[H.R. 2521]
Department of
Defense
Appropriations
Act, 1992
Armed Forces
Arms and
Ammunitions

Public Law 102-172
102d Congress

An Act

Nov. 26, 1991
[H.R. 2521]

Making appropriations for the Department of Defense for the fiscal year ending September 30, 1992, and for other purposes.

Department of
Defense
Appropriations
Act, 1992.
Armed Forces.
Arms and
munitions.

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, 1992, 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; \$24,176,100,000.

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; \$19,602,967,000.

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)), and to the Department of Defense Military Retirement Fund; \$6,065,560,000.

MILITARY PERSONNEL, AIR FORCE

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 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; \$18,868,300,000.

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; \$2,298,800,000.

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; \$1,714,600,000.

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; \$348,900,000.

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; \$718,900,000.

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; \$3,326,700,000.

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; \$1,145,500,000.

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; \$17,722,903,000: *Provided*, That \$350,000 shall be made available for the 1992 Memorial Day Celebration and \$350,000 shall be made available for the 1992

Capitol Fourth Project: *Provided further*, That notwithstanding section 2805 of title 10, United States Code, of the funds appropriated herein, \$4,000,000 shall be made available only for a grant to the National D-Day Museum Foundation, and \$4,000,000 shall be made available only for a grant to the Airborne and Special Operations Museum Foundation. These funds shall be made available solely for project costs and none of the funds are for remuneration of any entity or individual associated with fund raising for the project: *Provided further*, That \$350,000 shall be made available only to the Oregon Department of Economic Development: *Provided further*, That \$38,000,000 shall be made available only for procurement of the Extended Cold Weather Clothing System (ECWCS) and \$2,000,000 shall be made available only for the procurement of intermediate cold-wet weather boots: *Provided further*, That of the funds appropriated under this paragraph, the Secretary of the Army shall make a direct grant of \$22,000,000 to the Silver Valley Unified School District, Yermo, California, and \$10,000,000 to the Cumberland County School Board, Fayetteville, North Carolina, for support of the construction of public school structures, to be located on military facilities, sufficient to accommodate predominantly the dependents of members of the Armed Forces and dependents of Department of Defense employees employed at Fort Irwin, California, and Fort Bragg, North Carolina. The Secretary may require such terms and conditions in connection with the grants authorized by this section as the Secretary considers appropriate: *Provided further*, That of the funds appropriated under this heading, \$250,000 shall be available only for the conduct of a study on the need for and feasibility of a joint military and civilian airport at Manhattan, Kansas: *Provided further*, That of the amount appropriated under this heading, \$4,500,000 shall be available for the Army Environmental Policy Institute: *Provided further*, That \$5,000,000 of the amount appropriated under this heading shall be available for the United States Office for POW/MIA Affairs in Hanoi: *Provided further*, That of the funds appropriated under this heading, \$6,800,000 shall be available for the refurbishment and modernization at existing railyard facilities at Fort Riley, Kansas.

OPERATION AND MAINTENANCE, NAVY

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 \$4,609,000 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; \$21,079,548,000: *Provided*, That of the funds appropriated under this heading, \$78,000,000 shall be available only for shipyard modernization projects to remain available for obligation until September 30, 1994: *Provided further*, That from the amounts of this appropriation for the alteration, overhaul and repair of naval vessels and aircraft, funds shall be available to acquire the alteration, overhaul and repair by competition between public and private shipyards, Naval Aviation Depots and private companies. The Navy shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private shipyards, Naval Aviation Depots, and private companies. Competitions shall not be subject to section 2461 or 2464 of title 10, United States Code,

or to Office of Management and Budget Circular A-76. Naval Aviation Depots may perform manufacturing in order to compete for production contracts: *Provided further*, 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 not less than \$2,000,000 shall be made available to the Secretary of the Navy for a study, to be submitted to the Committees on Appropriations no later than August 1, 1992, on the costs of improving the Port of Haifa, Israel, and facilities in the immediate vicinity, to accommodate the full complement of services required for the maintenance, repair and associated tasks needed to support a carrier battle group: *Provided further*, That of the funds appropriated under this heading, \$300,000 shall be made available only for the deaccession, reinterment, and reburial of ancestral skeletal remains at Mokapu, Hawaii: *Provided further*, That of the funds appropriated under this heading, the Navy shall provide for the transportation of U.S.S. Bennington accoutrements from China Lake Naval Air Station, California, to Bennington, Vermont: *Provided further*, That the Navy should maintain the existing share of ship repair and maintenance work between public and private sector ship repair facilities, consistent with national security requirements: *Provided further*, That of the funds appropriated under this heading, \$1,600,000 shall be made available only for the renovation of the submarine U.S.S. Blueback for use by the Oregon Museum of Science and Industry upon the determination of the Secretary of the Navy that the renovation is in the interest of national security: *Provided further*, That of the funds made available in Public Law 102-139, the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1992, to the National Science Foundation, "Research and related activities", \$5,000,000 is rescinded. In addition, an aggregate total of \$70,000,000 of funds available to the National Science Foundation and the Department of Housing and Urban Development are hereby rescinded: *Provided*, That said \$70,000,000 shall be derived in whole or in part from funds available in either or both of the following two sources: National Science Foundation, under the heading "Research and related activities" and the Department of Housing and Urban Development, under the heading "Annual contributions for assisted housing" from funds made available in prior years for nonincremental section 8 purposes and that were unreserved and unobligated at the end of fiscal year 1991: *Provided further*, That no funds available or provided for the National Science Foundation for Arctic research programs in the above Act or any other Act may be reduced or rescinded under the terms of this provision.

OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law; \$1,892,110,000: *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 of the funds appropriated in this paragraph, \$3,000,000 shall be available for the New Parent Support Program.

OPERATION AND MAINTENANCE, AIR FORCE

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed \$8,646,000 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; \$17,180,259,000.

OPERATION AND MAINTENANCE, DEFENSE AGENCIES

(INCLUDING TRANSFER OF FUNDS)

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; \$16,408,161,000, of which not to exceed \$25,000,000 may be available for the CINC initiative fund account; and of which not to exceed \$15,743,000 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, \$752,835,000 shall be made available for the Special Operations Command: *Provided further*, That of the funds appropriated in this paragraph, \$37,000,000 shall be made available only to maintain the operations and personnel levels of a 100-bed facility at Letterman Hospital at the Presidio, in San Francisco, California, and \$6,000,000 shall be made available for the San Francisco Medical Command to provide for angioplasty services, increased pharmacy costs, and a 100-mile catchment area for cardiac surgery at Oakland Naval Hospital to compensate for the reduced services at Letterman Hospital: *Provided further*, That of the funds appropriated under this heading, \$1,000,000 shall be made available to the Office of the Secretary of Defense only for the development and establishment of gainsharing projects: *Provided further*, That of the funds appropriated under this heading, \$750,000 shall be made available only for the conduct and preparation of an inventory of all the real property in the State of Hawaii that is owned or controlled by the United States Department of Defense and its components: *Provided further*, That of the funds appropriated under this heading, \$5,000,000 shall be made available only for the establishment and administration of a commission, to be known as the "Defense Conversion Commission": *Provided further*, That:

Establishment.

(a) Of the funds appropriated under this heading not less than \$25,000,000 shall be made available only for the continued implementation of the Legacy Resource Management Program: *Provided*, That of this amount, not less than \$10,000,000 shall be made available only for use in implementing cooperative agreements to identify, document, and maintain biological diversity on military installations: *Provided further*, That funds appro-

Reports.

priated for the Legacy Resource Management Program shall be made available for the purposes set forth in section 8120 of Public Law 101-511 as amended by this proviso and for implementing such cooperative agreements as may be concluded between the Department of Defense and other governmental and nongovernmental organizations or entities: *Provided further*, That the Deputy Assistant Secretary of Defense (Environment) shall provide the Committees on Appropriations with a report on the status of the Legacy Program and a five year plan for its development no later than June 30, 1992.

(b) Sections 8120 (c) and (d) of the Department of Defense Appropriations Act, 1991 (Public Law 101-511; 104 Stat. 1905) are each amended by striking out "Deputy Assistant Secretary of Defense for Environment" and inserting "Deputy Assistant Secretary of Defense (Environment)" in lieu thereof.

(c) Section 8120(d) of the Department of Defense Appropriations Act, 1991 (Public Law 101-511; 104 Stat. 1905), as amended by subsection (a), is further amended by—

(1) striking out "seek the participation of" and inserting "involve" in lieu thereof, and

(2) by adding the following new sentences at the end of such section: "He shall also involve State and local agencies and not-for-profit organizations with special expertise in areas related to the purposes of the Legacy Program. Services of State and local agencies and not-for-profit organizations may be obtained by contract, cooperative agreement, or grant to assist the Department of Defense in fulfilling the purposes of the Legacy Program."

Provided further, That of the funds appropriated in this paragraph, \$300,000 shall be provided to the Maryland Hospital Association for a demonstration project to assist military personnel in becoming health care employees: *Provided further*, That \$600,000 shall be provided only for two Post-Traumatic Stress Disorder Treatment Centers, one to be located in the State of Hawaii, and one to be located in Greensburg, Pennsylvania, for the purpose of treating military personnel, dependents, and other personnel in post-traumatic stress disorders: *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 equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; \$968,200,000.

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; \$825,500,000.

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; \$81,700,000.

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; \$1,078,700,000.

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); \$2,125,800,000.

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, maintenance, 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; \$2,281,300,000.

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 construction, equipment, and maintenance of rifle ranges; the instruction of citizens in marksmanship; the promotion of rifle practice; the conduct of the national matches; the issuance 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 \$5,000,000 of which not to exceed \$7,500 shall be available for incidental expenses of the National Board: *Provided*, That the President shall assess the contributions to military readiness provided by the National Board for the Promotion of Rifle Practice, and report to the Congress the anticipated impact of the termination of funding by the Department of Defense for the activities and operations of the National Board not later than March 1, 1992.

Reports.

COURT OF MILITARY APPEALS, DEFENSE

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

ENVIRONMENTAL RESTORATION, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For the Department of Defense; \$1,183,900,000, 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.

HUMANITARIAN ASSISTANCE

For transportation for humanitarian relief for refugees of Afghanistan, acquisition and shipment of transportation assets to assist in the distribution of such relief, and for transportation and distribution of humanitarian and excess nonlethal supplies for worldwide humanitarian relief, as authorized by law; \$15,000,000, to

remain available for obligation until September 30, 1993: *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.

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; \$3,000,000.

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.

REAL PROPERTY MAINTENANCE, DEFENSE

For the maintenance of real property of the Department of Defense, \$500,000,000 to remain available for obligation until September 30, 1993: *Provided*, That such funds shall be available only for repairing property which has been defined by the Defense Department as part of a backlog of maintenance and repair projects in the justification material accompanying the President's budget request for fiscal year 1992: *Provided further*, That such funds shall be allocated by the Comptroller, Department of Defense for the projects determined by the Department of Defense as the highest priority for repair.

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; \$1,692,800,000, to remain available for obligation until September 30, 1994.

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; \$1,006,462,000, to remain available for obligation until September 30, 1994.

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; \$1,111,096,000, to remain available for obligation until September 30, 1994.

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; \$1,369,080,000, to remain available for obligation until September 30, 1994.

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and nontracked combat vehicles; the purchase of not to exceed 225 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; \$3,063,799,000, to remain available for obligation until September 30, 1994.

AIRCRAFT PROCUREMENT, NAVY

(INCLUDING TRANSFER OF FUNDS)

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; \$6,948,620,000, to remain available for obligation until September 30, 1994: *Provided*, That \$851,600,000 of the funds appropriated in the Department of Defense Appropriations Act, 1991 (Public Law 101-511) under the heading "Research, Development, Test and Evaluation, Navy" shall be transferred to "Aircraft Procurement, Navy": *Provided further*, That the funds transferred are to be available for the same time period as the appropriation from which transferred and for the same purposes as the appropriation to which transferred.

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, as follows:

Ballistic Missile Programs, \$1,204,166,000;
 Other Missile Programs, \$2,203,324,000;
 Torpedoes and Related Equipment, \$689,456,000;
 Other Weapons, \$130,123,000;
 Other Ordnance, \$227,573,000;
 Other, \$107,979,000;

In all: \$4,562,621,000, to remain available for obligation until September 30, 1994.

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:

SSN-21 attack submarine program, \$1,903,225,000;

DDG-51 destroyer program, \$4,107,688,000;

MHC coastal mine hunter program, \$341,096,000;

T-AGOS surveillance ship program, \$149,000,000;

AOE combat support ship program, \$500,000,000;

LCAC landing craft air cushion program, \$504,000,000;

Oceanographic ship program, \$99,818,000;

TAGS 39/40 program, \$55,000,000: *Provided*, That the Secretary of the Navy shall obligate \$55,000,000 to increase the price of the TAGS 39 and 40 contract and pay the contractor which built and delivered the TAGS 39 and 40 if the Secretary reviews the matter and determines there is justification to make such payment;

Sealift ship program, \$600,000,000;

For craft, outfitting, post delivery, and DBOF transfer, \$423,921,000;

For escalation, \$463,600,000;

For first destination transportation, \$5,939,000;

In all: \$9,153,287,000, to remain available for obligation until September 30, 1996: *Provided*, That additional obligations may be incurred after September 30, 1996, 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 651 passenger motor vehicles of which 621 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; \$6,432,463,000, to remain available for obligation until September 30, 1994: *Provided*, That funds appropriated in this paragraph for procurement of the Enhanced Modular Signal Processor may be obligated for such procurement under a multiyear contract, in accordance with the requirements of section 8013 of this Act.

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 45 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; \$1,079,951,000, to remain available for obligation until September 30, 1994.

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; \$10,412,350,000, to remain available for obligation until September 30, 1994.

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; \$5,235,450,000, to remain available for obligation until September 30, 1994.

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 408 passenger motor vehicles of which 285 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; \$8,068,104,000, to remain available for obligation until September 30, 1994.

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; \$1,877,800,000, to remain available for obligation until September 30, 1994.

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 337 passenger motor vehicles 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; \$2,250,826,000, to remain available for obligation until September 30, 1994, of which \$981,730,000 shall be available for the Special Operations Command.

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; \$6,562,672,000, to remain available for obligation until September 30, 1993, of which not less than \$6,300,000 is available only for the Vectored Thrust Combat Agility Demonstrator flight test program utilizing the Vectored Thrust Ducted Propeller upon successful completion of Phase I of this demonstration project: *Provided*, That \$2,000,000 shall be made available only to establish a Center for Prostate Disease Research at the Walter Reed Army Institute of Research: *Provided further*, That not less than \$10,000,000 of the funds appropriated in this paragraph shall be made available as a grant only to the Louisiana State University, Louisiana for the Neuroscience Center of Excellence 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, 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; \$8,557,635,000, to remain available for obligation

until September 30, 1993: *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 are available for development of upgrades to the Surveillance Towed Array Sensor System that do not include the AN/UYS-2 Enhanced Modular Signal Processor: *Provided further*, That of the funds appropriated in this paragraph, \$221,000,000 is available only for the Ship Self-Defense program which may be obligated only if it has a single program manager who is fully responsible and accountable for its execution: *Provided further*, That of the funds appropriated under this heading, \$10,000,000 shall be available only for the Submarine Laser Communications project: *Provided further*, That of the funds appropriated under this heading, \$5,134,000 shall be available only for the Gun Weapon System Advanced Technology program.

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; \$14,077,834,000, to remain available for obligation until September 30, 1993, of which not less than \$30,000,000 is available only for the National Center for Manufacturing Sciences: *Provided*, That not less than \$2,500,000 of the funds appropriated in this paragraph are 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 \$8,000,000 of the funds appropriated in this paragraph shall be made available only for a side-by-side evaluation of the ALR-56M and the ALR-62I radar warning receivers: *Provided further*, That none of the funds appropriated by this paragraph may be used for the B-1B ALQ-161 CORE program or an advanced radar warning receiver, except for costs associated with the side-by-side testing of the ALR-56M and the ALR-62I: *Provided further*, That \$5,700,000 shall be made available only for the U.S./U.S.S.R. Joint Seismic Program administered by the Incorporated Research Institutions for Seismology: *Provided further*, That not less than \$10,000,000 of the funds appropriated in this paragraph shall be made available as a grant only to Marywood College, Pennsylvania 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 appropriated in this paragraph, \$10,000,000 shall be made available only for the modernization and upgrade of the Poker Flat Rocket Range: *Provided further*, That of

the funds appropriated in this paragraph, \$19,500,000 shall be made available in the SPACETRACK program element only to establish an image information processing center, including a computing facility built around newly emerging massively parallel computing technology, collocated with the Air Force Maui Optical Station and the Maui Optical Tracking Facility.

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; \$9,978,305,000, to remain available for obligation until September 30, 1993, of which \$298,316,000 shall be available for the Special Operations Command: *Provided*, That not less than \$171,000,000 of the funds appropriated in this paragraph are available only for the Extended Range Interceptor (ERINT) missile: *Provided further*, That not less than \$60,000,000 of the funds appropriated in this paragraph are available only for the Arrow Continuation Experiments: *Provided further*, That not less than \$145,500,000 of the funds appropriated in this paragraph are available only for the Patriot missile program: *Provided further*, That not less than \$10,000,000 of the funds appropriated in this paragraph 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 Veterans Administration and the Department of Defense: *Provided further*, That not less than \$10,000,000 of the funds appropriated in this paragraph and not less than \$7,000,000 of the funds appropriated in Public Law 101-511 for Research, Development, Test and Evaluation, Defense Agencies shall be available only for an Experimental Program to Stimulate Competitive Research (EPSCOR) in the Department of Defense which shall include all States eligible 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 of the funds appropriated in Public Law 101-511 for Research, Development, Test and Evaluation, Defense Agencies, any unobligated funds provided for the Superconductive Magnetic Energy Storage system shall be obligated within 120 days after enactment of this Act: *Provided further*, That the Secretary of Defense shall complete the Phase One contractor down-selection process for the Superconductive Magnetic Energy Storage system within 60 days after enactment of this Act: *Provided further*, That of the funds appropriated in Public Law 101-511 for Research, Development, Test and Evaluation, Defense Agencies, \$25,000,000 provided for the Strategic Environmental Research Program shall be obligated for the procurement, installation and operation of a supercomputer to support the Arctic Region Supercomputing Center: *Provided further*,

That not less than \$6,000,000 of the funds appropriated in this paragraph shall be made available as a grant only to the University of Texas at Austin 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 \$6,000,000 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 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 \$7,700,000 of the funds appropriated in this paragraph shall be made available as a grant only to the Kansas 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 \$1,600,000 of the funds appropriated in this paragraph shall be made available as a grant only to the University of Wisconsin 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 \$29,000,000 of the funds appropriated in this paragraph shall be made available as a grant only to the Boston 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 \$250,000 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 \$500,000 of the funds appropriated in this paragraph shall be made available as a grant only to the University of South Carolina 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 \$750,000 of the funds appropriated in this paragraph shall be made available as a grant only to the George Mason 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 \$2,300,000 of the funds appropriated in this paragraph shall be made available as a grant only to Monmouth College 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 \$10,000,000 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 \$500,000 of the funds appropriated in this paragraph shall be made available as a grant only to the University of Saint Thomas in Saint Paul, 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 Brandeis 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 \$3,000,000 of the funds appropriated in this paragraph shall be made available as a grant only to the New Mexico 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 \$25,000,000 of the funds appropriated in this paragraph shall be available only for development of advanced superconducting multi-chip modules, superconducting materials, and diamond substrate material technologies.

GENERAL PROVISION

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 superseded 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: *Provided*, That funds appropriated in this title and in title IV of Public Law 101-511 to develop Global Positioning System range equipment under the auspices of the Range Applications Joint Program Office may not be used to purchase more than eight systems.

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; \$211,277,000, to remain available for obligation until September 30, 1993.

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; \$14,200,000, to remain available for obligation until September 30, 1993.

TITLE V

DEFENSE BUSINESS OPERATIONS FUND

For the Defense Business Operations Fund; \$3,424,200,000.

TITLE VI

OTHER DEPARTMENT OF DEFENSE PROGRAMS

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, as follows: for Operation and maintenance, \$208,698,000; for Procurement, \$151,800,000 to remain available until September 30, 1994; for Research, development, test and evaluation, \$13,900,000 to remain available until September 30, 1993; In all: \$374,398,000: *Provided*, That none of the funds in this Act may be obligated or expended for the procurement of equipment for chemical weapon disposal facilities at Anniston Army Depot or Umatilla Army Depot until the Secretary of the Army certifies to the Congress that Phase III of Operational Verification Testing at the Johnston Atoll Chemical Agent Destruction Facility has begun.

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; \$1,188,600,000: *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 \$60,000,000 shall be transferred from the MX Missile Program in "Missile Procurement, Air Force, 1991/1993" to the "Drug Interdiction and Counter-Drug Activities, Defense" account in order to procure no fewer than four aerostat radar surveillance systems. The amounts transferred shall be available for the same purposes as the appropriation to which transferred, and for the same time period as the appropriation from which transferred: *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.

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, as follows: for Operation and maintenance, \$115,900,000; for Procurement, \$300,000; In all: \$116,200,000: *Provided*, That the amount provided for Procurement shall remain available until September 30, 1994.

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; \$164,100,000.

INTELLIGENCE COMMUNITY STAFF

For necessary expenses of the Intelligence Community Staff; \$28,819,000.

NATIONAL SECURITY EDUCATION TRUST FUND

Of the funds appropriated in this Act, \$150,000,000 shall be made available only for the National Security Education Trust Fund pursuant to the provisions of title VIII of the Intelligence Authorization Act (H.R. 2038), for fiscal year 1992.

TITLE VIII

GENERAL PROVISIONS

SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 8002. 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 the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of the Philippines and foreign national employees of the Department of Defense in the Republic of Turkey: *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.

SEC. 8003. 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. 8004. 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

10 USC 1584
note.

Government
employees.
Wages.

Philippines.
Turkey.

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.

SEC. 8005. No part of any appropriation contained in this Act, except for small purchases in amounts not exceeding \$25,000, 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.

Foreign trade.

(TRANSFER OF FUNDS)

SEC. 8006. 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. 8007. 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 war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 8008. (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.

(b) None of the funds available to the Department of Defense in this Act shall be utilized for the conversion of heating plants from coal to oil or coal to natural gas at defense facilities in Europe, except as provided in section 2690 of title 10, United States Code, and thirty days after the Secretary of Defense has notified the Committees on Appropriations of the Senate and House of Representatives: *Provided*, That this limitation shall apply to any authority granted pursuant to section 9008 of the Department of Defense Appropriations Act, 1990.

(c) 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 or municipal services, if provisions are included for the consideration of United States coal as an energy source.

SEC. 8009. 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 Appropria-

tions and Armed Services of the Senate and House of Representatives.

SEC. 8010. 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. 8011. 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 1991 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 an analysis similar to that used pursuant to title XVIII of the Social Security Act, the allowable amounts shall be reduced by not more than 15 percent. The Secretary shall solicit public comment prior to promulgating regulations to implement this section.

SEC. 8012. 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, 1994.

SEC. 8013. 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:

MK-48 ADCAP Torpedo;
UH-60 Black Hawk Helicopter; and
Army Tactical Missile.

(TRANSFER OF FUNDS)

SEC. 8014. 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. 8015. (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 71,168: *Provided*, That none of the funds appropriated by this Act shall be available to support more than 48,093 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.

SEC. 8015A. 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 Realignment 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. 8016. (a) The provisions of section 115(b)(2) of title 10, United States Code, shall not apply with respect to fiscal year 1992 or with respect to the appropriation of funds for that year.

(b) During fiscal year 1992, 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 1993 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 1993 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 1993.

SEC. 8017. 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.

Indians.
Real property.

SEC. 8018. 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. 8018A. Funds made available by this Act shall be available to the Department of Defense for purchasing and storing petroleum products in Israel in order to meet emergency and other military needs of the United States as agreed to in a memorandum of agreement between the United States and Israel which should be concluded promptly on terms and conditions acceptable to the governments of both countries: *Provided*, That any memorandum of agreement entered into as described in this section shall be transmitted to the Committees on Armed Services and on Appropriations of the Senate and the House of Representatives and shall not take effect until 60 days after the date of the transmittal to such committees: *Provided further*, That in the event of a wartime emergency or a state of heightened military readiness on the part of Israel, all or part of the stock purchased pursuant to this section may be withdrawn and used by the armed forces of Israel (1) with the agreement of the governments of the United States and Israel as provided for in the memorandum of agreement, (2) with notification of the Congress in accordance with section 652 of the Foreign Assistance Act of 1961, and (3) subject to the requirement that the government of Israel promptly and fully reimburse the Government of the United States for each such withdrawal in accordance with the terms of the memorandum of agreement: *Provided further*, That section 8110 of Public Law 101-511 is hereby repealed.

Petroleum.
Israel.

104 Stat. 1903.

SEC. 8019. 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.

Regulations.

SEC. 8020. 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.

SEC. 8021. 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 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

10 USC 401 note.

Reports.

Pacific Islands.
Micronesia.

Territories.

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.

Armed Forces reserves.

SEC. 8022. 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.

SEC. 8023. Funds available for operation and maintenance under this Act, may be used in connection with demonstration projects and other activities authorized by section 1092 of title 10, United States Code.

SEC. 8024. (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 no contribution to the Fund pursuant to section 2006(g) shall be made during the current fiscal year that represents liabilities arising from the Department of the Army: *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 re-enlisted with this option prior to October 1, 1987: *Provided further*, That this subsection applies only to active components of the Army.

SEC. 8025. 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. 8026. 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. 8027. 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: *Provided*, That this limitation shall not apply to procurement of such mortars or ammunition required for testing, evaluation, type classification or equipping the Army's Ninth Infantry Division (Motorized).

SEC. 8027A. Notwithstanding any other provision of law, section 8095 of the Department of Defense Appropriations Act, 1991 (Public Law 101-511; 104 Stat. 1896) is hereby repealed.

50 USC 98e note.

SEC. 8028. 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: *Provided*, 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. 8029. 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. 8030. 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. 8031. 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.

SEC. 8032. None of the funds in this Act may be used to execute a contract for the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) Reform Initiative that exceeds the total fiscal year 1987 costs for CHAMPUS care provided in California and Hawaii, plus normal and reasonable adjustments for price and program growth: *Provided*, That notwithstanding any other provision of law, the CHAMPUS Reform Initiative contract for California and Hawaii shall be extended until February 1, 1994, within the limits and rates specified in the contract: *Provided further*, That the Department shall competitively award contracts for the geographic 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 Tidewater region of Virginia: *Provided further*, That competitive expansion of the CHAMPUS Reform Initiative may occur in any other regions that the Assistant Secretary of Defense for Health Affairs deems appropriate.

SEC. 8033. 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. 8034. 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.

SEC. 8035. 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, 1992, 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

California.
Hawaii.
10 USC 1073
note.

Contracts.

Appropriations Act: *Provided further*, That at the time the President submits his budget for fiscal year 1993, 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 1993.

SEC. 8036. Of the funds appropriated to the Army, \$172,072,000 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) unless the RCAS contract source selection official is the Chief of the National Guard Bureau;

(4) 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;

(5) unless the Program Manager (PM) charter makes the PM accountable to the source selection official and fully defines his authority, responsibility, reporting channels and organizational structure;

(6) to pay the salaries of individuals assigned to the RCAS program management office, source selection evaluation board, and source selection advisory board unless such organizations are comprised of personnel chosen jointly by the Chiefs of the National Guard Bureau and the Army Reserve;

(7) to award a contract for development or acquisition of RCAS unless such contract is competitively awarded under procedures of OMB Circular A-109 for an integrated system consisting of software, hardware, and communications equipment and unless such contract precludes the use of Government furnished equipment, operating systems, and executive and applications software; and

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

SEC. 8037. 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 con-

tract and shall include in the notice an explanation of the reasons for the determination.

SEC. 8038. 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. 8039. 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. 8040. 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. 8040A. 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. 8041. 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. 8042. 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. 8043. 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 in excess of thirty days in any year, in the case of a patient nineteen years of age or older, forty-five days in any year in the case of a patient under nineteen years of age, or one hundred and fifty days in any year in the case of inpatient mental health services provided as residential treatment care, or 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 these limitations do 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 professional 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: *Provided further*, That the Secretary of Defense (after consulting with the other administering Secretaries) may prescribe separate payment requirements (including deductibles, copayments, and catastrophic limits) for the provision of mental health services to persons covered by this provision or section 1086 of title 10, United States Code. The payment requirements may vary for different categories of covered beneficiaries, by type of mental health service provided, and based on the location of the covered beneficiaries: *Provided further*, That except in the case of an emergency, the Secretary of Defense shall require preadmission authorization before inpatient mental health services may be provided to persons covered by this provision or section 1086 of title 10, United States Code. In the case of the provision of emergency inpatient mental health services, approval for the continuation of such services shall be required within 72 hours after admission.

SEC. 8044. The designs of the Army LH 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 effective July 1, 1992 all new Department of Defense procurements shall

Handicapped.

Transportation.

Computer
technology.

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. 8045. Of the funds appropriated, reimbursable expenses incurred by the Department of Defense on behalf of the Soviet Union 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 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.

SEC. 8046. 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 resulting from the decreased use of 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, 1992, report to the Senate and House Committees on Appropriations how this reduction was allocated among the Services and Defense Agencies: *Provided*, That this section does not apply to the reserve components.

SEC. 8047. 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.

SEC. 8048. 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 and the District of Columbia, 175,960 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 youth shall not be included in this workyear limitation.

SEC. 8049. None of the funds available to the Department of Defense or Navy shall be obligated or expended to (1) implement Automatic Data Processing or Information Technology Facility consolidation plans, or (2) to make reductions or transfers in personnel end strengths, billets or missions that affect the Naval Regional Data Automation Center, the Enlisted Personnel Management Center, the Naval Reserve Personnel Center and related missions,

Reports.

Reports.

functions and commands until sixty days after the Secretary of Defense submits a report, including complete review comments by the General Accounting Office, to the Committees on Appropriations of the House and Senate justifying any transfer, reductions, or consolidations in terms of (1) addressing the overall mission and operations staffing of all Naval Automatic Data Processing, Information Technology Facility, and Naval personnel functions for all active and reserve personnel commands and field activities and Automatic Data Processing commands and field activities; and (2) certifying that such reduction, transfer or consolidation plans or operations do not duplicate functions presently conducted; are cost effective from a budgetary standpoint; will not adversely affect the mission, readiness and strategic considerations of the Navy and Naval Reserve; and will not adversely impact on the quality of life and economic benefits of the individual serviceperson or have an adverse economic impact on a geographic area.

(TRANSFER OF FUNDS)

SEC. 8049A. In addition to the amounts appropriated or otherwise made available in this Act, \$710,348,000 is appropriated for the operation, modernization, and expansion of automated data processing systems: *Provided*, That the Secretary of Defense shall, upon determining that such funds are necessary and further the objectives of the Corporate Information Management initiative, transfer such amounts as necessary to the appropriate appropriation provided in titles II, III, and IV of 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: *Provided further*, That obligation and expenditure of these funds are subject to the review and approval of the Defense Department's senior information resource management official: *Provided further*, That this transfer authority shall be in addition to any other transfer authority contained in this Act.

SEC. 8050. 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. 8051. 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. 8052. 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:

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

(b) 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

(c) where the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific

Contracts.

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. 8053. 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. 8054. 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. 8055. 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. 8056. None of the funds appropriated by this Act available for the Civilian Health and Medical Program of the Uniformed Services shall be available for the payment of the expenses under the Program for the first \$150 of the charges for all types of care authorized under the provisions of section 1079(a) of title 10, United States Code, under plans contracted for under the provisions of section 1079 or section 1086 of title 10, United States Code, and received in an outpatient status after April 1, 1991: *Provided*, That the foregoing limitation shall not exceed the first \$300 in the case of a family group of two or more persons covered by section 1079(a) of title 10, United States Code: *Provided further*, That higher deductible amounts and/or total or partial restrictions on the availability of care (other than emergency care) in facilities of the uniformed services may be prescribed by the Secretary of Defense in the case of beneficiaries eligible for enrollment under health care plans contracted for under section 1097 of title 10, United States Code, who chose not to enroll in such plans: *Provided further*, That the provisions of this section shall not apply in the case of dependents of military members in grades E-1 through E-4.

SEC. 8057. 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. 8058. Of the funds appropriated by this Act, no more than \$4,000,000 shall be available for the health care demonstration project regarding chiropractic care required by section 632(b) of the Department of Defense Authorization Act, 1985, Public Law 98-525.

SEC. 8059. 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. 8060. Such sums as may be necessary for fiscal year 1992 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 8061. 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.

SEC. 8062. 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. 8063. 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, 1991, 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. 8064. 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. 8064A. Section 831(m) of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2301 note) is amended—

(a) by striking paragraph (2) and inserting:

“(2) The term ‘disadvantaged small business concern’ means:

“(A) a small business concern owned and controlled by socially and economically disadvantaged individuals;

“(B) a business entity owned and controlled by an Indian tribe as defined by section 8(a)(13) of the Small Business Act (15 U.S.C. 637(a)(13));

“(C) a business entity owned and controlled by a Native Hawaiian Organization as defined by section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(13)); or

“(D) a qualified organization employing the severely disabled.”;

(b) by adding the following new paragraphs:

“(6) The term ‘qualified organization employing the severely disabled’ means a business entity operated on a for-profit or nonprofit basis that—

“(A) uses rehabilitative engineering to provide employment opportunities for severely disabled individuals and integrates severely disabled individuals into its workforce;

“(B) employs severely disabled individuals at a rate that averages not less than 20 percent of its total workforce;

“(C) employs each severely disabled individual in its workforce generally on the basis of 40 hours per week; and

“(D) pays not less than the minimum wage prescribed pursuant to section 6 of the Fair Labor Standards Act (29 U.S.C. 206) to those employees who are severely disabled individuals.

“(7) The term ‘severely disabled individual’ means an individual who has a physical or mental disability which constitutes a substantial handicap to employment and which, in accordance with criteria prescribed by the Committee for the Purchase From the Blind and Other Severely Handicapped established by section 46 of title 41, United States Code, is of such a nature that the individual is otherwise prevented from engaging in normal competitive employment.”.

SEC. 8065. 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.

SEC. 8065A. Of the funds appropriated by this Act, no more than \$14,500,000 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. 8066. 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. 8067. (a) None of the funds appropriated by this Act shall be used to reduce the end strength of the National Guard and Reserve Components below the levels funded in this Act: *Provided*, That the Secretary of Defense may vary each such end strength by not more than 2 percent.

(b) None of the funds appropriated by this Act shall be used to reduce the force structure allowance (1) of the Army National Guard below 450,000, (2) of the Army Reserve below 310,000, and (3) of any other National Guard and Reserve Component below the end strength level supported by funds appropriated by this Act: *Provided*, That in the case of any National Guard or Reserve Component, the Secretary of Defense may vary such force structure allowance by a percentage not in excess of the percentage (if any) by which the end strength level of that component is varied pursuant to the authority provided in the proviso in subsection (a).

SEC. 8068. Funds appropriated or otherwise available for any Federal agency, the Congress, the judicial branch, or the District of Columbia for the fiscal year ending September 30, 1992, 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.

SEC. 8069. 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. 8070. 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.

Fellowships and
scholarships.

SEC. 8070A. (a) Of the amounts available to the Department of Defense for fiscal year 1992, 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. 8071. 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. 8072. None of the unobligated balances available in the National Defense Stockpile Transaction Fund during fiscal year 1992 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. 8072A. (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.

Contracts.
Foreign
relations.

(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.

Reports.

(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.

(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. 8073. Notwithstanding any other provision of law, after June 1, 1991, 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. 8074. 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. 8075. 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: *Provided*, That this training will be performed at Walter Reed Army Medical Center.

SEC. 8076. 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. 8076A. 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 appropriation 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.

(RESCISSIONS)

SEC. 8077. Of the funds provided in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts in the specified amounts:

Procurement of weapons and tracked combat vehicles, Army, 1990/1992, \$10,000,000;

Procurement of weapons and tracked combat vehicles, Army, 1991/1993, \$114,000,000;

Procurement of ammunition, Army, 1991/1993, \$23,700,000;

Other procurement, Army, 1990/1992, \$10,300,000;

Other procurement, Army, 1991/1993, \$26,800,000;

Weapons procurement, Navy, 1991/1993, \$317,000,000;

Other procurement, Navy, 1991/1993, \$6,200,000;

Procurement, Marine Corps, 1991/1993, \$2,000,000;

Missile procurement, Air Force, 1990/1992, \$16,000,000;

Missile procurement, Air Force, 1991/1993, \$80,000,000;

National Guard and Reserve Equipment, 1991/1993, \$8,000,000;

Research, Development, Test and Evaluation, Army, 1991/1992, \$81,075,000;

Research, Development, Test and Evaluation, Navy, 1991/1992, \$173,400,000;

Research, Development, Test and Evaluation, Air Force, 1991/1992, \$232,310,000;

Research, Development, Test and Evaluation, Defense Agencies, 1991/1992, \$1,800,000.

SEC. 8078. Section 8104 of the Department of Defense Appropriations Act, 1991 (Public Law 101-511; 104 Stat. 1898) is amended— 50 USC 401 note.

Termination
date.

(1) by amending section 3 by adding the following new sentence at the end thereof: "The Commission is established until 30 days following submission of the final report required by section 6 of this section.";

Reports.

(2) by amending section 6 as follows: (i) by amending subsection (b)—

(A) by striking out "SUBSEQUENT ANNUAL REPORTS" and inserting "FINAL REPORT" in lieu thereof;

(B) by striking out "an annual report for each of the first five years following the" and inserting "a final report one year following" in lieu thereof in the first sentence; and

(C) by striking out the second sentence; and

(ii) by amending subsection (c)—

(A) by striking out "Each report under this section" and inserting "The report under subsection (b)" in lieu thereof in the first sentence; and

(B) by striking out "Each such" and inserting "Such" in lieu thereof in the second sentence; and

(3) by amending section 8(c) to read as follows:

"(c) OBTAINING OFFICIAL DATA.—The Chairman or a designee on behalf of the Chairman may request information necessary to enable the Commission to carry out this Act directly from any department or agency of the United States."

SEC. 8079. Of the funds made available in this Act, not less than \$8,674,000 shall be available for the Civil Air Patrol, of which \$4,400,000 shall be available for Operation and Maintenance.

SEC. 8080. 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. 8081. During the current fiscal year, after April 1, 1992, 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 becomes effective on April 1, 1992.

Handicapped
persons.
Contracts.

SEC. 8082. (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.

(b) 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).

Small business.

(c) During fiscal year 1992, 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.

SEC. 8083. Of the funds appropriated in this Act for "Drug Interdiction and Counter-Drug Activities, Defense", \$40,000,000 shall be available only for the National Drug Intelligence Center.

CENTRAL INTELLIGENCE AGENCY CONSOLIDATION PLAN

SEC. 8083A. (a) **FUNDING LIMITATION.**—Of the amount appropriated by this Act for the Central Intelligence Agency Program, not more than \$10,000,000 is appropriated for costs associated with the land acquisition and related expenditures necessary to implement a plan for consolidation of Central Intelligence Agency facilities. None of such funds may be obligated to implement such plan until all of the conditions set forth in subsection (d) have been met and (except as provided in subsection (c)) a period of 60 days beginning on the date on which all of such conditions have been met has expired. Any certification or report required under that subsection shall be provided in writing to the intelligence committees and the appropriations committees. If any of the required certifications cannot be provided, then the Director of Central Intelligence shall reopen the planning process with respect to the consolidation plan to the extent required to address any procedures that were determined to be deficient.

50 USC 403
note.

Reports.

(b) **ADDITIONAL FUNDING.**—Pursuant to the procedures set forth in the joint explanatory statement of managers to accompany the conference report on the bill H.R. 2521 of the 102d Congress, an amount not to exceed \$20,000,000 is available if the Director determines that funds in addition to the amount specified in subsection (a) are required during fiscal year 1992 for costs associated with the land acquisition and related expenditures necessary to implement the consolidation plan.

(c) **LIMITED WAIVER OF 60-DAY REVIEW PERIOD.**—The Director may spend not to exceed \$500,000 of the funds specified in subsection (a) for options and agreements to ensure the continued availability of property under consideration for the consolidation plan without regard to the 60-day period specified in subsection (a).

(d) **CONDITIONS.**—The following conditions and certifications must be met before the funds specified in subsection (a) may be obligated:

(1) The Director of Central Intelligence has certified—

(A) that with respect to procedures governing land acquisition by the Central Intelligence Agency—

(i) there are written procedures for such acquisition currently in effect;

(ii) those procedures are consistent with land acquisition procedures of the General Services Administration; and

(iii) the process used by the Central Intelligence Agency in developing the consolidation plan was in accordance with those written procedures; and

(B) that with respect to contracts of the Agency for construction and for the acquisition of movable property, equipment, and services, the procedures of the Agency are consistent with procedures under the Federal Acquisition Regulations.

Reports.

(2) The Administrator of General Services has provided a written report stating that in the opinion of the Administrator (A) implementing the consolidation plan will result in cost savings to the United States Government, and (B) the consolidation plan will conform to applicable local governmental regulations.

(3) The Director of the Office of Management and Budget has certified—

(A) that the consolidation plan (and associated costs) have been reviewed by the Office of Management and Budget;

(B) that the funding for such plan is consistent with the 1990 budget agreement; and

(C) that funding for such plan has been approved by the Administration for fiscal year 1992.

(4) The Inspector General of the Central Intelligence Agency has certified that corrective actions, if any, recommended as a result of the Inspector General's inquiry into the consolidation plan, and concurred in by the Director of Central Intelligence, will be implemented.

Reports.

(5) The Director of Central Intelligence has provided to the intelligence committees and appropriations committees a written report on the consolidation plan that includes—

(A) a comprehensive site evaluation, including zoning, site engineering, and environmental requirements, logistics, physical and technical security, and communications compatibility;

(B) a description of the anticipated effect of implementing the consolidation plan on personnel of the Central Intelligence Agency, including a discussion of the organizations and personnel that will be relocated and the rationale for such relocations and the Director's assurance that personnel are consulted and considered in the consolidation effort; and

(C) the Director's assurances that the Director, in evaluating and approving the plan, has considered global changes and budget constraints that may have the effect of reducing Central Intelligence Agency personnel requirements in the future.

(e) DEFINITIONS.—For purposes of this section:

(1) The term "intelligence committees" means the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

(2) The term "appropriations committees" means the Committees on Appropriations of the Senate and the House of Representatives.

37 USC 301d
note.

SEC. 8084. Restrictions provided under subsection (b)(2) of section 301d of title 37, United States Code, as authorized by the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510), and hereafter, shall not apply in the case of flag or general officers serving as full-time practicing physicians.

10 USC 1079
note.

SEC. 8085. Any CHAMPUS (Civilian Health and Medical Program of the Uniformed Services) health care provider may voluntarily waive the patient copayment for medical services provided from August 2, 1990, until the termination of Operation Desert Shield/Desert Storm for dependents of active duty personnel: *Provided*, That the Government's share of medical services is not increased during the specified time period.

SEC. 8086. For fiscal year 1992, 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 \$209,700,000, of which not more than \$188,300,000 may be provided by the funds appropriated by this Act.

SEC. 8087. 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. 8088. None of the funds available to the Department of Defense during fiscal year 1992 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. 8089. During the current fiscal year and hereafter, none of the funds appropriated for intelligence programs to the Department of Defense which are transferred to another Federal agency for execution shall be expended by the Department of Defense in any fiscal year in excess of amounts required for expenditure during such fiscal year by the Federal agency to which such funds are transferred.

50 USC 414
note.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8090. (a) Of the funds appropriated in this Act in title IV, Research, Development, Test and Evaluation, Navy, \$625,000,000 shall be available only for the V-22 aircraft program.

(b) Of the funds appropriated in the Department of Defense Appropriations Act (Public Law 101-511) for fiscal year 1991 under the heading, "Aircraft Procurement, Navy" for the V-22 Osprey program, \$165,000,000 shall be transferred to "Research, Development, Test and Evaluation, Navy, 1992/1993", to be merged with and to be available for the same purposes and the same time period as the appropriation to which transferred, subject to the provisions of subparagraph (c).

(c) Funds described in subparagraphs (a) and (b) of this section shall be obligated for a Phase II V-22 Full Scale Engineering Development program to provide new production representative aircraft which will have an objective to demonstrate the full operational requirements of the Joint Services Operational Requirement (JSOR) not later than December 31, 1996: *Provided*, That to the extent practicable, the production representative V-22 aircraft shall be produced on tooling which qualifies production design.

(d) The Secretary of Defense shall provide to the Congress, within 60 days of enactment of this Act, the total funding plan and schedule to complete the Phase II V-22 Full Scale Engineering Development program.

(e) The Secretary of Defense shall take no action which will delay obligation of these funds.

SEC. 8091. 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.

(TRANSFER OF FUNDS)

SEC. 8092. 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 funds shall be transferred between the following appropriations in the amounts specified:

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1988/1992":

T-AO fleet oiler program, \$3,523,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1989/1993":

LCAC landing craft air cushion program, \$2,225,000;

For outfitting and post delivery, \$2,669,000;

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

SSN-688 attack submarine program, \$9,656,000;

LSD-41 dock landing ship cargo variant program, \$655,000;

MHC coastal mine hunter program, \$4,509,000;

T-AGOS surveillance ship program, \$665,000;

Coast Guard patrol boat program, \$4,223,000;

For craft, outfitting, post delivery, and ship special support equipment, \$2,653,000;

LCAC landing craft air cushion program, \$2,953,000;

Under the heading, "Aircraft Procurement, Navy, 1990/1992", \$893,500,000;

Under the heading, "Weapons Procurement, Navy, 1990/1992", \$12,800,000;

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

TRIDENT ballistic missile submarine program, \$44,687,000;

DDG-51 destroyer program, \$64,900,000;

LSD-41 dock landing ship cargo variant program, \$1,303,000;

MHC coastal mine hunter program, \$3,142,000;

AOE combat support ship program, \$161,200,000;

Oceanographic ship program, \$43,100,000;

LCAC landing craft air cushion program, \$4,137,000;

For craft, outfitting and post delivery, \$12,391,000;

Under the heading, "Aircraft Procurement, Navy, 1991/1993", \$81,600,000;

Under the heading, "Weapons Procurement, Navy, 1991/1993", \$49,900,000;

Under the heading, "Other Procurement, Navy, 1991/1993", \$60,900,000;

Under the heading, "Procurement, Marine Corps, 1991/1993", \$29,300,000;

To:

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

Trident submarine program, \$14,318,000;

SSN-688 nuclear attack submarine program, \$35,000,000;

MCM mine countermeasures ship program, \$5,082,000;
T-AO fleet oiler ship program, \$29,616,000;

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

TRIDENT ballistic missile submarine program, \$1,000,000;
SSN-688 attack submarine program, \$32,112,000;
LSD-41 landing ship dock program, \$2,454,000;
MHC coastal mine hunter program, \$9,900,000;
T-AO fleet oiler program, \$460,000;
T-AG acoustic research ship program, \$4,400,000;

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

TRIDENT ballistic missile submarine program, \$9,600,000;
SSN-688 attack submarine program, \$116,641,000;
DDG-51 destroyer program, \$90,093,000;
AO conversion program, \$400,000;
T-AGOS surveillance ship program, \$825,000;
T-AO fleet oiler program, \$460,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1988/1992":

TRIDENT ballistic missile submarine program, \$66,469,000;
SSN-688 attack submarine program, \$29,600,000;
CVN nuclear aircraft carrier program, \$95,230,000;
LSD-41 cargo variant ship program, \$7,261,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1989/1993":

TRIDENT ballistic missile submarine program, \$71,800,000;
SSN-688 attack submarine program, \$19,125,000;
SSN-21 attack submarine program, \$97,658,000;
MHC coastal mine hunter program, \$25,920,000;
AO conversion program, \$5,949,000;
T-AGOS surveillance ship program, \$15,800,000;
T-AO fleet oiler program, \$118,881,000;

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

TRIDENT ballistic missile submarine program, \$36,271,000;
ENTERPRISE refueling/modernization program,
\$100,100,000;
Aircraft carrier service life extension program, \$57,178,000;
DDG-51 destroyer program, \$146,788,000;
MCM mine countermeasures program, \$4,170,000;
AO conversion program, \$4,500,000;
Moored training ship demonstration program, \$9,000,000;
Oceanographic ship program, \$8,530,000;
Coast Guard icebreaker ship program, \$59,000,000;

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

LHD-1 amphibious assault ship program, \$165,000,000.

SEC. 8093. None of the funds in this Act shall be obligated for the procurement of a Multibeam Sonar Mapping System 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. 8093A. (a) Except as provided in this section, none of the funds available to the Department of Defense from any source during fiscal year 1992 may be obligated or expended for any activities to support the objective of launching Strategic Target System (STARS) rockets from the Navy Pacific Missile Range Facility, Barking Sands, Kauai, Hawaii.

(b) The restriction in subsection (a) does not apply to any funds required to prepare or issue an environmental impact statement on the Strategic Target System Program, in accordance with the National Environmental Policy Act (42 U.S.C. 4321 et seq.), and in accordance with any Executive orders issued, and any regulations promulgated to implement such Act.

(c) The restriction in subsection (a) does not apply to any funds required for STARS program activities conducted in the continental United States or for STARS program management related activities conducted outside the continental United States.

(d) The restriction in subsection (a) does not apply to any funds required to maintain the safety, security, reliability, and basic condition of the Strategic Target System launch complex and equipment at the Pacific Missile Range Facility, nor does it apply to funds required to finance measures taken in the State of Hawaii or elsewhere for purposes of range safety or environmental protection.

(e) The restriction in subsection (a) does not apply to any funds required to maintain or store Strategic Target System boosters and equipment or to ensure the safety and reliability of such boosters and equipment or to operate the Strategic Target System program office.

(f) Except as stated elsewhere in this section, the exceptions in subsection (e) shall apply only to activities carried out within the continental United States.

(g) The restriction in subsection (a) extends to any activity relating to the storage of live STARS boosters and components thereof or STARS liquid rocket fuel at the Pacific Missile Range Facility.

(h) Any live STARS boosters may not be transported to the Pacific Missile Range Facility before, at the earliest, the date referred to in subsection (i) below.

(i) The restrictions under this section shall remain in effect until the date of the issuance of an environmental impact statement and a formal Record of Decision with respect to this environmental impact statement, upon completion of a formal process that complies with the requirements of the National Environmental Policy Act (42 U.S.C. 4321 et seq.), and the Executive orders issued, and regulations promulgated to implement such Act.

(j) The director of the Strategic Defense Initiative Organization shall notify the Congressional defense committees upon the completion of the STARS environmental impact statement and Record of Decision process.

SEC. 8094. Using funds available in the National Defense Stockpile Transaction Fund, during the period of fiscal years 1992 through 1994 and using procedures covered by section 3301 of the National Defense Authorization Act, 1991 (Public Law 101-510; 104 Stat. 1844-45), the President may acquire 50,000 kilograms of germanium to be held in the National Defense Stockpile.

SEC. 8095. None of the funds appropriated in this Act may be used to implement any catchment area management demonstration

projects except those projects approved by the Assistant Secretary of Defense for Health Affairs before the demonstration begins: *Provided*, That any approved projects must be consistent with the Coordinated Care initiative: *Provided further*, That this provision does not apply to the Tidewater TRI-CAM demonstration project.

SEC. 8096. 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. 8097. Of the funds appropriated by this Act for Operation and Maintenance, Defense Agencies, \$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. 8098. From the amounts appropriated for the Department of Defense in the Department of Defense Appropriations Act, 1991 (Public Law 101-511), Other Procurement, Air Force, funds may be used to purchase not more than 300 passenger motor vehicles, of which 290 shall be for replacement only.

SEC. 8099. During the current fiscal year, the Secretary of Defense may accept burdensharing contributions in the form of money from the Republic of Korea 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 Korean national employees, 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.

Korea.
Government
employees.

Reports.

(TRANSFER OF FUNDS)

SEC. 8100. In addition to amounts appropriated or otherwise made available by this Act, \$188,700,000 is hereby appropriated to the Department of Defense and shall be available only for transfer to the United States Coast Guard, of which \$50,000,000 shall be available solely for the purposes of "Reserve Training" for fiscal year 1992 and \$138,700,000 shall be merged with and be available for the same purposes and same time period as "Operating Expenses": *Provided*, That the foregoing transfers shall be made immediately upon enactment of this Act.

SEC. 8101. None of the funds available during fiscal year 1992 to the Department of Defense, any of its components, or any other Federal department, agency, or entity may be obligated or expended

for research, development, test, and evaluation for the space-based wide area surveillance projects or activities in the following Air Force program elements: Geophysics; Materials; Aerospace propulsion; Rocket propulsion and astronautics technology; Command, control, communications; and space surveillance technology, and for the Navy's program addressing the same requirements.

SEC. 8102. During the current fiscal year, obligations against the stock funds of the Department of Defense may not be incurred in excess of 80 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. 8103. None of the funds appropriated by this Act shall be available for the compensation of military and civilian personnel assigned to each of the headquarters of the Naval Sea Systems Command, Naval Air Systems Command, Space and Naval Warfare Systems Command, Naval Supply Systems Command and Naval Facilities Engineering Command in excess of 90 percent of the number of personnel assigned to each such command headquarters as of September 30, 1991.

SEC. 8103A. Of the funds appropriated under the heading "Drug Interdiction, Defense" in Public Law 101-165, \$2,500,000 of funds previously transferred to the Department of the Treasury shall, upon enactment of this Act, be transferred to the "Emergency Management Planning and Assistance" appropriation account of the Federal Emergency Management Agency.

SEC. 8104. (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 Reserve below the levels funded in this Act.

(b) The Secretary of the Navy shall obligate funds appropriated for fiscal years 1991 and 1992 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. 8104A. None of the funds available to the Department of Defense may be used for research, development, test, evaluation, installation, integration, or procurement of an advanced radar warning receiver for the B-1B aircraft: *Provided*, That this limitation shall not apply to the side-by-side testing of the ALR-62I and the ALR-56M radar warning receivers: *Provided further*, That notwithstanding section 132 of the National Defense Authorization Act for fiscal years 1992 and 1993 (H.R. 2100), \$8,000,000 is available only for, and shall be expended for, the side-by-side testing of the ALR-62I and the ALR-56M radar warning receivers.

SEC. 8105. Notwithstanding any other provision of law, none of the funds made available to the Department of the Army for fiscal years

1990, 1991, and 1992 for C-23 aircraft which remain available for obligation may be obligated or expended except to maintain commonality with C-23 Sherpa aircraft already in the Army National Guard fleet, and such funds may not be obligated for acquisition of modified commercial aircraft, unless the modifications are performed in the United States under a license agreement with the original manufacturer and are in accordance with the SD3-30 aircraft type specification as modified for Army mission requirements.

SEC. 8105A. In addition to amounts appropriated elsewhere in this Act, \$100,000,000 is appropriated 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: *Provided*, That an additional \$25,000,000 is appropriated to be available only for the relocation of Air Force units from Clark Air Force Base, of which \$8,500,000 shall be available until September 30, 1994 only for the construction and modification of F-16 facilities for the Cope Thunder and other missions at Eielson Air Force Base and \$2,500,000 shall be available until September 30, 1994 only for the construction and modification of squadron operation facilities at Elmendorf Air Force Base: *Provided further*, That an additional \$25,000,000 is appropriated, to remain available until expended, for the unanticipated costs of disaster relief activities of the Department of Defense and the military services overseas, and that funds allocated under this proviso shall be expended at the direction of the Unified Commander-in-Chief responsible for the locations to which United States military personnel are deployed for disaster relief missions.

Philippines.
Claims.

SEC. 8106. 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. 8107. Funds appropriated in this Act to finance activities of Department of Defense (DOD) federally-funded research and development centers (FFRDCs)—

(a) are limited to 4 percent less than the amount appropriated for FFRDCs in fiscal year 1991 and therefore are reduced by \$133,300,000; and

(b) 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: *Provided*, That section (a) of this provision shall not apply to the Software Engineering Institute or to certain classified activities conducted by the Institute for Defense Analyses.

SEC. 8108. Section 361 of Public Law 101-510 is hereby repealed.

104 Stat. 1541.

SEC. 8108A. (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:

(1) any chemical munition withdrawn from the Federal Republic of Germany under a European retrograde program; or

(2) 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.

SEC. 8109. None of the funds available in this or any other Act shall be available for the preparation of further studies on the feasibility of removal and transportation of unitary chemical weapons from the eight chemical storage sites within the continental United States. This prohibition does not apply to studies needed for environmental analyses required by the National Environmental Policy Act.

SEC. 8110. 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. 8110A. Notwithstanding any other provision of law, each contract awarded by the Department of Defense in fiscal year 1992 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. 8111. 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. 8111A. 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

Contracts.
Employment.
Inter-
governmental
relations.

10 USC 2488
note.

sold by the drink) on a military installation located 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 a 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.

SEC. 8112. (a) During fiscal year 1992, the Critical Technologies Institute shall conduct a special study of the issues regarding the production and use of machine tools necessary to support the national defense. For the purposes of this section—

(1) “critical technology” means the act of a domestic industry in producing a product without which machine tools necessary to support the national defense could not be produced;

(2) “domestic producer” means those producers, situated within the United States, or its territories, wherein over 50 percent of the total voting stock of such producer is owned and controlled by citizens of the United States; and

(3) “national security” means the interest of the United States Government to preserve those basic conditions necessary to a domestic producer, using a critical technology, that are adequate to permit capital investment for needed improvements in technology that will enable the overall domestic industry to remain competitive.

(b) No later than one calendar year from the date of enactment of this Act, the Critical Technologies Institute shall prepare and deliver to the Committees on Appropriations and Armed Services of the House of Representatives and the Senate, the Ways and Means Committee of the House of Representatives, and the Finance Committee of the Senate a report providing—

(1) a listing and detailing of those products determined to be within the definition of “critical technology”;

(2) a summary of the general economic condition of domestic industries producing a product used in a critical technology in the United States (including, but not limited to, productivity, exportation of products, capacity, and profitability);

(3) a summary of—

(A) current and prospective trends in the ability to compete by such industries; and

(B) the effect of such trends on employment and unemployment, individual and corporate income levels, private capital accumulation and investment, the balance of payments, revenues and expenditures of the Federal Government, and other relevant indicators of the economic health of such industries;

(4) a detailed review of policies, programs, and activities of the Federal Government, State and local governments, and non-governmental entities that adversely affect the economic health (and ability to produce) of domestic industries using a critical technology;

(5) recommendations to—

(A) minimize or eliminate the adverse effects of Federal policies, programs, and activities affecting such industries; and

(B) encourage State and local governments and non-governmental entities to minimize or eliminate the adverse effects of their policies, programs, and activities affecting such domestic industries;

(6) a detailed review of policies, programs, and activities of foreign governments, particularly major trading partners of the United States, that adversely affect domestic industries using a critical technology in the United States and in the international marketplace, and such policies or activities that would act to impair or threaten to impair our national security; and

(7) recommendations to encourage foreign governments to modify or eliminate policies, programs, and activities that adversely affect such industries.

SEC. 8112A. (a) 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.

(b) Section 8077(d) of Public Law 101-511 (104 Stat. 1892) is amended by striking out "1991" and inserting in lieu thereof "1993".

SEC. 8113. (a) Notwithstanding any other provision of law, none of the funds available to the Secretary of Defense shall be used to purchase bridge or machinery control systems, or interior communications equipment, for the Sealift Program unless, in each case—

(1) the system or equipment is manufactured in the United States; or

(2) more than half of the value in terms of costs has been added in the United States by a United States company under license from a foreign company.

(b) The Secretary may waive the requirement of subsection (a) of this section if, in each case—

(1) the system or equipment described in subsection (a) is not available; or

(2) the cost of compliance would be unreasonable compared to the costs of purchase from a foreign manufacturer.

SEC. 8113A. (a) Notwithstanding any other provision of law, cooperative agreements and other transactions undertaken pursuant to section 2371 of title 10, United States Code, may during fiscal year 1992 be entered into only by the Defense Advanced Research Projects Agency.

(b) Of the funds appropriated to the Department of Defense during fiscal year 1992, not more than \$75,000,000 may be obligated or expended for Department of Defense dual-use critical technology partnerships: *Provided*, That such partnerships may be entered into only by the Defense Advanced Research Projects Agency during fiscal year 1992.

(c) Of the funds appropriated to the Department of Defense during fiscal year 1992, other than amounts in the "pre-competitive technology development" program element referred to in subsection (b), not more than \$37,500,000 may be obligated or expended by the

Regulations.

25 USC 1301
note.

Defense Advanced Research Projects Agency for research, development, test, and evaluation activities undertaken pursuant to section 2371 of title 10, United States Code.

(TRANSFER OF FUNDS)

SEC. 8114. Of the funds appropriated in this Act for "Operation and Maintenance, Defense Agencies", \$30,000,000 shall be transferred to the "Radiation Exposure Compensation Trust Fund" established by section 3 of the Radiation Exposure Compensation Act (Public Law 101-426; 104 Stat. 920) to be available for the same purpose and same time period as that Fund.

SEC. 8115. Notwithstanding section 2805 of title 10, of the funds appropriated in this Act for "Operation and Maintenance, Navy", \$2,100,000 shall be available for a grant to the Naval Undersea Museum Foundation for the completion of the Naval Undersea Museum at Keyport, Washington: *Provided*, That these funds shall be available solely for project costs and none of the funds are for remuneration of any entity or individual associated with fund raising for the project.

SEC. 8115A. The Department of Defense and the Military Services may take no action to prohibit, impede or otherwise interfere with construction of conventionally powered submarines by nonpublic owned and operated ship construction and repair entities in the United States for sale to nations with which the United States maintains bilateral or multilateral mutual security agreements, or nations which currently receive foreign military sales credits or economic support funds from the United States: *Provided*, That the Department of Defense may provide recommendations to the Department of State regarding the national security implications of proposed foreign military sales.

SEC. 8116. 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. 8117. 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 no foreign built ships may be acquired, through charter or purchase, until submission of the Mobility Requirements Study to the congressional defense committees.

SEC. 8117A. 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. 8118. (a) Funds shall be made available to the Secretary of Defense for the study of: Israel.

(1) Israeli aerospace and avionics technology and its potential applications to ATF, NATF, CAS and LH aircraft programs, as well as other anticipated aircraft programs.

(2) Potential areas of joint United States-Israel collaboration in technology research and development projects including, but not limited to, tactical directed energy weapons; camouflage, concealment, deception and stealth measures; aerial and wide-area munitions; fiber optic guided missiles (FOG-M); and the adaptation of the HAVE NAP to the B-1 and B-2 bombers.

(3) The features and possible contributions of Israeli space technology to Department of Defense programs including, but not limited to, Israeli launchers, and including, but not limited to, cost-effectiveness in design and production of such technologies and systems.

(4) Israeli antiterrorism technologies, and their potential applications to Department of Defense programs and operations, including, but not limited to, remote-controlled robots, security fences of all types, specialized x-ray and detection machines, and fast patrol boats. The Secretary of Defense shall work with the Office of Technology Assessment in conducting an examination of these subjects.

(5) Possible applications of Israeli interdiction technologies to American efforts at drug interdiction, including, but not limited to, unmanned aerial vehicles, fast patrol boats, state-of-the-art ship and coastal radars, integrated command and control systems, and land interdiction systems such as visual and infra-red cameras, motion sensors and electronic fences.

(6) Applications of environmental technologies and manufacturing capabilities to include, but not limited to, energy storage, energy conversion and renewable energy technologies.

(7) Applications of critical technologies and manufacturing capabilities as defined by the Department of Defense's Critical Technologies Plan.

Reports.

(b) The Secretary of Defense shall submit a final report with concrete recommendations and plans for implementation as appropriate to the Committees on Appropriations of the Senate and the House no later than August 1, 1992.

SEC. 8119. None of the funds appropriated or made available in this Act or any prior Acts shall be obligated or expended to implement the United States Army Corps of Engineers Reorganization Study until such reorganization proposed is specifically authorized by law after the date of enactment of this Act.

SEC. 8120. 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 Secretary 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.

SEC. 8121. (a) There is established on the books of the Treasury a fund entitled the "Defense Business Operations Fund" (hereinafter referred to as the "Fund") to be operated as a working capital fund under the provisions of section 2208 of title 10, United States Code.

10 USC 2208
note.

Existing organizations which shall operate as part of the Fund shall include, but not be limited to, (1) The Defense Finance and Accounting Service; (2) The Defense Commissary Agency; (3) The Defense Technical Information Center; (4) The Defense Reutilization and Marketing Service; and (5) The Defense Industrial Plant Equipment Service.

(b) Upon the enactment of this Act, there shall be transferred to the Fund all assets and balances of working capital funds heretofore established under the provisions of section 2208 of title 10, United States Code.

(c) Amounts charged for supplies and services provided by the Fund shall include capital asset charges which shall be calculated so that the total amount of the charges assessed during any fiscal year shall equal the total amount of (1) the costs of equipment purchased during that fiscal year by the Fund for the purpose of providing supplies and services by the Fund and (2) the costs, other than costs of military construction, of capital improvements made for the purpose of providing services by the Fund.

(d) Capital asset charges collected pursuant to the provisions of subsection (c) shall be credited to a subaccount of the Fund which shall be available only for the payment of: (1) the costs of equipment purchased by the Fund for the purpose of providing supplies and services by the Fund and (2) the costs other than costs of military construction, of capital improvements made for the purposes of providing services by the Fund.

SEC. 8122. (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.

Contracts.
10 USC 2341
note.

(b) A contract awarded during fiscal year 1992, 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.

(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.

Israel.

(d) No funds appropriated for the Overseas Workload Program for fiscal year 1992 or thereafter shall be used for contracts awarded in fiscal year 1992 or thereafter which have not been opened for competition in a manner consistent with this provision.

SEC. 8123. (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.

41 USC 10b-2.

(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 years 1992 and 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.).

10 USC 114
note.

SEC. 8124. The Classified Annex prepared by the Committee of Conference to accompany the conference report on the bill H.R. 2521 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.

SEC. 8125. (a) Of the funds appropriated under the heading "Research, Development, Test and Evaluation, Defense Agencies" in title IV of this Act, not less than \$27,000,000 shall be available only for the Flexible Computer Integrated Manufacturing (FCIM) Systems Programs.

(b) Of the amount made available by subsection (a) above, not less than \$4,000,000 shall be made available only as a grant to the Institute for Advanced Flexible Manufacturing Systems.

(c) The grant made available by subsection (b) above shall be administered by the Defense Advanced Research Projects Agency through the National Center for Manufacturing Sciences.

(d) Of the amount made available by subsection (a) above, not less than \$11,500,000 shall be made available to the Secretary of the Navy only for the continuation of the Rapid Acquisition of Manufactured Parts program (RAMP) and for establishing a RAMP-FCIM Center for Manufacturing Excellence.

(e) Of the amount made available by subsection (a) above, not less than \$11,500,000 shall be made available to the Secretary of the Army only for application of RAMP-FCIM technology to selected Army depots.

Alaska.
Real property.

SEC. 8126. (a) Property as defined in section 8133 of the Department of Defense Appropriations Act of 1991 (104 Stat. 1909) held by Federal agencies or instrumentalities and which is not scheduled for disposition by sale prior to October 1, 1996, as determined by such agencies or instrumentalities shall be, except as provided in subsection (b) of this section, transferred to the Secretary of the Interior, at his request, without compensation or reimbursement, for the purpose of entering into a land exchange or exchanges with the Calista Corporation, a corporation organized under the laws of the State of Alaska. The Secretary is authorized to exchange such property for the lands and interests in lands (which for purposes of this section include lands, partial estates, and land selection rights) of equal value identified in the document entitled "The Calista Conveyance

and Relinquishment Document”, dated October 28, 1991. The value of the lands and interests in lands included in that document shall be determined by the Secretary of the Interior not later than nine months after the date of enactment of this section. In making such value determination, the Secretary shall consider, in addition to the “Uniform Appraisal Standards for Federal Land Acquisitions”, the public interest values of such lands and interests in lands, including, but not limited to, the location of such lands and interests in lands within the boundary of a national wildlife refuge, and statutorily authorized or mandated exchanges with and acquisitions by the Federal Government of lands and interests in lands in Alaska. In the event that the parties cannot agree on the value of such lands and interests in land, the procedures specified in subsection 206(d), of Public Law 94-579, as amended, shall be used to establish the value: *Provided*, That the average value per acre of such lands and interests in lands shall be no more than \$300. Property exchanged and conveyed by the United States pursuant to this section shall be considered and treated as conveyances of land entitlements under 43 U.S.C. 1601 through 1642 (except for subsections (a) through (c) and (f) through (j) of section 1620, section 1627(b), and section 1636(d)).

(b) Prior to October 1, 1996, no property held for sale by the Resolution Trust Corporation or the Federal Deposit Insurance Corporation shall be transferred to the Secretary of the Interior to carry out the purposes of this section.

Real property.

(c) The Secretary of the Interior shall maintain an accounting of the value of lands and interests in lands remaining to be conveyed or relinquished by Calista Corporation pursuant to this section. On October 1, 1996, the Secretary of the Treasury shall establish a property account with an initial balance equal to the value of lands and interests in lands which Calista Corporation has not then conveyed or relinquished to the United States pursuant to this section. Subject to reduction upon conveyances pursuant to subsection (a) of this section, said account shall be available on or after October 1, 1996, for the sale of property by all agencies or instrumentalities of the United States, to the same extent as is separately authorized to the accounts described in subsection 9102(a)(2) of the Department of Defense Appropriations Act, 1990 (103 Stat. 1151).

SEC. 8127. None of the funds appropriated or made available in this Act or any Act making appropriations for the Department of Defense for fiscal year 1992 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.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8128. Notwithstanding any other provision of law, \$105,000,000 made available in the fiscal year 1991 Department of Defense Appropriations Act for “Aircraft Carrier Service Life Extension Program” under the heading “Shipbuilding and Conversion, Navy, 1991/1995” shall be utilized only for a large scale industrial availability, presumed to be 24 months, of the USS JOHN F. KENNEDY at the Philadelphia Naval Shipyard: *Provided*, That at least \$23,000,000 shall be transferred to “Other Procurement, Navy, 1992/1994” for the purchase of items to be used for a large scale industrial availability of the USS JOHN F. KENNEDY at the

Philadelphia Naval Shipyard: *Provided further*, That the remaining funds shall be retained in the "Aircraft Carrier Service Life Extension Program" until required for transfer for the purpose of planning, scheduling, and any other such work as is necessary to prepare for and execute a large scale industrial availability of the USS JOHN F. KENNEDY at the Philadelphia Naval Shipyard.

Environmental
protection.
California.

SEC. 8129. (a) Within the funds made available to the Air Force under title II of this Act, the Air Force shall use such funds as necessary, but not to exceed \$26,000,000, 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, 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) 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.

Reports.

SEC. 8130. The Comptroller General of the United States, in conjunction with the Department of the Navy, shall issue a report no later than July 1, 1992, on the Navy's accounting practices at its nuclear shipyards. The report shall include a detailed review of the Navy's current plan for the handling and disposal of all nuclear materials and radioactively contaminated materials of nuclear powered vessels. The report shall include cost evaluations and projections for the next twenty years based on the current Navy plan.

10 USC 2687
note.

SEC. 8131. It is the sense of the Congress that in acting on the Joint Resolution of Disapproval of the 1991 Base Closure Commission's recommendation, the Congress takes no position on whether there has been compliance by the Base Closure Commission, and the Department of Defense with the requirements of the Defense Base Closure and Realignment Act of 1990. Further, the vote on the resolution of disapproval shall not be interpreted to imply Congressional approval of all actions taken by the Base Closure Commission and the Department of Defense in fulfillment of the responsibilities and duties conferred upon them by the Defense Base Closure and Realignment Act of 1990, but only the approval of the recommendations issued by the Base Closure Commission.

NATIONAL COMMISSION ON THE FUTURE ROLE OF UNITED STATES NUCLEAR WEAPONS, PROBLEMS OF COMMAND, CONTROL, AND SAFETY OF SOVIET NUCLEAR WEAPONS, AND REDUCTION OF NUCLEAR WEAPONS

50 USC 404a
note.

SEC. 8132. (a) ESTABLISHMENT.—There is hereby established a National Commission on the Future Role of United States Nuclear Weapons, Problems of Command, Control, and Safety of Soviet Nuclear Weapons, and Reduction of Nuclear Weapons (hereafter in this section referred to as the "Commission").

(b) COMPOSITION.—(1) The Commission shall be composed of twelve members, appointed as follows:

(A) 4 members shall be appointed by the President.

(B) 4 members shall be appointed by the Speaker of the House of Representatives in consultation with the minority leader of the House of Representatives.

(C) 4 members shall be appointed by the President pro tempore of the Senate upon the recommendation of the majority leader and the minority leader of the Senate.

(2) The members of the Commission shall be appointed on a non-partisan basis from among persons having knowledge and experience in defense, foreign policy, nuclear weapons, and arms control matters.

(3) Members of the Commission shall be appointed for the life of the Commission. A vacancy on the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment was made.

(4) The members of the Commission shall be appointed not later than March 1, 1992. The Commission may not begin to carry out its duties under this section until seven members of the Commission have been appointed.

(5) The Chairman of the Commission shall be elected by and from the members of the Commission.

(c) DUTIES.—The Commission shall assess, report on, and issue recommendations regarding—

(1) the role of, and requirements for, nuclear weapons in the security strategy of the United States as a result of the significant changes in the former Warsaw Pact, the former Soviet Union, and the Third World;

(2) actions the United States should take with respect to such weapons in its national security posture by reason of such changes;

(3) the problems of command, control, and safety of nuclear weapons resulting from the changes taking place in the Soviet Union;

(4) identification of possibilities for international cooperation between the United States and the Soviet Union and among other countries regarding such problems;

(5) the implications of the changes in the Soviet Union on the policy of the United States regarding the problems of command, control, and safety of Soviet nuclear weapons and on the possibilities for international cooperation regarding such problems;

(6) future actions by the United States regarding the matters referred to in paragraphs (3)–(5) above;

(7) what safeguards, including the possible deployment of limited defenses, to protect against the threat of accidental or unauthorized use of nuclear weapons;

(8) what specific goals, consistent with the principle of maintaining deterrence and strategic stability at the lowest levels of armament, should be established for the reduction of strategic and tactical nuclear weapons; and

(9) what techniques for dismantling nuclear warheads and disposing of nuclear materials could be incorporated into future arms control agreements.

(d) To assist it in carrying out its duties with respect to the matters listed in subsection (c) (3)–(6) above, the Commission is requested to obtain a study from the National Academy of Sciences on these matters. Such a study would be a follow-on endeavor to the

study concluded by the National Academy in September, 1991, on the nuclear relationship of the United States and the Soviet Union.

(e) To assist it in carrying out its duties with respect to the matters listed in subsection (c) (7)–(9) above, the Commission shall request the President to establish and support a joint working group, to be comprised of experts from governments of the United States and from the former Soviet Union, who shall meet on a regular basis in order to discuss and provide specific recommendations regarding these matters. The joint working group shall be comprised—

(1) on the United States side, of such governmental experts as the President may deem appropriate; and

(2) such governmental representatives from the former Soviet Union as the President may arrange.

(f) It is the sense of the Congress that the Presidents of both the United States and the former Soviet Union should encourage their respective defense departments and related intelligence agencies to examine what relevant information should be declassified or otherwise shared within the joint working group discussed in subsection (e) above in order to support the fulfillment of its mandate.

(g) **REPORT.**—(1) The Commission shall submit to the President and the relevant Congressional committees a final report on the assessments and recommendations referred to in subsection (c) not later than May 1, 1993. The report shall be submitted in unclassified and classified versions.

(2) The Commission shall provide the President and the relevant Congressional committees reports on a quarterly basis which elaborate on the Commission's progress in fulfilling its duties and on the use of the funds available to the Commission.

(3) For the purposes of this section, the relevant Congressional committees are the Committees on Appropriations and Armed Services of the Senate and House of Representatives, the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives.

(h) **POWERS.**—(1) The Commission may, for the purpose of carrying out this section, conduct such hearings, sit and act at such times, take such testimony, and receive such evidence, as the Commission considers appropriate.

(2) The Commission may secure directly from any department or agency of the Federal Government such information, relevant to its duties under this section, as may be necessary to carry out such duties. Upon request of the Chairman of the Commission, the head of the department or agency shall, to the extent permitted by law, furnish such information to the Commission.

(3) The Commission may use the United States mails in the same manner and under the same conditions as the departments and agencies of the Federal Government.

(4) The Secretary of Defense shall provide to the Commission such reasonable administrative and support services as the Commission may request. The Secretary shall provide similar services to the joint working group referred to in subsection (e) as the working group may request.

(i) **COMMISSION PROCEDURES.**—(1) The Commission shall meet on a regular basis (as determined by the Chairman) and at the call of the Chairman or a majority of its members.

(2) A majority of the members of the Commission shall constitute a quorum for the transaction of business.

(j) PERSONNEL MATTERS.—(1) Each Member of the Commission shall serve without compensation, but shall be allowed travel expenses including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, when engaged in the performance of Commission duties.

(2) The Commission shall appoint a staff director, who shall be paid at a rate not to exceed the maximum rate of basic pay under section 5376 of title 5, United States Code, and such professional and clerical personnel as may be reasonable and necessary to enable the Commission to carry out its duties under this section without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, or any other provision of law, relating to the number, classification, and General Schedule rates. No employee appointed under this paragraph (other than the staff director) may be compensated at a rate to exceed the maximum rate applicable to level 15 of the General Schedule.

(3) Upon request of the Chairman of the Commission, the head of any department or agency of the Federal Government is authorized to detail, without reimbursement, any personnel of such department or agency to the Commission to assist the Commission in carrying out its duties under this section. The detail of any such personnel may not result in the interruption or loss of civil service status or privilege of such personnel.

(k) TERMINATION OF THE COMMISSION.—The Commission shall terminate upon submission of the final report required by subsection (g).

(l) APPROPRIATIONS.—Of the funds available to the Department of Defense, \$1,500,000 shall be made available to the Commission to carry out the provisions of this section.

SEC. 8133. (a) Congress finds that:

(1) The NATO Alliance has been a cornerstone of United States and world security since its foundation in 1949.

(2) All America's NATO allies have in the past been supportive of the objects and purposes of the ABM Treaty.

(3) Two of America's NATO allies have strategic forces of their own, which would be directly affected by significant changes to the ABM Treaty.

(4) Changes in the ABM Treaty would have profound political and security implications for every member of the NATO Alliance and other allies of the United States.

(b) Before initiating negotiations with the Soviet Union with the objective of making significant modifications to the Anti-Ballistic Missile Treaty, and its associated protocol, the President should consult with the allies of the United States in the North Atlantic Treaty Organization, Japan, and other allies as appropriate and seek a consensus on negotiating objectives concerning defensive systems that would enhance the security interests of the member states of NATO and other allies and strengthen the NATO Alliance as a whole.

SEC. 8134. Notwithstanding any other law, the Secretary of Commerce is authorized to accept the transfer of funds from other departments and agencies of the Federal Government as he or she may deem appropriate to carry out the objectives of the Public

Works and Development Act of 1965, as amended: *Provided*, That such funds are used for the purposes for which they are specifically appropriated: *Provided further*, That such transferred funds shall remain available until obligated and expended.

37 USC 301b
note.

SEC. 8135. (a) Notwithstanding any provision of section 301b of title 37, United States Code, of section 611 of Public Law 100-456 as in effect at any time prior to the date of enactment of this Act, in the case of any officer described in subsection (b), who was entitled to special pay under an agreement authorized by one of those sections, who was not paid the full amount due under such agreement, the unpaid balance shall be paid as part of the settlement of the officer's final military pay account.

(b) An officer to whom subsection (a) is an aviation officer who died as a result of flight operations on or after January 17, 1991, in those areas of the Arabian Peninsula, airspace, and adjacent waters designated by the President in Executive Order 12744 on 21 January 1991 as a combat zone and prior to cessation of hostilities as declared by competent authority, before completing the full period of aviation service agreed to in his or her agreement to remain on active duty in aviation service under section 302b of title 37, United States Code, or section 611 of Public Law 100-456.

SEC. 8136. Up to \$20,000,000 in unobligated and unexpended funds in any appropriation made for Air Force programs in the Department of Defense Appropriations Act, 1991, shall be available to provide reimbursements for launch services costs authorized to be waived by the 1988 Amendments to the Commercial Space Launch Act: *Provided*, That the Department of Defense shall notify the Committees on Appropriations of the House and Senate not less than 30 calendar days in session prior to the obligation of funds for this purpose.

SEC. 8137. Section 2208 of title 10, United States Code, is amended to redesignate the current subsection (j) to subsection (k) and add a new subsection (j) as follows:

"(j) The Secretary of the Army may authorize a working capital funded Army industrial facility to manufacture or remanufacture articles and sell these articles, as well as manufacturing or remanufacturing services provided by such facilities, to persons outside the Department of Defense if—

"(1) the person purchasing the article or service is fulfilling a Department of Defense contract; and

"(2) the Department of Defense solicitation for such contract is open to competition between Department of Defense activities and private firms."

10 USC 2774
note.

SEC. 8138. 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. 8139. In addition to the amount appropriated in Public Law 102-140 for United States Information Agency "Salaries and ex-

penses", \$5,600,000 shall be derived by transfer from unobligated balances of Board for International Broadcasting, "Israel Relay Station", to be available for the costs of the participation of the United States in 1992 Columbus Quincentennial Expositions in Seville, Spain, and Genoa, Italy.

SEC. 8140. Notwithstanding any other law or regulation, the segregative effect of the withdrawal application filed by the United States Forest Service with the Bureau of Land Management on March 9, 1953, or the withdrawals effected by Public Land Order 3502 and Public Land Order 3556, the Secretary of the Interior, acting through the Director, Bureau of Land Management, is directed to issue a patent to the Shiny Rock Mining Corporation for the Santiam No. 1 lode mining claim, situated within Sections 19 and 30, T. 8 B., R. 5 E., W.M., Marion County, Oregon, pursuant to the April 22, 1991, Order of the Interior Board of Land Appeals in the case of United States v. Shiny Rock Mining Corporation, docket number IBLA 88-41.

SEC. 8141. Notwithstanding any other provision of law, the Department of the Navy shall obligate not less than \$10,000,000 of the funds appropriated in this Act for Research, Development, Test, and Evaluation, Navy to develop an integrated display station as an engineering change to the Advanced Video Processor and for the reestablishment of the CI Mode integration testing: *Provided*, That the funds appropriated in fiscal year 1991 for the procurement of the Advanced Video Processor units and associated display heads shall be made available to the Department of the Navy, obligated not later than sixty days from the enactment of this Act, and used for no other purpose: *Provided further*, That none of the funds appropriated in this, or any other Act, shall be made available for the OJ-XXX Anti-Submarine Warfare Display Station.

SEC. 8142. None of the funds in this Act may be used to order from the Desktop III contract, except for contract maintenance, service, peripheral equipment and necessary spare parts to ensure system operability, at the time that the Desktop IV contract is available to receive customer orders.

(TRANSFER OF FUNDS)

SEC. 8143. In addition to any other transfer authority contained in this Act, amounts from working capital funds 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: from the Defense Business Operations Fund, not less than \$300,000,000 shall be transferred as follows: \$150,000,000 to Foreign Currency Fluctuations, Defense; \$60,000,000 to Pentagon Reservation Maintenance Fund; \$20,000,000 to Operation and Maintenance, Army Reserve; \$20,000,000 to Operation and Maintenance, Navy Reserve; \$10,000,000 to Operation and Maintenance, Marine Corps Reserve; \$15,000,000 to Operation and Maintenance, Air Force Reserve; and \$25,000,000 to Operation and Maintenance, Army National Guard.

SEC. 8144. The Secretary of Defense may not withhold assistance, furnished using funds appropriated or otherwise made available to the Secretary of Defense under this Act or made available to the Secretary under the Department of Defense Base Closure Account 1990, from a community reuse task force or committee established in connection with the closure of a military installation under the

Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510) on the basis of a lack of unanimity among the members of the task force or committee if at least 90 percent of the members of the task force or committee support the application for such assistance.

SEC. 8145. (a) Notwithstanding subsections (a) and (c) of section 7308 of title 10, United States Code, but subject to subsection (b) of that section, the Secretary of the Navy may transfer the obsolete aircraft carrier Oriskany (CV 34) to the nonprofit organization, "City of America", for cultural and educational purposes.

(b) The transfer authorized by subsection (a) may be made only if the Secretary of the Navy determines that the vessel is of no further use to the United States for national security purposes.

Kentucky.

SEC. 8146. For the purpose of determining the benefit/cost ratio for the South Frankfort, Kentucky flood control project, no expenditures made prior to fiscal year 1992 shall be considered to be preliminary design and engineering costs.

SEC. 8147. 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.

Maryland.
Highways.

SEC. 8148. For purposes of funds provided for the Defense access road for Andrews Air Force Base, Maryland, the Suitland Parkway shall be considered as fully meeting the certification requirements specified in section 210 of title 23 of the United States Code.

10 USC 2391
note.

SEC. 8149. (a) The Secretary of Defense, during the current fiscal year or at any time thereafter, may make a donation to an entity described in subsection (b) of a parcel of real property (including structures on such property) under the jurisdiction of the Secretary that is not currently required for the needs of the Department and that the Secretary determines is needed and appropriate for the activities of that entity.

(b) A donation under subsection (a) may be made to a nonprofit entity which provides medical, educational, and emotional support in a recreational setting to children with life-threatening diseases and their families.

George D.
Hand, Jr.

SEC. 8150. (a) The Secretary of the Treasury shall pay, out of funds in the Treasury not otherwise appropriated, to George D. Hand, Jr., the amount of \$220,000 for damages sustained by George D. Hand, Jr., as a result of the scuttling of the F/V SHINNECOCK I off Shinnecock Harbor, New York, on March 14, 1991.

(b) The payment to George D. Hand, Jr., pursuant to subsection (a) shall satisfy in full all claims of George D. Hand, Jr., against the United States for any loss, injury, or other damages resulting from the scuttling of the vessel described in subsection (a).

(c) It shall be unlawful for more than 10 percent of the amount paid to George D. Hand, Jr., pursuant to subsection (a) to be paid to or received by any agent or attorney of George D. Hand, Jr., in connection with the claim referred to in subsection (b). Any person who violates subsection (a) shall be fined under title 18, United States Code.

Pennsylvania.

SEC. 8151. Of the funds transferred to the Department of Energy pursuant to section 8089 of the Department of Defense Appropriations Act, 1991 (Public Law 101-511; 104 Stat. 1896), not to exceed \$1,000,000 shall be made available in fiscal year 1992 to the Commonwealth of Pennsylvania for independent monitoring and

testing of onsite activities in the decommissioning at the Apollo, Pennsylvania site, except that such monitoring and testing shall not interfere with the conduct of site decommissioning activities or affect Nuclear Regulatory Commission authority over the decommissioning: *Provided*, That the date for completion of cleanup at the Apollo site provided in section 8089 of the Department of Defense Appropriations Act of 1991 is rescinded.

SEC. 8152. During the current fiscal year, the Secretary of Defense may accept burdensharing contributions in the form of money from the Government of Japan for the costs of local national employees, supplies, and services of the Department of Defense to be credited to applicable Department of Defense operations and maintenance appropriations available for the salaries and benefits of local national employees, 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.

Japan.
Government
employees.
Wages.

Reports.

(TRANSFER OF FUNDS)

SEC. 8153. From the funds made available for Repair and Restoration of Buildings of the Smithsonian Institution in the fiscal year 1992 Department of the Interior and Related Agencies Appropriations Act, \$800,000 is hereby appropriated by transfer to the Salaries and expenses account of the Smithsonian Institution, such sum to remain available until expended.

SEC. 8154. None of the funds appropriated or made available by this Act may be used to implement a realignment or consolidation of the Naval Facilities Engineering Command that would affect elements of the Northern Division of that command until sixty days after the consolidation or realignment plan is approved by the Secretary of Defense and submitted to the Committees on Appropriations of the House and Senate.

SEC. 8155. Notwithstanding any other provision of law or regulation, the Department of Defense shall have the authority to charter one or more presently existing United States flag tankers for a firm lease period not exceeding five years, with provision for further renewal at the Department's option: *Provided*, That any such charter contains no penalty payable upon failure to exercise any renewal option: *Provided further*, That the charter contains no agreement to indemnify any person for any amount paid or due by any person to the United States for any liability arising under the Internal Revenue Code of 1954: *Provided further*, That any such tanker was built after December 31, 1980: *Provided further*, That no funds shall be available for any such charter without previously having been submitted to the congressional defense committees.

SEC. 8156. Section 355(b) of Public Law 101-510 is amended by striking "92" and inserting in lieu thereof "77".

104 Stat. 1540.

SEC. 8157. 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.

This Act may be cited as the "Department of Defense Appropriations Act, 1992".

Approved November 26, 1991.

LEGISLATIVE HISTORY—H.R. 2521:

HOUSE REPORTS: Nos. 102-95 (Comm. on Appropriations) and 102-328 (Comm. of Conference).

SENATE REPORTS: No. 102-154 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 137 (1991):

June 7, considered and passed House.

Sept. 23, 25, 26, considered and passed Senate, amended.

Nov. 20, House agreed to conference report.

Nov. 23, Senate agreed to conference report.

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