

***In the Senate of the United States,***

*July 18, 1996.*

*Resolved*, That the bill from the House of Representatives (H.R. 3610) entitled “An Act making appropriations for the Department of Defense for the fiscal year ending September 30, 1997, and for other purposes”, do pass with the following

**AMENDMENT:**

Strike out all after the enacting clause and insert:

1 *That the following sums are appropriated, out of any*  
2 *money in the Treasury not otherwise appropriated, for the*  
3 *fiscal year ending September 30, 1997, for military func-*  
4 *tions administered by the Department of Defense, and for*  
5 *other purposes, namely:*

6 *TITLE I*

7 *MILITARY PERSONNEL*

8 *MILITARY PERSONNEL, ARMY*

9 *For pay, allowances, individual clothing, subsistence,*  
10 *interest on deposits, gratuities, permanent change of station*

1 *travel (including all expenses thereof for organizational*  
2 *movements), and expenses of temporary duty travel between*  
3 *permanent duty stations, for members of the Army on active*  
4 *duty (except members of reserve components provided for*  
5 *elsewhere), cadets, and aviation cadets; and for payments*  
6 *pursuant to section 156 of Public Law 97–377, as amended*  
7 *(42 U.S.C. 402 note), to section 229(b) of the Social Secu-*  
8 *rity Act (42 U.S.C. 429(b)), and to the Department of De-*  
9 *fense Military Retirement Fund; \$20,559,042,000.*

10 *MILITARY PERSONNEL, NAVY*

11 *For pay, allowances, individual clothing, subsistence,*  
12 *interest on deposits, gratuities, permanent change of station*  
13 *travel (including all expenses thereof for organizational*  
14 *movements), and expenses of temporary duty travel between*  
15 *permanent duty stations, for members of the Navy on active*  
16 *duty (except members of the Reserve provided for elsewhere),*  
17 *midshipmen, and aviation cadets; and for payments pursu-*  
18 *ant to section 156 of Public Law 97–377, as amended (42*  
19 *U.S.C. 402 note), to section 229(b) of the Social Security*  
20 *Act (42 U.S.C. 429(b)), and to the Department of Defense*  
21 *Military Retirement Fund; \$16,943,581,000.*

22 *MILITARY PERSONNEL, MARINE CORPS*

23 *For pay, allowances, individual clothing, subsistence,*  
24 *interest on deposits, gratuities, permanent change of station*  
25 *travel (including all expenses thereof for organizational*

1 *movements), and expenses of temporary duty travel between*  
2 *permanent duty stations, for members of the Marine Corps*  
3 *on active duty (except members of the Reserve provided for*  
4 *elsewhere); and for payments pursuant to section 156 of*  
5 *Public Law 97–377, as amended (42 U.S.C. 402 note), to*  
6 *section 229(b) of the Social Security Act (42 U.S.C. 429(b)),*  
7 *and to the Department of Defense Military Retirement*  
8 *Fund; \$6,099,182,000.*

9 *MILITARY PERSONNEL, AIR FORCE*

10 *For pay, allowances, individual clothing, subsistence,*  
11 *interest on deposits, gratuities, permanent change of station*  
12 *travel (including all expenses thereof for organizational*  
13 *movements), and expenses of temporary duty travel between*  
14 *permanent duty stations, for members of the Air Force on*  
15 *active duty (except members of reserve components provided*  
16 *for elsewhere), cadets, and aviation cadets; and for pay-*  
17 *ments pursuant to section 156 of Public Law 97–377, as*  
18 *amended (42 U.S.C. 402 note), to section 229(b) of the So-*  
19 *cial Security Act (42 U.S.C. 429(b)), and to the Depart-*  
20 *ment of Defense Military Retirement Fund;*  
21 *\$17,021,810,000.*

22 *RESERVE PERSONNEL, ARMY*

23 *For pay, allowances, clothing, subsistence, gratuities,*  
24 *travel, and related expenses for personnel of the Army Re-*  
25 *serve on active duty under sections 10211, 10302, and 3038*

1 *of title 10, United States Code, or while serving on active*  
2 *duty under section 12301(d) of title 10, United States Code,*  
3 *in connection with performing duty specified in section*  
4 *12310(a) of title 10, United States Code, or while under-*  
5 *going reserve training, or while performing drills or equiva-*  
6 *lent duty or other duty, and for members of the Reserve*  
7 *Officers' Training Corps, and expenses authorized by sec-*  
8 *tion 16131 of title 10, United States Code; and for pay-*  
9 *ments to the Department of Defense Military Retirement*  
10 *Fund; \$2,052,136,000.*

11 *RESERVE PERSONNEL, NAVY*

12 *For pay, allowances, clothing, subsistence, gratuities,*  
13 *travel, and related expenses for personnel of the Navy Re-*  
14 *serve on active duty under section 10211 of title 10, United*  
15 *States Code, or while serving on active duty under section*  
16 *12301(d) of title 10, United States Code, in connection with*  
17 *performing duty specified in section 12310(a) of title 10,*  
18 *United States Code, or while undergoing reserve training,*  
19 *or while performing drills or equivalent duty, and for mem-*  
20 *bers of the Reserve Officers' Training Corps, and expenses*  
21 *authorized by section 16131 of title 10, United States Code;*  
22 *and for payments to the Department of Defense Military*  
23 *Retirement Fund; \$1,396,989,000.*

1                    *RESERVE PERSONNEL, MARINE CORPS*

2            *For pay, allowances, clothing, subsistence, gratuities,*  
3 *travel, and related expenses for personnel of the Marine*  
4 *Corps Reserve on active duty under section 10211 of title*  
5 *10, United States Code, or while serving on active duty*  
6 *under section 12301(d) of title 10, United States Code, in*  
7 *connection with performing duty specified in section*  
8 *12310(a) of title 10, United States Code, or while under-*  
9 *going reserve training, or while performing drills or equiva-*  
10 *lent duty, and for members of the Marine Corps platoon*  
11 *leaders class, and expenses authorized by section 16131 of*  
12 *title 10, United States Code; and for payments to the De-*  
13 *partment of Defense Military Retirement Fund;*  
14 *\$389,325,000.*

15                    *RESERVE PERSONNEL, AIR FORCE*

16            *For pay, allowances, clothing, subsistence, gratuities,*  
17 *travel, and related expenses for personnel of the Air Force*  
18 *Reserve on active duty under sections 10211, 10305, and*  
19 *8038 of title 10, United States Code, or while serving on*  
20 *active duty under section 12301(d) of title 10, United States*  
21 *Code, in connection with performing duty specified in sec-*  
22 *tion 12310(a) of title 10, United States Code, or while un-*  
23 *dergoing reserve training, or while performing drills or*  
24 *equivalent duty or other duty, and for members of the Air*  
25 *Reserve Officers' Training Corps, and expenses authorized*

1 *by section 16131 of title 10, United States Code; and for*  
2 *payments to the Department of Defense Military Retire-*  
3 *ment Fund; \$785,842,000.*

4 *NATIONAL GUARD PERSONNEL, ARMY*

5 *For pay, allowances, clothing, subsistence, gratuities,*  
6 *travel, and related expenses for personnel of the Army Na-*  
7 *tional Guard while on duty under section 10211, 10302,*  
8 *or 12402 of title 10 or section 708 of title 32, United States*  
9 *Code, or while serving on duty under section 12301(d) of*  
10 *title 10 or section 502(f) of title 32, United States Code,*  
11 *in connection with performing duty specified in section*  
12 *12310(a) of title 10, United States Code, or while under-*  
13 *going training, or while performing drills or equivalent*  
14 *duty or other duty, and expenses authorized by section*  
15 *16131 of title 10, United States Code; and for payments*  
16 *to the Department of Defense Military Retirement Fund;*  
17 *\$3,259,169,000.*

18 *NATIONAL GUARD PERSONNEL, AIR FORCE*

19 *For pay, allowances, clothing, subsistence, gratuities,*  
20 *travel, and related expenses for personnel of the Air Na-*  
21 *tional Guard on duty under section 10211, 10305, or 12402*  
22 *of title 10 or section 708 of title 32, United States Code,*  
23 *or while serving on duty under section 12301(d) of title 10*  
24 *or section 502(f) of title 32, United States Code, in connec-*  
25 *tion with performing duty specified in section 12310(a) of*

1 *title 10, United States Code, or while undergoing training,*  
2 *or while performing drills or equivalent duty or other duty,*  
3 *and expenses authorized by section 16131 of title 10, United*  
4 *States Code; and for payments to the Department of Defense*  
5 *Military Retirement Fund; \$1,295,511,000.*

6

*TITLE II*

7

*OPERATION AND MAINTENANCE*

8

*OPERATION AND MAINTENANCE, ARMY*

9

*(INCLUDING TRANSFER OF FUNDS)*

10 *For expenses, not otherwise provided for, necessary for*  
11 *the operation and maintenance of the Army, as authorized*  
12 *by law; and not to exceed \$11,437,000 can be used for emer-*  
13 *gencies and extraordinary expenses, to be expended on the*  
14 *approval or authority of the Secretary of the Army, and*  
15 *payments may be made on his certificate of necessity for*  
16 *confidential military purposes; \$17,700,859,000 and, in ad-*  
17 *dition, \$50,000,000 shall be derived by transfer from the*  
18 *National Defense Stockpile Transaction Fund: Provided,*  
19 *That the amount made available by this paragraph for*  
20 *Army Operation and Maintenance is reduced by*  
21 *\$1,500,000.*

22

*OPERATION AND MAINTENANCE, NAVY*

23

*(INCLUDING TRANSFER OF FUNDS)*

24 *For expenses, not otherwise provided for, necessary for*  
25 *the operation and maintenance of the Navy and the Marine*

1 *Corps, as authorized by law; and not to exceed \$3,995,000,*  
2 *can be used for emergencies and extraordinary expenses, to*  
3 *be expended on the approval or authority of the Secretary*  
4 *of the Navy, and payments may be made on his certificate*  
5 *of necessity for confidential military purposes;*  
6 *\$20,241,517,000 and, in addition, \$50,000,000 shall be de-*  
7 *rived by transfer from the National Defense Stockpile*  
8 *Transaction Fund.*

9 *OPERATION AND MAINTENANCE, MARINE CORPS*

10 *For expenses, not otherwise provided for, necessary for*  
11 *the operation and maintenance of the Marine Corps, as au-*  
12 *thorized by law; \$2,275,977,000.*

13 *OPERATION AND MAINTENANCE, AIR FORCE*

14 *(INCLUDING TRANSFER OF FUNDS)*

15 *For expenses, not otherwise provided for, necessary for*  
16 *the operation and maintenance of the Air Force, as author-*  
17 *ized by law; and not to exceed \$8,362,000 can be used for*  
18 *emergencies and extraordinary expenses, to be expended on*  
19 *the approval or authority of the Secretary of the Air Force,*  
20 *and payments may be made on his certificate of necessity*  
21 *for confidential military purposes; \$17,331,309,000 and, in*  
22 *addition, \$50,000,000 shall be derived by transfer from the*  
23 *National Defense Stockpile Transaction Fund.*

1           *OPERATION AND MAINTENANCE, DEFENSE-WIDE*

2           *For expenses, not otherwise provided for, necessary for*  
3 *the operation and maintenance of activities and agencies*  
4 *of the Department of Defense (other than the military de-*  
5 *partments), as authorized by law; \$9,953,142,000, of which*  
6 *not to exceed \$25,000,000 may be available for the CINC*  
7 *initiative fund account; and of which not to exceed*  
8 *\$28,500,000 can be used for emergencies and extraordinary*  
9 *expenses, to be expended on the approval or authority of*  
10 *the Secretary of Defense, and payments may be made on*  
11 *his certificate of necessity for confidential military pur-*  
12 *poses: Provided, That of the funds appropriated under this*  
13 *heading, \$20,000,000 shall be made available only for use*  
14 *in federally owned education facilities located on military*  
15 *installations for the purpose of transferring title of such fa-*  
16 *cilities to the local education agency: Provided further, That*  
17 *of the funds appropriated under this heading, \$1,000,000*  
18 *is available, by grant or other transfer, to the Harnett*  
19 *County School Board, Lillington, North Carolina, for use*  
20 *by the school board for the education of dependents of mem-*  
21 *bers of the Armed Forces and employees of the Department*  
22 *of Defense located at Fort Bragg and Pope Air Force Base,*  
23 *North Carolina.*

1        *OPERATION AND MAINTENANCE, ARMY RESERVE*

2        *For expenses, not otherwise provided for, necessary for*  
3 *the operation and maintenance, including training, organi-*  
4 *zation, and administration, of the Army Reserve; repair of*  
5 *facilities and equipment; hire of passenger motor vehicles;*  
6 *travel and transportation; care of the dead; recruiting; pro-*  
7 *curement of services, supplies, and equipment; and commu-*  
8 *nications; \$1,129,436,000.*

9        *OPERATION AND MAINTENANCE, NAVY RESERVE*

10       *For expenses, not otherwise provided for, necessary for*  
11 *the operation and maintenance, including training, organi-*  
12 *zation, and administration, of the Navy Reserve; repair of*  
13 *facilities and equipment; hire of passenger motor vehicles;*  
14 *travel and transportation; care of the dead; recruiting; pro-*  
15 *curement of services, supplies, and equipment; and commu-*  
16 *nications; \$861,527,000.*

17       *OPERATION AND MAINTENANCE, MARINE CORPS RESERVE*

18       *For expenses, not otherwise provided for, necessary for*  
19 *the operation and maintenance, including training, organi-*  
20 *zation, and administration, of the Marine Corps Reserve;*  
21 *repair of facilities and equipment; hire of passenger motor*  
22 *vehicles; travel and transportation; care of the dead; recruit-*  
23 *ing; procurement of services, supplies, and equipment; and*  
24 *communications; \$115,367,000.*

1     *OPERATION AND MAINTENANCE, AIR FORCE RESERVE*

2           *For expenses, not otherwise provided for, necessary for*  
3 *the operation and maintenance, including training, organi-*  
4 *zation, and administration, of the Air Force Reserve; repair*  
5 *of facilities and equipment; hire of passenger motor vehicles;*  
6 *travel and transportation; care of the dead; recruiting; pro-*  
7 *curement of services, supplies, and equipment; and commu-*  
8 *nications; \$1,494,953,000.*

9     *OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD*

10          *For expenses of training, organizing, and administer-*  
11 *ing the Army National Guard, including medical and hos-*  
12 *pital treatment and related expenses in non-Federal hos-*  
13 *pitals; maintenance, operation, and repairs to structures*  
14 *and facilities; hire of passenger motor vehicles; personnel*  
15 *services in the National Guard Bureau; travel expenses*  
16 *(other than mileage), as authorized by law for Army person-*  
17 *nel on active duty, for Army National Guard division, regi-*  
18 *mental, and battalion commanders while inspecting units*  
19 *in compliance with National Guard Bureau regulations*  
20 *when specifically authorized by the Chief, National Guard*  
21 *Bureau; supplying and equipping the Army National*  
22 *Guard as authorized by law; and expenses of repair, modi-*  
23 *fication, maintenance, and issue of supplies and equipment*  
24 *(including aircraft); \$2,294,477,000.*

1     *OPERATION AND MAINTENANCE, AIR NATIONAL GUARD*

2           *For operation and maintenance of the Air National*  
3 *Guard, including medical and hospital treatment and relat-*  
4 *ed expenses in non-Federal hospitals; maintenance, oper-*  
5 *ation, repair, and other necessary expenses of facilities for*  
6 *the training and administration of the Air National Guard,*  
7 *including repair of facilities, maintenance, operation, and*  
8 *modification of aircraft; transportation of things; hire of*  
9 *passenger motor vehicles; supplies, materials, and equip-*  
10 *ment, as authorized by law for the Air National Guard;*  
11 *and expenses incident to the maintenance and use of sup-*  
12 *plies, materials, and equipment, including such as may be*  
13 *furnished from stocks under the control of agencies of the*  
14 *Department of Defense; travel expenses (other than mileage)*  
15 *on the same basis as authorized by law for Air National*  
16 *Guard personnel on active Federal duty, for Air National*  
17 *Guard commanders while inspecting units in compliance*  
18 *with National Guard Bureau regulations when specifically*  
19 *authorized by the Chief, National Guard Bureau;*  
20 *\$2,721,973,000.*

21     *OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND*22           *(INCLUDING TRANSFER OF FUNDS)*

23           *For expenses directly relating to Overseas Contingency*  
24 *Operations by United States military forces;*  
25 *\$1,069,957,000: Provided, That the Secretary of Defense*

1 *may transfer these funds only to operation and mainte-*  
2 *nance accounts within this title: Provided further, That the*  
3 *funds transferred shall be merged with and shall be avail-*  
4 *able for the same purposes and for the same time period,*  
5 *as the appropriation to which transferred: Provided further,*  
6 *That the transfer authority provided in this paragraph is*  
7 *in addition to any other transfer authority contained else-*  
8 *where in this Act.*

9 *UNITED STATES COURT OF APPEALS FOR THE ARMED*  
10 *FORCES*

11 *For salaries and expenses necessary for the United*  
12 *States Court of Appeals for the Armed Forces; \$6,185,000,*  
13 *of which not to exceed \$2,500 can be used for official rep-*  
14 *resentation purposes.*

15 *ENVIRONMENTAL RESTORATION, ARMY*  
16 *(INCLUDING TRANSFER OF FUNDS)*

17 *For the Department of the Army, \$356,916,000, to re-*  
18 *main available until transferred: Provided, That the Sec-*  
19 *retary of the Army shall, upon determining that such funds*  
20 *are required for environmental restoration, reduction and*  
21 *recycling of hazardous waste, removal of unsafe buildings*  
22 *and debris of the Department of the Army, or for similar*  
23 *purposes, transfer the funds made available by this appro-*  
24 *priation to other appropriations made available to the De-*  
25 *partment of the Army, to be merged with and to be available*

1 *for the same purposes and for the same time period as the*  
2 *appropriations to which transferred: Provided further, That*  
3 *upon a determination that all or part of the funds trans-*  
4 *ferred from this appropriation are not necessary for the*  
5 *purposes provided herein, such amounts may be transferred*  
6 *back to this appropriation: Provided further, That not more*  
7 *than twenty-five percent of funds provided under this head-*  
8 *ing may be obligated for environmental remediation by the*  
9 *Corps of Engineers under total environmental remediation*  
10 *contracts.*

11 *ENVIRONMENTAL RESTORATION, NAVY*  
12 *(INCLUDING TRANSFER OF FUNDS)*

13 *For the Department of the Navy, \$302,900,000, to re-*  
14 *main available until transferred: Provided, That the Sec-*  
15 *retary of the Navy shall, upon determining that such funds*  
16 *are required for environmental restoration, reduction and*  
17 *recycling of hazardous waste, removal of unsafe buildings*  
18 *and debris of the Department of the Navy, or for similar*  
19 *purposes, transfer the funds made available by this appro-*  
20 *priation to other appropriations made available to the De-*  
21 *partment of the Navy, to be merged with and to be available*  
22 *for the same purposes and for the same time period as the*  
23 *appropriations to which transferred: Provided further, That*  
24 *upon a determination that all or part of the funds trans-*  
25 *ferred from this appropriation are not necessary for the*

1 *purposes provided herein, such amounts may be transferred*  
2 *back to this appropriation.*

3 *ENVIRONMENTAL RESTORATION, AIR FORCE*

4 *(INCLUDING TRANSFER OF FUNDS)*

5 *For the Department of the Air Force, \$414,700,000,*  
6 *to remain available until transferred: Provided, That the*  
7 *Secretary of the Air Force shall, upon determining that*  
8 *such funds are required for environmental restoration, re-*  
9 *duction and recycling of hazardous waste, removal of unsafe*  
10 *buildings and debris of the Department of the Air Force,*  
11 *or for similar purposes, transfer the funds made available*  
12 *by this appropriation to other appropriations made avail-*  
13 *able to the Department of the Air Force, to be merged with*  
14 *and to be available for the same purposes and for the same*  
15 *time period as the appropriations to which transferred:*  
16 *Provided further, That upon a determination that all or*  
17 *part of the funds transferred from this appropriation are*  
18 *not necessary for the purposes provided herein, such*  
19 *amounts may be transferred back to this appropriation.*

20 *ENVIRONMENTAL RESTORATION, DEFENSE-WIDE*

21 *(INCLUDING TRANSFER OF FUNDS)*

22 *For the Department of the Defense, \$38,650,000, to re-*  
23 *main available until transferred: Provided, That the Sec-*  
24 *retary of Defense shall, upon determining that such funds*  
25 *are required for environmental restoration, reduction and*

1 *recycling of hazardous waste, removal of unsafe buildings*  
2 *and debris of the Department of Defense, or for similar pur-*  
3 *poses (including programs and operations at sites formerly*  
4 *used by the Department of Defense), transfer the funds made*  
5 *available by this appropriation to other appropriations*  
6 *made available to the Department of Defense, to be merged*  
7 *with and to be available for the same purposes and for the*  
8 *same time period as the appropriations to which trans-*  
9 *ferred: Provided further, That upon a determination that*  
10 *all or part of the funds transferred from this appropriation*  
11 *are not necessary for the purposes provided herein, such*  
12 *amounts may be transferred back to this appropriation.*

13 *ENVIRONMENTAL RESTORATION, FORMERLY USED*

14 *DEFENSE SITES*

15 *(INCLUDING TRANSFER OF FUNDS)*

16 *For the Department of the Army, \$269,850,000, to re-*  
17 *main available until transferred: Provided, That the Sec-*  
18 *retary of the Army shall, upon determining that such funds*  
19 *are required for environmental restoration, reduction and*  
20 *recycling of hazardous waste, removal of unsafe buildings*  
21 *and debris at sites formerly used by the Department of De-*  
22 *fense, transfer the funds made available by this appropria-*  
23 *tion to other appropriations made available to the Depart-*  
24 *ment of the Army, to be merged with and to be available*  
25 *for the same purposes and for the same time period as the*

1 *appropriations to which transferred: Provided further, That*  
2 *upon a determination that all or part of the funds trans-*  
3 *ferred from this appropriation are not necessary for the*  
4 *purposes provided herein, such amounts may be transferred*  
5 *back to this appropriation.*

6 *OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID*

7 *For expenses relating to the Overseas Humanitarian,*  
8 *Disaster, and Civic Aid programs of the Department of De-*  
9 *fense (consisting of the programs provided under sections*  
10 *401, 402, 404, 2547, and 2551 of title 10, United States*  
11 *Code); \$49,000,000, to remain available until September*  
12 *30, 1998.*

13 *FORMER SOVIET UNION THREAT REDUCTION*

14 *For assistance to the republics of the former Soviet*  
15 *Union, including assistance provided by contract or by*  
16 *grants, for facilitating the elimination and the safe and se-*  
17  *cure transportation and storage of nuclear, chemical and*  
18  *other weapons; for establishing programs to prevent the pro-*  
19  *liferation of weapons, weapons components, and weapon-*  
20  *related technology and expertise; for programs relating to*  
21  *the training and support of defense and military personnel*  
22  *for demilitarization and protection of weapons, weapons*  
23  *components and weapons technology and expertise;*  
24 *\$327,900,000, to remain available until expended.*



1 *tion prosecuted thereon prior to approval of title; and pro-*  
2 *curement and installation of equipment, appliances, and*  
3 *machine tools in public and private plants; reserve plant*  
4 *and Government and contractor-owned equipment layaway;*  
5 *and other expenses necessary for the foregoing purposes;*  
6 *\$982,829,000, to remain available for obligation until Sep-*  
7 *tember 30, 1999: Provided, That of the funds provided in*  
8 *this paragraph and notwithstanding the provisions of title*  
9 *31, United States Code, section 1502(a), not to exceed*  
10 *\$25,000,000 is available for the benefit of the Army Na-*  
11 *tional Guard to complete the remaining design and develop-*  
12 *ment of the upgrade and to increase gunner survivability,*  
13 *range, accuracy, and lethality for the fully modernized*  
14 *Super Dragon Missile System, including pre-production en-*  
15 *gineering and systems qualification.*

16 *PROCUREMENT OF WEAPONS AND TRACKED COMBAT*  
17 *VEHICLES, ARMY*

18 *For construction, procurement, production, and modi-*  
19 *fication of weapons and tracked combat vehicles, equipment,*  
20 *including ordnance, spare parts, and accessories therefor;*  
21 *specialized equipment and training devices; expansion of*  
22 *public and private plants, including the land necessary*  
23 *therefor, for the foregoing purposes, and such lands and in-*  
24 *terests therein, may be acquired, and construction pros-*  
25 *ecuted thereon prior to approval of title; and procurement*

1 *and installation of equipment, appliances, and machine*  
2 *tools in public and private plants; reserve plant and Gov-*  
3 *ernment and contractor-owned equipment layaway; and*  
4 *other expenses necessary for the foregoing purposes;*  
5 *\$1,449,714,000, to remain available for obligation until*  
6 *September 30, 1999: Provided, That of the funds appro-*  
7 *priated in this paragraph and notwithstanding the provi-*  
8 *sions of title 31, United States Code, Section 1502(a), not*  
9 *to exceed \$33,100,000 may be obligated for future year V903*  
10 *diesel engine requirements to maintain the industrial base.*

11 *PROCUREMENT OF AMMUNITION, ARMY*

12 *For construction, procurement, production, and modi-*  
13 *fication of ammunition, and accessories therefor; specialized*  
14 *equipment and training devices; expansion of public and*  
15 *private plants, including ammunition facilities authorized*  
16 *by section 2854, title 10, United States Code, and the land*  
17 *necessary therefor, for the foregoing purposes, and such*  
18 *lands and interests therein, may be acquired, and construc-*  
19 *tion prosecuted thereon prior to approval of title; and pro-*  
20 *curement and installation of equipment, appliances, and*  
21 *machine tools in public and private plants; reserve plant*  
22 *and Government and contractor-owned equipment layaway;*  
23 *and other expenses necessary for the foregoing purposes;*  
24 *\$1,118,329,000, to remain available for obligation until*  
25 *September 30, 1999.*

1                                    *OTHER PROCUREMENT, ARMY*

2            *For construction, procurement, production, and modi-*  
3 *fication of vehicles, including tactical, support, and non-*  
4 *tracked combat vehicles; the purchase of not to exceed 14*  
5 *passenger motor vehicles for replacement only; communica-*  
6 *tions and electronic equipment; other support equipment;*  
7 *spare parts, ordnance, and accessories therefor; specialized*  
8 *equipment and training devices; expansion of public and*  
9 *private plants, including the land necessary therefor, for the*  
10 *foregoing purposes, and such lands and interests therein,*  
11 *may be acquired, and construction prosecuted thereon prior*  
12 *to approval of title; and procurement and installation of*  
13 *equipment, appliances, and machine tools in public and*  
14 *private plants; reserve plant and Government and contrac-*  
15 *tor-owned equipment layaway; and other expenses nec-*  
16 *essary for the foregoing purposes; \$3,295,486,000, to remain*  
17 *available for obligation until September 30, 1999: Provided,*  
18 *That of the funds appropriated in this paragraph and not-*  
19 *withstanding the provisions of title 31, United States Code,*  
20 *Section 1502(a), not to exceed \$2,400,000 may be obligated*  
21 *for future year V903 diesel engine requirements to maintain*  
22 *the industrial base.*

23                                    *AIRCRAFT PROCUREMENT, NAVY*

24            *For construction, procurement, production, modifica-*  
25 *tion, and modernization of aircraft, equipment, including*

1 *ordnance, spare parts, and accessories therefor; specialized*  
2 *equipment; expansion of public and private plants, includ-*  
3 *ing the land necessary therefor, and such lands and inter-*  
4 *ests therein, may be acquired, and construction prosecuted*  
5 *thereon prior to approval of title; and procurement and in-*  
6 *stallation of equipment, appliances, and machine tools in*  
7 *public and private plants; reserve plant and Government*  
8 *and contractor-owned equipment layaway; \$7,239,704,000,*  
9 *to remain available for obligation until September 30,*  
10 *1999.*

11 *WEAPONS PROCUREMENT, NAVY*

12 *For construction, procurement, production, modifica-*  
13 *tion, and modernization of missiles, torpedoes, other weap-*  
14 *ons, other ordnance and ammunition, and related support*  
15 *equipment including spare parts, and accessories therefor;*  
16 *expansion of public and private plants, including the land*  
17 *necessary therefor, and such lands and interests therein,*  
18 *may be acquired, and construction prosecuted thereon prior*  
19 *to approval of title; and procurement and installation of*  
20 *equipment, appliances, and machine tools in public and*  
21 *private plants; reserve plant and Government and contrac-*  
22 *tor-owned equipment layaway; \$1,500,154,000, to remain*  
23 *available for obligation until September 30, 1999: Provided,*  
24 *That in addition to the foregoing purposes, the funds appro-*  
25 *priated above under this heading shall be available to liq-*

1 *update reported deficiencies in appropriations provided*  
2 *under this heading in prior Department of Defense appro-*  
3 *priations acts, to the extent such deficiencies cannot other-*  
4 *wise be liquidated pursuant to 31 U.S.C. 1553(b).*

5 *SHIPBUILDING AND CONVERSION, NAVY*

6 *For expenses necessary for the construction, acquisi-*  
7 *tion, or conversion of vessels as authorized by law, includ-*  
8 *ing armor and armament thereof, plant equipment, appli-*  
9 *ances, and machine tools and installation thereof in public*  
10 *and private plants; reserve plant and Government and con-*  
11 *tractor-owned equipment layaway; procurement of critical,*  
12 *long leadtime components and designs for vessels to be con-*  
13 *structed or converted in the future; and expansion of public*  
14 *and private plants, including land necessary therefor, and*  
15 *such lands and interests therein, may be acquired, and con-*  
16 *struction prosecuted thereon prior to approval of title, as*  
17 *follows:*

18 *For continuation of the SSN-21 attack sub-*  
19 *marine program, \$699,071,000;*

20 *NSSN-1 (AP) \$296,186,000;*

21 *NSSN-2 (AP) \$701,000,000;*

22 *CVN Refuelings, \$237,029,000;*

23 *DDG-51 destroyer program, \$3,909,072,000;*

24 *Oceanographic ship program, \$54,400,000;*

25 *Oceanographic ship SWATH, \$45,000,000;*

1           *LCAC landing craft air cushion program (AP-*  
2           *CY), \$3,000,000; and*

3           *For craft, outfitting, post delivery, conversions,*  
4           *and first destination transportation, \$248,572,000;*  
5           *in all: \$6,193,330,000, to remain available for obligation*  
6           *until September 30, 2001: Provided, That additional obli-*  
7           *gations may be incurred after September 30, 2001, for engi-*  
8           *neering services, tests, evaluations, and other such budgeted*  
9           *work that must be performed in the final stage of ship con-*  
10           *struction: Provided further, That none of the funds herein*  
11           *provided for the construction or conversion of any naval*  
12           *vessel to be constructed in shipyards in the United States*  
13           *shall be expended in foreign facilities for the construction*  
14           *of major components of such vessel: Provided further, That*  
15           *none of the funds herein provided shall be used for the con-*  
16           *struction of any naval vessel in foreign shipyards: Provided*  
17           *further, That the Secretary of the Navy is hereby granted*  
18           *the authority to enter into one or more contracts for the*  
19           *procurement of not less than 12 Arleigh Burke class destroy-*  
20           *ers in fiscal year 1998 through fiscal year 2001 at a pro-*  
21           *curement rate of not less than three ships per year.*

22                            *OTHER PROCUREMENT, NAVY*

23           *For procurement, production, and modernization of*  
24           *support equipment and materials not otherwise provided*  
25           *for, Navy ordnance (except ordnance for new aircraft, new*

1 ships, and ships authorized for conversion); expansion of  
2 public and private plants, including the land necessary  
3 therefor, and such lands and interests therein, may be ac-  
4 quired, and construction prosecuted thereon prior to ap-  
5 proval of title; and procurement and installation of equip-  
6 ment, appliances, and machine tools in public and private  
7 plants; reserve plant and Government and contractor-owned  
8 equipment layaway; \$2,944,519,000, to remain available  
9 for obligation until September 30, 1999.

10 *PROCUREMENT, MARINE CORPS*

11 *For expenses necessary for the procurement, manufac-*  
12 *ture, and modification of missiles, armament, military*  
13 *equipment, spare parts, and accessories therefor; plant*  
14 *equipment, appliances, and machine tools, and installation*  
15 *thereof in public and private plants; reserve plant and Gov-*  
16 *ernment and contractor-owned equipment layaway; vehicles*  
17 *for the Marine Corps, including the purchase of not to ex-*  
18 *ceed 88 passenger motor vehicles for replacement only; and*  
19 *expansion of public and private plants, including land nec-*  
20 *essary therefor, and such lands and interests therein, may*  
21 *be acquired and construction prosecuted thereon prior to*  
22 *approval of title; \$660,507,000, to remain available for obli-*  
23 *gation until September 30, 1999.*

1                    *AIRCRAFT PROCUREMENT, AIR FORCE*

2            *For construction, procurement, and modification of*  
3 *aircraft and equipment, including armor and armament,*  
4 *specialized ground handling equipment, and training de-*  
5 *vices, spare parts, and accessories therefor; specialized*  
6 *equipment; expansion of public and private plants, Govern-*  
7 *ment-owned equipment and installation thereof in such*  
8 *plants, erection of structures, and acquisition of land, for*  
9 *the foregoing purposes, and such lands and interests therein,*  
10 *may be acquired, and construction prosecuted thereon prior*  
11 *to approval of title; reserve plant and Government and con-*  
12 *tractor-owned equipment layaway; and other expenses nec-*  
13 *essary for the foregoing purposes including rents and trans-*  
14 *portation of things; \$6,630,370,000, to remain available for*  
15 *obligation until September 30, 1999.*

16                    *MISSILE PROCUREMENT, AIR FORCE*

17            *For construction, procurement, and modification of*  
18 *missiles, spacecraft, rockets, and related equipment, includ-*  
19 *ing spare parts and accessories therefor, ground handling*  
20 *equipment, and training devices; expansion of public and*  
21 *private plants, Government-owned equipment and installa-*  
22 *tion thereof in such plants, erection of structures, and ac-*  
23 *quisition of land, for the foregoing purposes, and such lands*  
24 *and interests therein, may be acquired, and construction*  
25 *prosecuted thereon prior to approval of title; reserve plant*

1 *and Government and contractor-owned equipment layaway;*  
2 *and other expenses necessary for the foregoing purposes in-*  
3 *cluding rents and transportation of things; \$2,713,944,000,*  
4 *to remain available for obligation until September 30,*  
5 *1999.*

6 *OTHER PROCUREMENT, AIR FORCE*

7 *For procurement and modification of equipment (in-*  
8 *cluding ground guidance and electronic control equipment,*  
9 *and ground electronic and communication equipment), and*  
10 *supplies, materials, and spare parts therefor, not otherwise*  
11 *provided for; the purchase of not to exceed 506 passenger*  
12 *motor vehicles for replacement only; the purchase of 1 vehi-*  
13 *cle required for physical security of personnel, notwith-*  
14 *standing price limitations applicable to passenger vehicles*  
15 *but not to exceed \$287,000 per vehicle; and expansion of*  
16 *public and private plants, Government-owned equipment*  
17 *and installation thereof in such plants, erection of struc-*  
18 *tures, and acquisition of land, for the foregoing purposes,*  
19 *and such lands and interests therein, may be acquired, and*  
20 *construction prosecuted thereon, prior to approval of title;*  
21 *reserve plant and Government and contractor-owned equip-*  
22 *ment layaway; \$5,577,787,000, to remain available for obli-*  
23 *gation until September 30, 1999.*

1                    *PROCUREMENT, DEFENSE-WIDE*

2            *For expenses of activities and agencies of the Depart-*  
3 *ment of Defense (other than the military departments) nec-*  
4 *essary for procurement, production, and modification of*  
5 *equipment, supplies, materials, and spare parts therefor,*  
6 *not otherwise provided for; the purchase of not to exceed*  
7 *389 passenger motor vehicles for replacement only; expan-*  
8 *sion of public and private plants, equipment, and installa-*  
9 *tion thereof in such plants, erection of structures, and ac-*  
10 *quisition of land for the foregoing purposes, and such lands*  
11 *and interests therein, may be acquired, and construction*  
12 *prosecuted thereon prior to approval of title; reserve plant*  
13 *and Government and contractor-owned equipment layaway;*  
14 *\$1,773,794,000, to remain available for obligation until*  
15 *September 30, 1999.*

16                    *NATIONAL GUARD AND RESERVE EQUIPMENT*

17            *For procurement of aircraft, missiles, tracked combat*  
18 *vehicles, ammunition, other weapons, and other procure-*  
19 *ment for the reserve components of the Armed Forces;*  
20 *\$759,800,000, to remain available for obligation until Sep-*  
21 *tember 30, 1999: Provided, That the Chiefs of the Reserve*  
22 *and National Guard components shall, not later than 30*  
23 *days after the enactment of this Act, individually submit*  
24 *to the congressional defense committees the modernization*

1 *priority assessment for their respective Reserve or National*  
2 *Guard component.*

3 *TITLE IV*

4 *RESEARCH, DEVELOPMENT, TEST AND*  
5 *EVALUATION*

6 *RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY*  
7 *For expenses necessary for basic and applied scientific*  
8 *research, development, test and evaluation, including main-*  
9 *tenance, rehabilitation, lease, and operation of facilities*  
10 *and equipment; \$5,107,283,000, to remain available for ob-*  
11 *ligation until September 30, 1998: Provided, That of the*  
12 *funds appropriated in this paragraph, \$4,000,000 shall be*  
13 *available for the procurement of a real-time, automatic*  
14 *cargo tracking and control system.*

15 *RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY*  
16 *For expenses necessary for basic and applied scientific*  
17 *research, development, test and evaluation, including main-*  
18 *tenance, rehabilitation, lease, and operation of facilities*  
19 *and equipment; \$8,067,543,000, to remain available for ob-*  
20 *ligation until September 30, 1998: Provided, That funds*  
21 *appropriated in this paragraph which are available for the*  
22 *V-22 may be used to meet requirements of the Special Oper-*  
23 *ations Forces: Provided further, That of the funds available*  
24 *under this paragraph, \$12,000,000 is available for the Pulse*  
25 *Doppler Upgrade modification to the AN/SPS-48E radar*

1 *system: Provided further, That of the funds appropriated*  
2 *in this paragraph, \$7,500,000 shall be available for 1.5 ship*  
3 *years in the university research fleet under the Oceano-*  
4 *graphic and Atmospheric Technology program: Provided*  
5 *further, That of the funds available under this heading,*  
6 *\$1,000,000 is available for evaluation of a nondevelopmen-*  
7 *tal Doppler sonar velocity log: Provided further, That of*  
8 *the funds appropriated under this heading \$46,600,000*  
9 *shall be made available only for the Intercooled Recuperated*  
10 *Gas Turbine Engine program: Provided further, That up*  
11 *to \$10,000,000 of funds appropriated in this paragraph*  
12 *may be used to initiate engineering and manufacturing de-*  
13 *velopment for the winning airborne mine countermeasure*  
14 *system.*

15 *RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR*  
16 *FORCE*

17 *For expenses necessary for basic and applied scientific*  
18 *research, development, test and evaluation, including main-*  
19 *tenance, rehabilitation, lease, and operation of facilities*  
20 *and equipment; \$14,778,540,000, to remain available for*  
21 *obligation until September 30, 1998: Provided, That not*  
22 *less than \$1,000,000 of the funds appropriated in this para-*  
23 *graph shall be made available only to assess the budgetary,*  
24 *cost, technical, operational, training, and safety issues asso-*  
25 *ciated with a decision to eliminate development of the F-*

1 *22B two-seat training variant of the F-22 advanced tac-*  
2 *tical fighter: Provided further, That the assessment required*  
3 *by the preceding proviso shall be submitted, in classified*  
4 *and unclassified versions, by the Secretary of the Air Force*  
5 *to the congressional defense committees not later than Feb-*  
6 *ruary 15, 1997: Provided further, That of the funds appro-*  
7 *priated under this heading, \$3,000,000 shall be available*  
8 *for acceleration of a program to develop thermally stable*  
9 *jet fuels using chemicals derived from coal.*

10 *RESEARCH, DEVELOPMENT, TEST AND EVALUATION,*  
11 *DEFENSE-WIDE*

12 *For expenses of activities and agencies of the Depart-*  
13 *ment of Defense (other than the military departments), nec-*  
14 *essary for basic and applied scientific research, develop-*  
15 *ment, test and evaluation; advanced research projects as*  
16 *may be designated and determined by the Secretary of De-*  
17 *fense, pursuant to law; maintenance, rehabilitation, lease,*  
18 *and operation of facilities and equipment; \$9,190,092,000,*  
19 *to remain available for obligation until September 30,*  
20 *1998: Provided, That of the funds appropriated under this*  
21 *heading, \$50,000,000 shall be available for the Maritime*  
22 *Technology program and \$2,988,000 shall be available for*  
23 *the Focused Research Initiatives program: Provided further,*  
24 *That, of such amount, \$10,000,000 is available for the Unit-*  
25 *ed States-Japan Management Training Program.*



1                    *NATIONAL DEFENSE SEALIFT FUND*

2                    *For National Defense Sealift Fund programs, projects,*  
3 *and activities, and for expenses of the National Defense Re-*  
4 *serve Fleet, as established by section 11 of the Merchant*  
5 *Ship Sales Act of 1946 (50 U.S.C. App. 1744);*  
6 *\$1,093,002,000, to remain available until expended: Pro-*  
7 *vided, That none of the funds provided in this paragraph*  
8 *shall be used to award a new contract that provides for the*  
9 *acquisition of any of the following major components unless*  
10 *such components are manufactured in the United States:*  
11 *auxiliary equipment, including pumps, for all ship-board*  
12 *services; propulsion system components (that is; engines, re-*  
13 *duction gears, and propellers); shipboard cranes; and*  
14 *spreaders for shipboard cranes: Provided further, That the*  
15 *exercise of an option in a contract awarded through the ob-*  
16 *ligation of previously appropriated funds shall not be con-*  
17 *sidered to be the award of a new contract: Provided further,*  
18 *That the Secretary of the military department responsible*  
19 *for such procurement may waive these restrictions on a*  
20 *case-by-case basis by certifying in writing to the Commit-*  
21 *tees on Appropriations of the House of Representatives and*  
22 *the Senate, that adequate domestic supplies are not avail-*  
23 *able to meet Department of Defense requirements on a time-*  
24 *ly basis and that such an acquisition must be made in order*  
25 *to acquire capability for national security purposes.*





1 *for obligation for the same time period and for the same*  
2 *purpose as the appropriation to which transferred: Pro-*  
3 *vided further, That the transfer authority provided in this*  
4 *paragraph is in addition to any transfer authority con-*  
5 *tained elsewhere in this Act.*

6 *OFFICE OF THE INSPECTOR GENERAL*

7 *For expenses and activities of the Office of the Inspec-*  
8 *tor General in carrying out the provisions of the Inspector*  
9 *General Act of 1978, as amended; \$139,157,000, of which*  
10 *\$137,157,000 shall be for Operation and maintenance, of*  
11 *which not to exceed \$500,000 is available for emergencies*  
12 *and extraordinary expenses to be expended on the approval*  
13 *or authority of the Inspector General, and payments may*  
14 *be made on his certificate of necessity for confidential mili-*  
15 *tary purposes; and of which \$2,000,000, to remain available*  
16 *until September 30, 1999, shall be for Procurement.*

17 *ANTI-TERRORISM ACTIVITIES, DEFENSE*

18 *(INCLUDING TRANSFER OF FUNDS)*

19 *For anti-terrorism activities of the Department of De-*  
20 *fense, \$14,000,000, subject to authorization, for transfer to*  
21 *appropriations available to the Department of Defense for*  
22 *operation and maintenance, for procurement, and for re-*  
23 *search, development, test, and evaluation: Provided, That*  
24 *the funds appropriated under this heading shall be avail-*  
25 *able for obligation for the same period and for the same*

1 *purposes as the appropriation to which transferred: Pro-*  
2 *vided further, That the transfer authority provided under*  
3 *this heading is in addition to any other transfer authority*  
4 *contained in this Act.*

5 *TITLE VII*

6 *RELATED AGENCIES*

7 *CENTRAL INTELLIGENCE AGENCY RETIREMENT AND*

8 *DISABILITY SYSTEM FUND*

9 *For payment to the Central Intelligence Agency Retire-*  
10 *ment and Disability System Fund, to maintain proper*  
11 *funding level for continuing the operation of the Central*  
12 *Intelligence Agency Retirement and Disability System;*  
13 *\$184,200,000.*

14 *INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT*

15 *For necessary expenses of the Intelligence Community*  
16 *Management Account; \$94,739,000.*

17 *PAYMENT TO KAHO'OLAWA ISLAND CONVEYANCE,*

18 *REMEDICATION, AND ENVIRONMENTAL RESTORATION FUND*

19 *For payment to Kaho'olawe Island Conveyance, Reme-*  
20 *diation, and Environmental Restoration Fund, as author-*  
21 *ized by law; \$10,000,000, to remain available until ex-*  
22 *pended.*



1 *the Foreign Service Act of 1980: Provided further, That the*  
2 *limitations of this provision shall not apply to foreign na-*  
3 *tional employees of the Department of Defense in the Re-*  
4 *public of Turkey.*

5 *SEC. 8003. No part of any appropriation contained*  
6 *in this Act shall remain available for obligation beyond the*  
7 *current fiscal year, unless expressly so provided herein.*

8 *SEC. 8004. No more than 20 per centum of the appro-*  
9 *priations in this Act which are limited for obligation dur-*  
10 *ing the current fiscal year shall be obligated during the last*  
11 *two months of the fiscal year: Provided, That this section*  
12 *shall not apply to obligations for support of active duty*  
13 *training of reserve components or summer camp training*  
14 *of the Reserve Officers' Training Corps.*

15 *(TRANSFER OF FUNDS)*

16 *SEC. 8005. Upon determination by the Secretary of*  
17 *Defense that such action is necessary in the national inter-*  
18 *est, he may, with the approval of the Office of Management*  
19 *and Budget, transfer not to exceed \$1,200,000,000 of work-*  
20 *ing capital funds of the Department of Defense or funds*  
21 *made available in this Act to the Department of Defense*  
22 *for military functions (except military construction) be-*  
23 *tween such appropriations or funds or any subdivision*  
24 *thereof, to be merged with and to be available for the same*  
25 *purposes, and for the same time period, as the appropria-*

1 *tion or fund to which transferred: Provided, That such au-*  
2 *thority to transfer may not be used unless for higher prior-*  
3 *ity items, based on unforeseen military requirements, than*  
4 *those for which originally appropriated and in no case*  
5 *where the item for which funds are requested has been de-*  
6 *nied by Congress: Provided further, That the Secretary of*  
7 *Defense shall notify the Congress promptly of all transfers*  
8 *made pursuant to this authority or any other authority in*  
9 *this Act: Provided further, That no part of the funds in*  
10 *this Act shall be available to prepare or present a request*  
11 *to the Committees on Appropriations for reprogramming*  
12 *of funds, unless for higher priority items, based on unfore-*  
13 *seen military requirements, than those for which originally*  
14 *appropriated and in no case where the item for which re-*  
15 *programming is requested has been denied by the Congress.*

16 *(TRANSFER OF FUNDS)*

17 *SEC. 8006. During the current fiscal year, cash bal-*  
18 *ances in working capital funds of the Department of De-*  
19 *fense established pursuant to section 2208 of title 10, United*  
20 *States Code, may be maintained in only such amounts as*  
21 *are necessary at any time for cash disbursements to be made*  
22 *from such funds: Provided, That transfers may be made be-*  
23 *tween such funds and the "Foreign Currency Fluctuations,*  
24 *Defense" and "Operation and Maintenance" appropriation*  
25 *accounts in such amounts as may be determined by the Sec-*

1 *retary of Defense, with the approval of the Office of Manage-*  
2 *ment and Budget, except that such transfers may not be*  
3 *made unless the Secretary of Defense has notified the Con-*  
4 *gress of the proposed transfer. Except in amounts equal to*  
5 *the amounts appropriated to working capital funds in this*  
6 *Act, no obligations may be made against a working capital*  
7 *fund to procure or increase the value of war reserve mate-*  
8 *rial inventory, unless the Secretary of Defense has notified*  
9 *the Congress prior to any such obligation.*

10 *SEC. 8007. Funds appropriated by this Act may not*  
11 *be used to initiate a special access program without prior*  
12 *notification 30 calendar days in session in advance to the*  
13 *congressional defense committees.*

14 *SEC. 8008. None of the funds contained in this Act*  
15 *available for the Civilian Health and Medical Program of*  
16 *the Uniformed Services shall be available for payments to*  
17 *physicians and other non-institutional health care provid-*  
18 *ers in excess of the amounts allowed in fiscal year 1996*  
19 *for similar services, except that: (a) for services for which*  
20 *the Secretary of Defense determines an increase is justified*  
21 *by economic circumstances, the allowable amounts may be*  
22 *increased in accordance with appropriate economic index*  
23 *data similar to that used pursuant to title XVIII of the*  
24 *Social Security Act; and (b) for services the Secretary deter-*  
25 *mines are overpriced based on allowable payments under*

1 *title XVIII of the Social Security Act, the allowable*  
2 *amounts shall be reduced by not more than 15 percent (ex-*  
3 *cept that the reduction may be waived if the Secretary de-*  
4 *termines that it would impair adequate access to health*  
5 *care services for beneficiaries). The Secretary shall solicit*  
6 *public comment prior to promulgating regulations to imple-*  
7 *ment this section. Such regulations shall include a limita-*  
8 *tion, similar to that used under title XVIII of the Social*  
9 *Security Act, on the extent to which a provider may bill*  
10 *a beneficiary an actual charge in excess of the allowable*  
11 *amount.*

12       *SEC. 8009. None of the funds provided in this Act shall*  
13 *be available to initiate (1) a multiyear contract that em-*  
14 *ploy economic order quantity procurement in excess of*  
15 *\$20,000,000 in any one year of the contract or that includes*  
16 *an unfunded contingent liability in excess of \$20,000,000,*  
17 *or (2) a contract for advance procurement leading to a*  
18 *multiyear contract that employs economic order quantity*  
19 *procurement in excess of \$20,000,000 in any one year, un-*  
20 *less the congressional defense committees have been notified*  
21 *at least thirty days in advance of the proposed contract*  
22 *award: Provided, That no part of any appropriation con-*  
23 *tained in this Act shall be available to initiate a multiyear*  
24 *contract for which the economic order quantity advance*  
25 *procurement is not funded at least to the limits of the Gov-*

1 *ernment's liability: Provided further, That no part of any*  
2 *appropriation contained in this Act shall be available to*  
3 *initiate multiyear procurement contracts for any systems*  
4 *or component thereof if the value of the multiyear contract*  
5 *would exceed \$500,000,000 unless specifically provided in*  
6 *this Act: Provided further, That no multiyear procurement*  
7 *contract can be terminated without 10-day prior notifica-*  
8 *tion to the congressional defense committees: Provided fur-*  
9 *ther, That the execution of multiyear authority shall require*  
10 *the use of a present value analysis to determine lowest cost*  
11 *compared to an annual procurement.*

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

14 *Javelin missiles;*  
15 *Arleigh Burke (DDG-51) class destroyers;*  
16 *MK19-3 grenade machine guns;*  
17 *M16A2 rifles;*  
18 *M249 Squad Automatic Weapons;*  
19 *M4 carbine rifles; and*  
20 *M240B machine guns.*

21 *SEC. 8010. Within the funds appropriated for the oper-*  
22 *ation and maintenance of the Armed Forces, funds are here-*  
23 *by appropriated pursuant to section 401 of title 10, United*  
24 *States Code, for humanitarian and civic assistance costs*  
25 *under chapter 20 of title 10, United States Code. Such funds*

1 *may also be obligated for humanitarian and civic assist-*  
2 *ance costs incidental to authorized operations and pursuant*  
3 *to authority granted in section 401 of chapter 20 of title*  
4 *10, United States Code, and these obligations shall be re-*  
5 *ported to Congress on September 30 of each year: Provided,*  
6 *That funds available for operation and maintenance shall*  
7 *be available for providing humanitarian and similar assist-*  
8 *ance by using Civic Action Teams in the Trust Territories*  
9 *of the Pacific Islands and freely associated states of Micro-*  
10 *nesia, pursuant to the Compact of Free Association as au-*  
11 *thorized by Public Law 99–239: Provided further, That*  
12 *upon a determination by the Secretary of the Army that*  
13 *such action is beneficial for graduate medical education*  
14 *programs conducted at Army medical facilities located in*  
15 *Hawaii, the Secretary of the Army may authorize the pro-*  
16 *vision of medical services at such facilities and transpor-*  
17 *tation to such facilities, on a nonreimbursable basis, for ci-*  
18 *vilian patients from American Samoa, the Commonwealth*  
19 *of the Northern Mariana Islands, the Marshall Islands, the*  
20 *Federated States of Micronesia, Palau, and Guam.*

21 *SEC. 8011. (a) During fiscal year 1997, the civilian*  
22 *personnel of the Department of Defense may not be man-*  
23 *aged on the basis of any end-strength, and the management*  
24 *of such personnel during that fiscal year shall not be subject*  
25 *to any constraint or limitation (known as an end-strength)*

1 *on the number of such personnel who may be employed on*  
2 *the last day of such fiscal year.*

3 *(b) The fiscal year 1998 budget request for the Depart-*  
4 *ment of Defense as well as all justification material and*  
5 *other documentation supporting the fiscal year 1998 De-*  
6 *partment of Defense budget request shall be prepared and*  
7 *submitted to the Congress as if subsections (a) and (b) of*  
8 *this provision were effective with regard to fiscal year 1998.*

9 *(c) Nothing in this section shall be construed to apply*  
10 *to military (civilian) technicians.*

11 *SEC. 8012. Notwithstanding any other provision of*  
12 *law, none of the funds made available by this Act shall be*  
13 *used by the Department of Defense to exceed, outside the*  
14 *fifty United States, its territories, and the District of Co-*  
15 *lumbia, 125,000 civilian workyears: Provided, That*  
16 *workyears shall be applied as defined in the Federal Person-*  
17 *nel Manual: Provided further, That workyears expended in*  
18 *dependent student hiring programs for disadvantaged*  
19 *youths shall not be included in this workyear limitation.*

20 *SEC. 8013. None of the funds made available by this*  
21 *Act shall be used in any way, directly or indirectly, to in-*  
22 *fluence congressional action on any legislation or appro-*  
23 *priation matters pending before the Congress.*

24 *SEC. 8014. (a) None of the funds appropriated by this*  
25 *Act shall be used to make contributions to the Department*

1 of Defense Education Benefits Fund pursuant to section  
2 2006(g) of title 10, United States Code, representing the  
3 normal cost for future benefits under section 3015(c) of title  
4 38, United States Code, for any member of the armed serv-  
5 ices who, on or after the date of enactment of this Act—  
6           (1) enlists in the armed services for a period of  
7           active duty of less than three years; or  
8           (2) receives an enlistment bonus under section  
9           308a or 308f of title 37, United States Code,  
10 nor shall any amounts representing the normal cost of such  
11 future benefits be transferred from the Fund by the Sec-  
12 retary of the Treasury to the Secretary of Veterans Affairs  
13 pursuant to section 2006(d) of title 10, United States Code;  
14 nor shall the Secretary of Veterans Affairs pay such benefits  
15 to any such member: Provided, That in the case of a mem-  
16 ber covered by clause (1), these limitations shall not apply  
17 to members in combat arms skills or to members who enlist  
18 in the armed services on or after July 1, 1989, under a  
19 program continued or established by the Secretary of De-  
20 fense in fiscal year 1991 to test the cost-effective use of spe-  
21 cial recruiting incentives involving not more than nineteen  
22 noncombat arms skills approved in advance by the Sec-  
23 retary of Defense: Provided further, That this subsection ap-  
24 plies only to active components of the Army.

1           (b) None of the funds appropriated by this Act shall  
2 be available for the basic pay and allowances of any mem-  
3 ber of the Army participating as a full-time student and  
4 receiving benefits paid by the Secretary of Veterans Affairs  
5 from the Department of Defense Education Benefits Fund  
6 when time spent as a full-time student is credited toward  
7 completion of a service commitment: Provided, That this  
8 subsection shall not apply to those members who have reen-  
9 listed with this option prior to October 1, 1987: Provided  
10 further, That this subsection applies only to active compo-  
11 nents of the Army.

12           SEC. 8015. None of the funds appropriated by this Act  
13 shall be available to convert to contractor performance an  
14 activity or function of the Department of Defense that, on  
15 or after the date of enactment of this Act, is performed by  
16 more than ten Department of Defense civilian employees  
17 until a most efficient and cost-effective organization analy-  
18 sis is completed on such activity or function and certifi-  
19 cation of the analysis is made to the Committees on Appro-  
20 priations of the House of Representatives and the Senate:  
21 Provided, That this section shall not apply to a commercial  
22 or industrial type function of the Department of Defense  
23 that: (1) is included on the procurement list established pur-  
24 suant to section 2 of the Act of June 25, 1938 (41 U.S.C.  
25 47), popularly referred to as the Javits-Wagner-O'Day Act;

1 (2) is planned to be converted to performance by a qualified  
2 nonprofit agency for the blind or by a qualified nonprofit  
3 agency for other severely handicapped individuals in ac-  
4 cordance with that Act; or (3) is planned to be converted  
5 to performance by a qualified firm under 51 percent Native  
6 American ownership.

7 (TRANSFER OF FUNDS)

8 SEC. 8016. Funds appropriated in title III of this Act  
9 for the Department of Defense Pilot Mentor-Protege Pro-  
10 gram may be transferred to any other appropriation con-  
11 tained in this Act solely for the purpose of implementing  
12 a Mentor-Protege Program developmental assistance agree-  
13 ment pursuant to section 831 of the National Defense Au-  
14 thorization Act for Fiscal Year 1991 (Public Law 101-510;  
15 10 U.S.C. 2301 note), as amended, under the authority of  
16 this provision or any other transfer authority contained in  
17 this Act.

18 SEC. 8017. For fiscal year 1997, the total amount ap-  
19 propriated in this Act to fund the Uniformed Services  
20 Treatment Facilities program, operated pursuant to section  
21 911 of Public Law 97-99 (42 U.S.C. 248c), shall not exceed  
22 \$331,380,000.

23 SEC. 8018. None of the funds appropriated by this Act  
24 available for the Civilian Health and Medical Program of  
25 the Uniformed Services (CHAMPUS) shall be available for

1 *the reimbursement of any health care provider for inpatient*  
2 *mental health service for care received when a patient is*  
3 *referred to a provider of inpatient mental health care or*  
4 *residential treatment care by a medical or health care pro-*  
5 *fessional having an economic interest in the facility to*  
6 *which the patient is referred: Provided, That this limitation*  
7 *does not apply in the case of inpatient mental health serv-*  
8 *ices provided under the program for the handicapped under*  
9 *subsection (d) of section 1079 of title 10, United States*  
10 *Code, provided as partial hospital care, or provided pursu-*  
11 *ant to a waiver authorized by the Secretary of Defense be-*  
12 *cause of medical or psychological circumstances of the pa-*  
13 *tient that are confirmed by a health professional who is not*  
14 *a Federal employee after a review, pursuant to rules pre-*  
15 *scribed by the Secretary, which takes into account the ap-*  
16 *propriate level of care for the patient, the intensity of serv-*  
17 *ices required by the patient, and the availability of that*  
18 *care.*

19 *SEC. 8019. Funds available in this Act may be used*  
20 *to provide transportation for the next-of-kin of individuals*  
21 *who have been prisoners of war or missing in action from*  
22 *the Vietnam era to an annual meeting in the United States,*  
23 *under such regulations as the Secretary of Defense may pre-*  
24 *scribe.*

1        *SEC. 8020. Notwithstanding any other provision of*  
2 *law, during the current fiscal year, the Secretary of Defense*  
3 *may, by Executive Agreement, establish with host nation*  
4 *governments in NATO member states a separate account*  
5 *into which such residual value amounts negotiated in the*  
6 *return of United States military installations in NATO*  
7 *member states may be deposited, in the currency of the host*  
8 *nation, in lieu of direct monetary transfers to the United*  
9 *States Treasury: Provided, That such credits may be uti-*  
10 *lized only for the construction of facilities to support United*  
11 *States military forces in that host nation, or such real prop-*  
12 *erty maintenance and base operating costs that are cur-*  
13 *rently executed through monetary transfers to such host na-*  
14 *tions: Provided further, That the Department of Defense's*  
15 *budget submission for fiscal year 1998 shall identify such*  
16 *sums anticipated in residual value settlements, and identify*  
17 *such construction, real property maintenance or base oper-*  
18 *ating costs that shall be funded by the host nation through*  
19 *such credits: Provided further, That all military construc-*  
20 *tion projects to be executed from such accounts must be pre-*  
21 *viously approved in a prior Act of Congress: Provided fur-*  
22 *ther, That each such Executive Agreement with a NATO*  
23 *member host nation shall be reported to the congressional*  
24 *defense committees, the Committee on International Rela-*  
25 *tions of the House of Representatives and the Committee*

1 *on Foreign Relations of the Senate thirty days prior to the*  
2 *conclusion and endorsement of any such agreement estab-*  
3 *lished under this provision.*

4 *SEC. 8021. None of the funds available to the Depart-*  
5 *ment of Defense may be used to demilitarize or dispose of*  
6 *any M-1 Carbines, M-1 Garand rifles, M-14 rifles, .22 cal-*  
7 *iber rifles, .30 caliber rifles, or M-1911 pistols.*

8 *SEC. 8022. Notwithstanding any other provision of*  
9 *law, none of the funds appropriated by this Act shall be*  
10 *available to pay more than 50 percent of an amount paid*  
11 *to any person under section 308 of title 37, United States*  
12 *Code, in a lump sum.*

13 *SEC. 8023. Of the funds made available by this Act*  
14 *in title III, Procurement, \$8,000,000, drawn pro rata from*  
15 *each appropriations account in title III, shall be available*  
16 *for incentive payments authorized by section 504 of the In-*  
17 *dian Financing Act of 1974, 25 U.S.C. 1544. These pay-*  
18 *ments shall be available only to contractors which have sub-*  
19 *mitted subcontracting plans pursuant to 15 U.S.C. 637(d),*  
20 *and according to regulations which shall be promulgated*  
21 *by the Secretary of Defense within 90 days of the passage*  
22 *of this Act.*

23 *SEC. 8024. During the current fiscal year, none of the*  
24 *funds available to the Department of Defense may be used*  
25 *to procure or acquire (1) defensive handguns unless such*

1 *handguns are the M9 or M11 9 mm Department of Defense*  
2 *standard handguns, or (2) offensive handguns except for the*  
3 *Special Operations Forces: Provided, That the foregoing*  
4 *shall not apply to handguns and ammunition for marks-*  
5 *manship competitions.*

6 *SEC. 8025. No more than \$500,000 of the funds appro-*  
7 *priated or made available in this Act shall be used for any*  
8 *single relocation of an organization, unit, activity or func-*  
9 *tion of the Department of Defense into or within the Na-*  
10 *tional Capital Region: Provided, That the Secretary of De-*  
11 *fense may waive this restriction on a case-by-case basis 90*  
12 *days after certifying in writing to the Congressional defense*  
13 *committees that such a relocation is required in the best*  
14 *interest of the Government.*

15 *SEC. 8026. During the current fiscal year, funds ap-*  
16 *propriated or otherwise available for any Federal agency,*  
17 *the Congress, the judicial branch, or the District of Colum-*  
18 *bia may be used for the pay, allowances, and benefits of*  
19 *an employee as defined by section 2105 of title 5 or an indi-*  
20 *vidual employed by the government of the District of Co-*  
21 *lumbia, permanent or temporary indefinite, who—*

22 *(1) is a member of a Reserve component of the*  
23 *Armed Forces, as described in section 261 of title 10,*  
24 *or the National Guard, as described in section 101 of*  
25 *title 32;*

1           (2) *performs, for the purpose of providing mili-*  
2           *tary aid to enforce the law or providing assistance to*  
3           *civil authorities in the protection or saving of life or*  
4           *property or prevention of injury—*

5                   (A) *Federal service under sections 331, 332,*  
6                   *333, or 12406 of title 10, or other provision of*  
7                   *law, as applicable, or*

8                   (B) *full-time military service for his or her*  
9                   *State, the District of Columbia, the Common-*  
10                   *wealth of Puerto Rico, or a territory of the Unit-*  
11                   *ed States; and*

12           (3) *requests and is granted—*

13                   (A) *leave under the authority of this section;*

14                   *or*

15                   (B) *annual leave, which may be granted*  
16                   *without regard to the provisions of sections 5519*  
17                   *and 6323(b) of title 5, if such employee is other-*  
18                   *wise entitled to such annual leave:*

19 *Provided, That any employee who requests leave under sub-*  
20 *section (3)(A) for service described in subsection (2) of this*  
21 *section is entitled to such leave, subject to the provisions*  
22 *of this section and of the last sentence of section 6323(b)*  
23 *of title 5, and such leave shall be considered leave under*  
24 *section 6323(b) of title 5.*

1        *SEC. 8027. None of the funds appropriated by this Act*  
2 *shall be available to perform any cost study pursuant to*  
3 *the provisions of OMB Circular A-76 if the study being*  
4 *performed exceeds a period of twenty-four months after ini-*  
5 *tiation of such study with respect to a single function activ-*  
6 *ity or forty-eight months after initiation of such study for*  
7 *a multi-function activity.*

8        *SEC. 8028. Funds appropriated by this Act for the*  
9 *American Forces Information Service shall not be used for*  
10 *any national or international political or psychological ac-*  
11 *tivities.*

12        *SEC. 8029. Notwithstanding any other provision of*  
13 *law or regulation, the Secretary of Defense may adjust wage*  
14 *rates for civilian employees hired for certain health care*  
15 *occupations as authorized for the Secretary of Veterans Af-*  
16 *airs by section 7455 of title 38, United States Code.*

17        *SEC. 8030. None of the funds appropriated or made*  
18 *available in this Act shall be used to reduce or disestablish*  
19 *the operation of the 53rd Weather Reconnaissance Squad-*  
20 *ron of the Air Force Reserve, if such action would reduce*  
21 *the WC-130 Weather Reconnaissance mission below the lev-*  
22 *els funded in this Act.*

23        *SEC. 8031. (a) Of the funds for the procurement of sup-*  
24 *plies or services appropriated by this Act, qualified non-*  
25 *profit agencies for the blind or other severely handicapped*

1 *shall be afforded the maximum practicable opportunity to*  
2 *participate as subcontractors and suppliers in the perform-*  
3 *ance of contracts let by the Department of Defense.*

4 *(b) During the current fiscal year, a business concern*  
5 *which has negotiated with a military service or defense*  
6 *agency a subcontracting plan for the participation by small*  
7 *business concerns pursuant to section 8(d) of the Small*  
8 *Business Act (15 U.S.C. 637(d)) shall be given credit to-*  
9 *ward meeting that subcontracting goal for any purchases*  
10 *made from qualified nonprofit agencies for the blind or*  
11 *other severely handicapped.*

12 *(c) For the purpose of this section, the phrase “quali-*  
13 *fied nonprofit agency for the blind or other severely handi-*  
14 *capped” means a nonprofit agency for the blind or other*  
15 *severely handicapped that has been approved by the Com-*  
16 *mittee for the Purchase from the Blind and Other Severely*  
17 *Handicapped under the Javits-Wagner-O’Day Act (41*  
18 *U.S.C. 46–48).*

19 *SEC. 8032. During the current fiscal year, net receipts*  
20 *pursuant to collections from third party payers pursuant*  
21 *to section 1095 of title 10, United States Code, shall be*  
22 *made available to the local facility of the uniformed services*  
23 *responsible for the collections and shall be over and above*  
24 *the facility’s direct budget amount.*

1        *SEC. 8033. During the current fiscal year, the Depart-*  
2 *ment of Defense is authorized to incur obligations of not*  
3 *to exceed \$350,000,000 for purposes specified in section*  
4 *2350j(c) of title 10, United States Code, in anticipation of*  
5 *receipt of contributions, only from the Government of Ku-*  
6 *wait, under that section: Provided, That, upon receipt, such*  
7 *contributions from the Government of Kuwait shall be cred-*  
8 *ited to the appropriation or fund which incurred such obli-*  
9 *gations.*

10        *SEC. 8034. Of the funds made available in this Act,*  
11 *not less than \$22,700,000 shall be available for the Civil*  
12 *Air Patrol, of which \$19,000,000 shall be available for Op-*  
13 *eration and Maintenance.*

14        *SEC. 8035. None of the funds in this or any other Act*  
15 *shall be available for the preparation of studies on—*

16            *(a) the feasibility of removal and transportation*  
17 *of unitary chemical weapons or agents from the eight*  
18 *chemical storage sites within the continental United*  
19 *States to Johnston Atoll: Provided, That this prohibi-*  
20 *tion shall not apply to General Accounting Office*  
21 *studies requested by a Member of Congress or a Con-*  
22 *gressional Committee; and*

23            *(b) the potential future uses of the nine chemical*  
24 *disposal facilities other than for the destruction of*  
25 *stockpile chemical munitions and as limited by sec-*

1        *tion 1412(c)(2), Public Law 99–145: Provided, That*  
2        *this prohibition does not apply to future use studies*  
3        *for the CAMDS facility at Tooele, Utah.*

4        *SEC. 8036. None of the funds appropriated by this Act*  
5        *shall be used for the support of any nonappropriated funds*  
6        *activity of the Department of Defense that procures malt*  
7        *beverages and wine with nonappropriated funds for resale*  
8        *(including such alcoholic beverages sold by the drink) on*  
9        *a military installation located in the United States unless*  
10       *such malt beverages and wine are procured within that*  
11       *State, or in the case of the District of Columbia, within*  
12       *the District of Columbia, in which the military installation*  
13       *is located: Provided, That in a case in which the military*  
14       *installation is located in more than one State, purchases*  
15       *may be made in any State in which the installation is lo-*  
16       *cated: Provided further, That such local procurement re-*  
17       *quirements for malt beverages and wine shall apply to all*  
18       *alcoholic beverages only for military installations in States*  
19       *which are not contiguous with another State: Provided fur-*  
20       *ther, That alcoholic beverages other than wine and malt bev-*  
21       *erages, in contiguous States and the District of Columbia*  
22       *shall be procured from the most competitive source, price*  
23       *and other factors considered.*

24       *SEC. 8037. For the purposes of this Act, the term “con-*  
25       *gressional defense committees” means the National Security*

1 *Committee of the House of Representatives, the Armed Serv-*  
2 *ices Committee of the Senate, the subcommittee on Defense*  
3 *of the Committee on Appropriations of the Senate, and the*  
4 *subcommittee on National Security of the Committee on*  
5 *Appropriations of the House of Representatives.*

6       *SEC. 8038. Notwithstanding any other provision of*  
7 *law, during the current fiscal year, the Department of De-*  
8 *fense may acquire the modification, depot maintenance and*  
9 *repair of aircraft, vehicles and vessels as well as the produc-*  
10 *tion of components and other Defense-related articles,*  
11 *through competition between Department of Defense depot*  
12 *maintenance activities and private firms: Provided, That*  
13 *the Senior Acquisition Executive of the military depart-*  
14 *ment or defense agency concerned, with power of delegation,*  
15 *shall certify that successful bids include comparable esti-*  
16 *mates of all direct and indirect costs for both public and*  
17 *private bids: Provided further, That Office of Management*  
18 *and Budget Circular A-76 shall not apply to competitions*  
19 *conducted under this section.*

20       *SEC. 8039. (a)(1) If the Secretary of Defense, after con-*  
21 *sultation with the United States Trade Representative, de-*  
22 *termines that a foreign country which is party to an agree-*  
23 *ment described in paragraph (2) has violated the terms of*  
24 *the agreement by discriminating against certain types of*  
25 *products produced in the United States that are covered by*

1 *the agreement, the Secretary of Defense shall rescind the*  
2 *Secretary's blanket waiver of the Buy American Act with*  
3 *respect to such types of products produced in that foreign*  
4 *country.*

5       (2) *An agreement referred to in paragraph (1) is any*  
6 *reciprocal defense procurement memorandum of under-*  
7 *standing, between the United States and a foreign country*  
8 *pursuant to which the Secretary of Defense has prospec-*  
9 *tively waived the Buy American Act for certain products*  
10 *in that country.*

11       (b) *The Secretary of Defense shall submit to Congress*  
12 *a report on the amount of Department of Defense purchases*  
13 *from foreign entities in fiscal year 1997. Such report shall*  
14 *separately indicate the dollar value of items for which the*  
15 *Buy American Act was waived pursuant to any agreement*  
16 *described in subsection (a)(2), the Trade Agreement Act of*  
17 *1979 (19 U.S.C. 2501 et seq.), or any international agree-*  
18 *ment to which the United States is a party.*

19       (c) *For purposes of this section, the term "Buy Amer-*  
20 *ican Act" means title III of the Act entitled "An Act mak-*  
21 *ing appropriations for the Treasury and Post Office De-*  
22 *partments for the fiscal year ending June 30, 1934, and*  
23 *for other purposes", approved March 3, 1933 (41 U.S.C.*  
24 *10a et seq.).*

1        *SEC. 8040. Appropriations contained in this Act that*  
2 *remain available at the end of the current fiscal year as*  
3 *a result of energy cost savings realized by the Department*  
4 *of Defense shall remain available for obligation for the next*  
5 *fiscal year to the extent, and for the purposes, provided in*  
6 *section 2865 of title 10, United States Code.*

7        *SEC. 8041. During the current fiscal year and here-*  
8 *after, voluntary separation incentives payable under 10*  
9 *U.S.C. 1175 may be paid in such amounts as are necessary*  
10 *from the assets of the Voluntary Separation Incentive Fund*  
11 *established by section 1175(h)(1).*

12                                    *(INCLUDING TRANSFER OF FUNDS)*

13        *SEC. 8042. Amounts deposited during the current fis-*  
14 *cal year to the special account established under 40 U.S.C.*  
15 *485(h)(2) and to the special account established under 10*  
16 *U.S.C. 2667(d)(1) are appropriated and shall be available*  
17 *until transferred by the Secretary of Defense to current ap-*  
18 *plicable appropriations or funds of the Department of De-*  
19 *fense under the terms and conditions specified by 40 U.S.C.*  
20 *485(h)(2) (A) and (B) and 10 U.S.C. 2667(d)(1)(B), to be*  
21 *merged with and to be available for the same time period*  
22 *and the same purposes as the appropriation to which trans-*  
23 *ferred.*

24        *SEC. 8043. During the current fiscal year, appropria-*  
25 *tions available to the Department of Defense may be used*

1 *to reimburse a member of a reserve component of the Armed*  
2 *Forces who is not otherwise entitled to travel and transpor-*  
3 *tation allowances and who occupies transient government*  
4 *housing while performing active duty for training or inac-*  
5 *tive duty training: Provided, That such members may be*  
6 *provided lodging in kind if transient government quarters*  
7 *are unavailable as if the member was entitled to such allow-*  
8 *ances under subsection (a) of section 404 of title 37, United*  
9 *States Code: Provided further, That if lodging in kind is*  
10 *provided, any authorized service charge or cost of such lodg-*  
11 *ing may be paid directly from funds appropriated for oper-*  
12 *ation and maintenance of the reserve component of the*  
13 *member concerned.*

14 *SEC. 8044. Notwithstanding any other provision of*  
15 *law, funds available for “Drug Interdiction and Counter-*  
16 *Drug Activities, Defense” may be obligated for the Young*  
17 *Marines program.*

18 *SEC. 8045. During the current fiscal year, amounts*  
19 *contained in the Department of Defense Overseas Military*  
20 *Facility Investment Recovery Account established by section*  
21 *2921(c)(1) of the National Defense Authorization Act of*  
22 *1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall be*  
23 *available until expended for the payments specified by sec-*  
24 *tion 2921(c)(2) of that Act.*

1        *SEC. 8046. During the current fiscal year and here-*  
2 *after, annual payments granted under the provisions of sec-*  
3 *tion 4416 of the National Defense Authorization Act for Fis-*  
4 *cal Year 1993 (Public Law 102-428; 106 Stat. 2714) shall*  
5 *be made from appropriations in this Act which are avail-*  
6 *able for the pay of reserve component personnel.*

7        *SEC. 8047. Of the funds appropriated or otherwise*  
8 *made available by this Act, not more than \$119,200,000*  
9 *shall be available for payment of the operating costs of*  
10 *NATO Headquarters: Provided, That the Secretary of De-*  
11 *fense may waive this section for Department of Defense sup-*  
12 *port provided to NATO forces in and around the former*  
13 *Yugoslavia.*

14        *SEC. 8048. During the current fiscal year, appropria-*  
15 *tions which are available to the Department of Defense for*  
16 *operation and maintenance may be used to purchase items*  
17 *having an investment item unit cost of not more than*  
18 *\$100,000.*

19        *SEC. 8049. During the current fiscal year and here-*  
20 *after, appropriations available for the pay and allowances*  
21 *of active duty members of the Armed Forces shall be avail-*  
22 *able to pay the retired pay which is payable pursuant to*  
23 *section 4403 of Public Law 102-484 (10 U.S.C. 1293 note)*  
24 *under the terms and conditions provided in section 4403.*

1        *SEC. 8050. (a) During the current fiscal year, none*  
2 *of the appropriations or funds available to the Defense*  
3 *Business Operations Fund shall be used for the purchase*  
4 *of an investment item for the purpose of acquiring a new*  
5 *inventory item for sale or anticipated sale during the cur-*  
6 *rent fiscal year or a subsequent fiscal year to customers of*  
7 *the Defense Business Operations Fund if such an item*  
8 *would not have been chargeable to the Defense Business Op-*  
9 *erations Fund during fiscal year 1994 and if the purchase*  
10 *of such an investment item would be chargeable during the*  
11 *current fiscal year to appropriations made to the Depart-*  
12 *ment of Defense for procurement.*

13        *(b) The fiscal year 1998 budget request for the Depart-*  
14 *ment of Defense as well as all justification material and*  
15 *other documentation supporting the fiscal year 1998 De-*  
16 *partment of Defense budget shall be prepared and submitted*  
17 *to the Congress on the basis that any equipment which was*  
18 *classified as an end item and funded in a procurement ap-*  
19 *propriation contained in this Act shall be budgeted for in*  
20 *a proposed fiscal year 1998 procurement appropriation and*  
21 *not in the supply management business area or any other*  
22 *area or category of the Defense Business Operations Fund.*

23        *SEC. 8051. None of the funds provided in this Act shall*  
24 *be available for use by a Military Department to modify*  
25 *an aircraft, weapon, ship or other item of equipment, that*

1 *the Military Department concerned plans to retire or other-*  
2 *wise dispose of within five years after completion of the*  
3 *modification: Provided, That this prohibition shall not*  
4 *apply to safety modifications: Provided further, That this*  
5 *prohibition may be waived by the Secretary of a Military*  
6 *Department if the Secretary determines it is in the best na-*  
7 *tional security interest of the United States to provide such*  
8 *waiver and so notifies the congressional defense committees*  
9 *in writing.*

10 *SEC. 8052. None of the funds appropriated by this Act*  
11 *for programs of the Central Intelligence Agency shall re-*  
12 *main available for obligation beyond the current fiscal year,*  
13 *except for funds appropriated for the Reserve for Contin-*  
14 *gencies, which shall remain available until September 30,*  
15 *1998.*

16 *SEC. 8053. Notwithstanding any other provision of*  
17 *law, funds made available in this Act for the Defense Intel-*  
18 *ligence Agency may be used for the design, development, and*  
19 *deployment of General Defense Intelligence Program intel-*  
20 *ligence communications and intelligence information sys-*  
21 *tems for the Services, the Unified and Specified Commands,*  
22 *and the component commands.*

23 *SEC. 8054. Of the funds appropriated to the Depart-*  
24 *ment of Defense under the heading "Operation and Mainte-*  
25 *nance, Defense-Wide", not less than \$8,000,000 shall be*

1 *made available only for the mitigation of environmental*  
2 *impacts, including training and technical assistance to*  
3 *tribes, related administrative support, the gathering of in-*  
4 *formation, documenting of environmental damage, and de-*  
5 *veloping a system for prioritization of mitigation, on In-*  
6 *dian lands resulting from Department of Defense activities.*

7       *SEC. 8055. Amounts collected for the use of the facili-*  
8 *ties of the National Science Center for Communications and*  
9 *Electronics during the current fiscal year pursuant to sec-*  
10 *tion 1459(g) of the Department of Defense Authorization*  
11 *Act, 1986 and deposited to the special account established*  
12 *under subsection 1459(g)(2) of that Act are appropriated*  
13 *and shall be available until expended for the operation and*  
14 *maintenance of the Center as provided for in subsection*  
15 *1459(g)(2).*

16       *SEC. 8056. None of the funds appropriated in this Act*  
17 *may be used to fill the commander's position at any mili-*  
18 *tary medical facility with a health care professional unless*  
19 *the prospective candidate can demonstrate professional ad-*  
20 *ministrative skills.*

21       *SEC. 8057. None of the funds appropriated in this Act*  
22 *may be expended by an entity of the Department of Defense*  
23 *unless the entity, in expending the funds, complies with the*  
24 *Buy American Act. For purposes of this subsection, the term*  
25 *“Buy American Act” means title III of the Act entitled “An*

1 *Act making appropriations for the Treasury and Post Of-*  
2 *fice Departments for the fiscal year ending June 30, 1934,*  
3 *and for other purposes”, approved March 3, 1933 (41*  
4 *U.S.C. 10a et seq.).*

5 *SEC. 8058. None of the funds appropriated by this Act*  
6 *shall be available for a contract for studies, analyses, or*  
7 *consulting services entered into without competition on the*  
8 *basis of an unsolicited proposal unless the head of the activ-*  
9 *ity responsible for the procurement determines—*

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

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

18 *(3) the purpose of the contract is to take advan-*  
19 *tage of unique and significant industrial accomplish-*  
20 *ment by a specific concern, or to insure that a new*  
21 *product or idea of a specific concern is given finan-*  
22 *cial support:*

23 *Provided, That this limitation shall not apply to contracts*  
24 *in an amount of less than \$25,000, contracts related to im-*  
25 *provements of equipment that is in development or produc-*

1 tion, or contracts as to which a civilian official of the De-  
2 partment of Defense, who has been confirmed by the Senate,  
3 determines that the award of such contract is in the interest  
4 of the national defense.

5       SEC. 8059. Of the funds provided in title VI, under  
6 the heading "Chemical Agents and Munitions Destruction,  
7 Defense", \$40,000,000 shall only be available for the initi-  
8 ation of a pilot program to identify and demonstrate not  
9 less than two alternatives to the baseline incineration proc-  
10 ess for the demilitarization of assembled chemical muni-  
11 tions: Provided, That the Under Secretary of Defense for  
12 Acquisition and Technology shall, not later than November  
13 1, 1996, designate a program executive officer to carry out  
14 the pilot program who is not, nor has been, in direct or  
15 immediate control of the baseline reverse assembly inciner-  
16 ation demilitarization program: Provided further, That the  
17 Under Secretary of Defense for Acquisition and Technology  
18 shall evaluate the effectiveness of each alternative chemical  
19 munitions demilitarization technology identified and dem-  
20 onstrated under the pilot program to demilitarize assembled  
21 chemical munitions while meeting all applicable Federal  
22 and State environmental and safety requirements: Provided  
23 further, That the Under Secretary of Defense for Acquisition  
24 and Technology shall transmit, by December 15 of each  
25 year, a report to the congressional defense committees on

1 *the activities carried out under the pilot program during*  
2 *the preceding fiscal year in which the report is to be made:*  
3 *Provided further, That no funds may be obligated for the*  
4 *initiation of construction of a baseline incineration facility*  
5 *at the Lexington Blue Grass Army Depot or the Pueblo*  
6 *Depot activity until 180 days after the Secretary of Defense*  
7 *has submitted to the congressional defense committees a re-*  
8 *port detailing the effectiveness of each alternative chemical*  
9 *munitions demilitarization technology identified and dem-*  
10 *onstrated under the pilot program and its ability to meet*  
11 *the applicable safety and environmental requirements.*

12 *SEC. 8060. Notwithstanding any other provision of*  
13 *law, the Secretary of Defense may, when he considers it in*  
14 *the best interest of the United States, cancel any part of*  
15 *an indebtedness, up to \$2,500, that is or was owed to the*  
16 *United States by a member or former member of a uni-*  
17 *formed service if such indebtedness, as determined by the*  
18 *Secretary, was incurred in connection with Operation*  
19 *Desert Shield/Storm: Provided, That the amount of an in-*  
20 *debtedness previously paid by a member or former member*  
21 *and canceled under this section shall be refunded to the*  
22 *member.*

23 *SEC. 8061. Notwithstanding any other provision of*  
24 *law, the Department of Defense is authorized to enter into*  
25 *interim leasing arrangements for the Naval Air Facility,*

1 *Adak, for commercial reutilization of Department of De-*  
2 *fense infrastructure and facilities consistent with the 1990*  
3 *Defense Base Closure and Realignment Commission Act of*  
4 *1990 (Public Law 101–510, as amended).*

5 (RESCISSIONS)

6 *SEC. 8062. Of the funds provided in Department of*  
7 *Defense Appropriations Acts, the following funds are hereby*  
8 *rescinded from the following accounts in the specified*  
9 *amounts:*

10 *“Missile Procurement, Air Force, 1995/1997”,*

11 *\$31,900,000;*

12 *“Missile Procurement, Air Force, 1996/1998”,*

13 *\$20,000,000;*

14 *“Research, Development, Test and Evaluation,*  
15 *Air Force, 1996/1997”, \$75,000,000.*

16 *SEC. 8063. Of the funds appropriated in the Depart-*  
17 *ment of Defense Appropriations Act, 1996 (Public Law*  
18 *104–61), under the heading “Other Procurement, Army”,*  
19 *the Department of the Army shall grant \$477,000 to the*  
20 *Kansas Unified School District 207 for the purpose of inte-*  
21 *grating schools at Fort Leavenworth into the existing fiber*  
22 *optic network on post.*

23 *SEC. 8064. None of the funds available in this Act may*  
24 *be used to reduce the authorized positions for military (ci-*  
25 *vilian) technicians of the Army National Guard, the Air*  
26 *National Guard, Army Reserve and Air Force Reserve for*

1 *the purpose of applying any administratively imposed ci-*  
2 *vilian personnel ceiling, freeze, or reduction on military (ci-*  
3 *vilian) technicians, unless such reductions are a direct re-*  
4 *sult of a reduction in military force structure.*

5 *SEC. 8065. None of the funds appropriated or other-*  
6 *wise made available in this Act may be obligated or ex-*  
7 *pended for assistance to the Democratic People's Republic*  
8 *of North Korea unless specifically appropriated for that*  
9 *purpose.*

10 *SEC. 8066. During the current fiscal year, funds ap-*  
11 *propriated in this Act are available to compensate members*  
12 *of the National Guard for duty performed pursuant to a*  
13 *plan submitted by a Governor of a State and approved by*  
14 *the Secretary of Defense under section 112 of title 32, Unit-*  
15 *ed States Code: Provided, That during the performance of*  
16 *such duty, the members of the National Guard shall be*  
17 *under State command and control: Provided further, That*  
18 *such duty shall be treated as full-time National Guard duty*  
19 *for purposes of sections 12602 (a)(2) and (b)(2) of title 10,*  
20 *United States Code.*

21 *SEC. 8067. Funds appropriated in this Act for oper-*  
22 *ation and maintenance of the Military Departments, Uni-*  
23 *fied and Specified Commands and Defense Agencies shall*  
24 *be available for reimbursement of pay, allowances and other*  
25 *expenses which would otherwise be incurred against appro-*

1 *priations for the National Guard and Reserve when mem-*  
2 *bers of the National Guard and Reserve provide intelligence*  
3 *support to Unified Commands, Defense Agencies and Joint*  
4 *Intelligence Activities, including the activities and pro-*  
5 *grams included within the General Defense Intelligence*  
6 *Program and the Consolidated Cryptologic Program: Pro-*  
7 *vided, That nothing in this section authorizes deviation*  
8 *from established Reserve and National Guard personnel and*  
9 *training procedures.*

10       *SEC. 8068. During the current fiscal year, none of the*  
11 *funds appropriated in this Act may be used to reduce the*  
12 *civilian medical and medical support personnel assigned to*  
13 *military treatment facilities below the September 30, 1996*  
14 *level.*

15       *SEC. 8069. All refunds or other amounts collected in*  
16 *the administration of the Civilian Health and Medical Pro-*  
17 *gram of the Uniformed Services (CHAMPUS) shall be cred-*  
18 *ited to current year appropriations.*

19                   *(INCLUDING TRANSFER OF FUNDS)*

20       *SEC. 8070. None of the funds appropriated in this Act*  
21 *may be transferred to or obligated from the Pentagon Res-*  
22 *ervation Maintenance Revolving Fund, unless the Secretary*  
23 *of Defense certifies that the total cost for the planning, de-*  
24 *sign, construction and installation of equipment for the ren-*  
25 *ovation of the Pentagon Reservation will not exceed*  
26 *\$1,118,000,000.*



1 *provision of law, funds available to the Department of De-*  
2 *fense shall be made available to provide transportation of*  
3 *medical supplies and equipment, on a nonreimbursable*  
4 *basis, to the Indian Health Service when it is in conjunc-*  
5 *tion with a civil-military project.*

6 *SEC. 8074. Notwithstanding any other provision of*  
7 *law, the Naval shipyards of the United States shall be eligi-*  
8 *ble to participate in any manufacturing extension program*  
9 *financed by funds appropriated in this or any other Act.*

10 *(TRANSFER OF FUNDS)*

11 *SEC. 8075. In addition to amounts appropriated or*  
12 *otherwise made available by this Act, \$300,000,000 is here-*  
13 *by appropriated to the Department of Defense and shall be*  
14 *available only for transfer to the United States Coast*  
15 *Guard.*

16 *SEC. 8076. Notwithstanding any other provision of*  
17 *law, each contract awarded by the Department of Defense*  
18 *during the current fiscal year for construction or service*  
19 *performed in whole or in part in a State which is not con-*  
20 *tiguous with another State and has an unemployment rate*  
21 *in excess of the national average rate of unemployment as*  
22 *determined by the Secretary of Labor, shall include a provi-*  
23 *sion requiring the contractor to employ, for the purpose of*  
24 *performing that portion of the contract in such State that*  
25 *is not contiguous with another State, individuals who are*  
26 *residents of such State and who, in the case of any craft*

1 or trade, possess or would be able to acquire promptly the  
2 necessary skills: Provided, That the Secretary of Defense  
3 may waive the requirements of this section, on a case-by-  
4 case basis, in the interest of national security.

5       *SEC. 8077. Notwithstanding any other provision of*  
6 *law, within the funds available in this Act, the Secretary*  
7 *of the Air Force may enter into agreements to modify leases*  
8 *of housing units being constructed if deemed to be in the*  
9 *best interest of the Department. The housing units shall be*  
10 *assigned, without rental charge, as family housing to mem-*  
11 *bers of the Armed Forces who are eligible for assignment*  
12 *to military family housing.*

13       *SEC. 8078. (a) The Secretary of Defense shall submit,*  
14 *on a quarterly basis, a report to the congressional defense*  
15 *committees, the Committee on International Relations of*  
16 *the House of Representatives and the Committee on Foreign*  
17 *Relations of the Senate setting forth all costs (including in-*  
18 *cremental costs) incurred by the Department of Defense*  
19 *during the preceding quarter in implementing or support-*  
20 *ing resolutions of the United Nations Security Council, in-*  
21 *cluding any such resolution calling for international sanc-*  
22 *tions, international peacekeeping operations, and humani-*  
23 *tarian missions undertaken by the Department of Defense.*  
24 *The quarterly report shall include an aggregate of all such*  
25 *Department of Defense costs by operation or mission.*

1           **(b)** *The Secretary of Defense shall detail in the quar-*  
2 *terly reports all efforts made to seek credit against past*  
3 *United Nations expenditures and all efforts made to seek*  
4 *compensation from the United Nations for costs incurred*  
5 *by the Department of Defense in implementing and sup-*  
6 *porting United Nations activities.*

7           **SEC. 8079.** *To the extent authorized by subchapter VI*  
8 *of Chapter 148 of title 10, United States Code, the Secretary*  
9 *of Defense shall issue loan guarantees in support of U.S.*  
10 *defense exports not otherwise provided for: Provided, That*  
11 *the total contingent liability of the United States for guar-*  
12 *antees issued under the authority of this section may not*  
13 *exceed \$15,000,000,000: Provided further, That the exposure*  
14 *fees charged and collected by the Secretary for each guaran-*  
15 *tee, shall be paid by the country involved and shall not be*  
16 *financed as part of a loan guaranteed by the United States:*  
17 *Provided further, That the Secretary shall provide quarterly*  
18 *reports to the Committees on Appropriations, Armed Serv-*  
19 *ices and Foreign Relations of the Senate and the Commit-*  
20 *tees on Appropriations, National Security and Inter-*  
21 *national Relations in the House of Representatives on the*  
22 *implementation of this program: Provided further, That*  
23 *amounts charged for administrative fees and deposited to*  
24 *the special account provided for under section 2540c(d) of*  
25 *title 10, shall be available for paying the costs of adminis-*

1 *trative expenses of the Department of Defense that are at-*  
2 *tributable to the loan guarantee program under subchapter*  
3 *VI of Chapter 148 of title 10.*

4 *SEC. 8080. None of the funds available to the Depart-*  
5 *ment of Defense shall be obligated or expended to make a*  
6 *financial contribution to the United Nations for the cost*  
7 *of an United Nations peacekeeping activity (whether pursu-*  
8 *ant to assessment or a voluntary contribution) or for pay-*  
9 *ment of any United States arrearage to the United Nations.*

10 *SEC. 8081. None of the funds available to the Depart-*  
11 *ment of Defense under this Act shall be obligated or ex-*  
12 *pended to pay a contractor under a contract with the De-*  
13 *partment of Defense for costs of any amount paid by the*  
14 *contractor to an employee when—*

15 *(1) such costs are for a bonus or otherwise in ex-*  
16 *cess of the normal salary paid by the contractor to the*  
17 *employee; and*

18 *(2) such bonus is part of restructuring costs asso-*  
19 *ciated with a business combination.*

20 *SEC. 8082. (a) None of the funds appropriated or oth-*  
21 *erwise made available in this Act may be used to transport*  
22 *or provide for the transportation of chemical munitions or*  
23 *agents to the Johnston Atoll for the purpose of storing or*  
24 *demilitarizing such munitions or agents.*

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

5           (c) *The President may suspend the application of sub-*  
6 *section (a) during a period of war in which the United*  
7 *States is a party.*

8           SEC. 8083. *During the current fiscal year, appropria-*  
9 *tions made in this Act under the heading “Operation and*  
10 *Maintenance, Defense-Wide” may be transferred to appro-*  
11 *priations available for the pay of military personnel, to be*  
12 *merged with, and to be available for the same time period*  
13 *as the appropriations to which transferred, to be used for*  
14 *the purposes of expenses incurred in connection with a pilot*  
15 *program to increase the use of Reserve personnel in support*  
16 *of missions of the Armed Forces and for the use of such*  
17 *personnel in connection with support and services for eligi-*  
18 *ble organizations and activities outside the Department of*  
19 *Defense pursuant to section 2012 of title 10, United States*  
20 *Code.*

21           SEC. 8084. *None of the funds provided in this Act may*  
22 *be obligated or expended for the sale of zinc in the National*  
23 *Defense Stockpile if zinc commodity prices decline more*  
24 *than five percent below the London Metals Exchange market*  
25 *price reported on the date of enactment of this Act.*

1        *SEC. 8085. For purposes of section 1553(b) of title 31,*  
2 *United States Code, any subdivision of appropriations*  
3 *made in this Act under the heading “Shipbuilding and*  
4 *Conversion, Navy” shall be considered to be for the same*  
5 *purpose as any subdivision under the heading “Shipbuild-*  
6 *ing and Conversion, Navy” appropriations in any prior*  
7 *year, and the one percent limitation shall apply to the total*  
8 *amount of the appropriation.*

9        *SEC. 8086. During the current fiscal year, and not-*  
10 *withstanding 31 U.S.C. 1552(a), not more than*  
11 *\$107,000,000 appropriated under the heading “Aircraft*  
12 *Procurement, Air Force” in Public Law 101–511 and not*  
13 *more than \$15,000,000 appropriated under the heading*  
14 *“Aircraft Procurement, Air Force” in Public Law 102–172*  
15 *which were available and obligated for the B–2 Aircraft*  
16 *Program shall remain available for expenditure and for ad-*  
17 *justing obligations for such Program until September 30,*  
18 *2002.*

19        *SEC. 8087. During the current fiscal year, in the case*  
20 *of an appropriation account of the Department of Defense*  
21 *for which the period of availability for obligation has ex-*  
22 *pired or which has closed under the provisions of section*  
23 *1552 of title 31, United States Code, and which has a nega-*  
24 *tive unliquidated or unexpended balance, an obligation or*  
25 *an adjustment of an obligation may be charged to any cur-*

1 *rent appropriation account for the same purpose as the ex-*  
2 *pired or closed account if—*

3           (1) *the obligation would have been properly*  
4 *chargeable (except as to amount) to the expired or*  
5 *closed account before the end of the period of avail-*  
6 *ability or closing of that account;*

7           (2) *the obligation is not otherwise properly*  
8 *chargeable to any current appropriation account of*  
9 *the Department of Defense; and*

10           (3) *in the case of an expired account, the obliga-*  
11 *tion is not chargeable to a current appropriation of*  
12 *the Department of Defense under the provisions of sec-*  
13 *tion 1405(b)(8) of the National Defense Authorization*  
14 *Act for Fiscal Year 1991, Public Law 101–510, as*  
15 *amended (31 U.S.C. 1551 note): Provided, That in*  
16 *the case of an expired account, if subsequent review*  
17 *or investigation discloses that there was not in fact a*  
18 *negative unliquidated or unexpended balance in the*  
19 *account, any charge to a current account under the*  
20 *authority of this section shall be reversed and re-*  
21 *corded against the expired account: Provided further,*  
22 *That the total amount charged to a current appro-*  
23 *priation under this section may not exceed an*  
24 *amount equal to one percent of the total appropria-*  
25 *tion for that account.*

(TRANSFER OF FUNDS)

1  
2       *SEC. 8088. Upon enactment of this Act, the Secretary*  
3 *of Defense shall make the following transfers of funds: Pro-*  
4 *vided, That the amounts transferred shall be available for*  
5 *the same purposes as the appropriations to which trans-*  
6 *ferred, and for the same time period as the appropriation*  
7 *from which transferred: Provided further, That the amounts*  
8 *shall be transferred between the following appropriations in*  
9 *the amount specified:*

10       *From:*

11               *Under the heading, “Shipbuilding and Conver-*  
12 *sion, Navy, 1985/1995”:*

13                       *For craft, outfitting, and post delivery,*  
14                       *\$2,000,000;*

15       *To:*

16               *Under the heading, “Shipbuilding and Conver-*  
17 *sion, Navy, 1985/1995”:*

18                       *DDG–51 Destroyer program, \$2,000,000;*

19       *From:*

20               *Under the heading, “Shipbuilding and Conver-*  
21 *sion, Navy, 1986/1996”:*

22                       *LHD–1 amphibious assault ship program,*  
23                       *\$2,154,000;*

24       *To:*

1            *Under the heading, “Shipbuilding and Conver-*  
2            *sion, Navy, 1986/1996”:*

3                    *For craft, outfitting and post delivery,*  
4                    *\$2,154,000;*

5            *From:*

6            *Under the heading, “Shipbuilding and Conver-*  
7            *sion, Navy, 1987/1996”:*

8                    *T-AO fleet oiler program, \$1,095,000;*

9                    *Oceanographic ship program, \$735,000;*

10          *To:*

11          *Under the heading, “Shipbuilding and Conver-*  
12          *sion, Navy, 1987/1996”:*

13                    *For craft, outfitting, and post delivery,*  
14                    *\$1,830,000;*

15          *From:*

16          *Under the heading, “Shipbuilding and Conver-*  
17          *sion, Navy, 1989/2000”:*

18                    *T-AO fleet oiler program, \$6,571,000;*

19          *To:*

20          *Under the heading, “Shipbuilding and Conver-*  
21          *sion, Navy, 1989/2000”:*

22                    *SSN-21 attack submarine program,*  
23                    *\$6,571,000;*

24          *From:*

1            *Under the heading, “Shipbuilding and Conver-*  
2            *sion, Navy, 1991/2001”:*

3                    *DDG–51 destroyer program, \$12,687,000;*

4            *To:*

5            *Under the heading, “Shipbuilding and Conver-*  
6            *sion, Navy, 1991/2001”:*

7                    *LHD–1 amphibious assault ship program,*

8                    *\$9,387,000;*

9                    *MHC coastal mine hunter program,*

10                  *\$3,300,000;*

11           *From:*

12           *Under the heading, “Shipbuilding and Conver-*  
13           *sion, Navy, 1992/1996”:*

14                    *For escalation, \$1,600,000;*

15           *To:*

16           *Under the heading, “Shipbuilding and Conver-*  
17           *sion, Navy, 1992/1996”:*

18                    *MHC coastal mine hunter program,*

19                    *\$1,600,000;*

20           *From:*

21           *Under the heading, “Shipbuilding and Conver-*  
22           *sion, Navy, 1993/1997”:*

23                    *DDG–51 destroyer program, \$5,000,000;*

24                    *LSD–41 cargo variant ship program,*

25                    *\$2,700,000;*

1           *For craft, outfitting, post delivery, and first*  
2           *destination transportation, and inflation adjust-*  
3           *ments, \$1,577,000;*

4           *To:*

5           *Under the heading, “Shipbuilding and Conver-*  
6           *sion, Navy, 1993/1997”:*

7           *AOE combat support ship program,*  
8           *\$9,277,000;*

9           *From:*

10          *Under the heading, “Shipbuilding and Conver-*  
11          *sion, Navy, 1995/1999”:*

12          *Carrier replacement program, \$18,023,000;*

13          *To:*

14          *Under the heading, “Shipbuilding and Conver-*  
15          *sion, Navy, 1993/1997”:*

16          *MHC coastal mine hunter program,*  
17          *\$6,700,000;*

18          *AOE combat support ship program,*  
19          *\$11,323,000;*

20          *From:*

21          *Under the heading, “Shipbuilding and Conver-*  
22          *sion, Navy, 1994/1998”:*

23          *LHD-1 amphibious assault ship program,*  
24          *\$4,100,000;*

1           *Mine warfare command and control ship,*  
2           \$1,000,000;

3           *For craft, outfitting, post delivery, and first*  
4           *destination transportation, \$2,000,000;*

5       *From:*

6           *Under the heading, “Shipbuilding and Conver-*  
7           *sion, Navy, 1995/1999”:*

8           *Carrier replacement program, \$9,477,000;*

9       *From:*

10          *Under the heading, “Shipbuilding and Conver-*  
11          *sion, Navy, 1996/2000”:*

12          *NSSN-1 (AP), \$3,791,000;*

13          *DDG-51 destroyer program, \$4,075,000;*

14          *CVN Refuelings, \$5,212,000;*

15          *T-AGS-64 multi-purpose oceanographic*  
16          *survey ship, \$375,000;*

17          *For craft, outfitting, post delivery, conver-*  
18          *sions and first destination transportation,*  
19          *\$11,770,000;*

20       *To:*

21          *Under the heading, “Shipbuilding and Conver-*  
22          *sion, Navy, 1994/1998”:*

23          *DDG-51 destroyer program, \$41,800,000.*

24       *SEC. 8089. (a) The Secretary of Defense shall require*  
25       *not later than June 30, 1997, each disbursement by the De-*

1 *partment of Defense in an amount in excess of \$3,000,000*  
2 *be matched to a particular obligation before the disburse-*  
3 *ment is made.*

4 *(b) The Secretary shall ensure that a disbursement in*  
5 *excess of the threshold amount applicable under section (a)*  
6 *is not divided into multiple disbursements of less than that*  
7 *amount for the purpose of avoiding the applicability of such*  
8 *section to that disbursement.*

9 *SEC. 8090. The Under Secretary of Defense (Comptrol-*  
10 *ler) shall submit to the Congressional defense committees*  
11 *a detailed report identifying, by amount and by separate*  
12 *budget activity, activity group, subactivity group, line*  
13 *item, program element, program, project, subproject, and*  
14 *activity, any activity for which the fiscal year 1998 budget*  
15 *request was reduced because Congress appropriated funds*  
16 *above the President's budget request for that specific activ-*  
17 *ity for fiscal year 1997.*

18 *SEC. 8091. Notwithstanding any other provision of*  
19 *law, of the funds appropriated under the heading "Aircraft*  
20 *Procurement, Navy" in Public Law 104-61, \$45,000,000*  
21 *shall be made available only for procurement of T-39N air-*  
22 *craft, simulators, and support equipment currently used for*  
23 *training naval flight officers under an existing contract.*

24 *SEC. 8092. Notwithstanding 31 U.S.C. 1552(a), of the*  
25 *funds provided in Department of Defense Appropriations*

1 *Acts, not more than the specified amounts of funds from*  
2 *the following accounts shall remain available for the pay-*  
3 *ment of satellite on-orbit incentive fees until the fees are*  
4 *paid:*

5           *“Missile Procurement, Air Force, 1990/1992”,*  
6           *\$17,800,000;*

7           *“Missile Procurement, Air Force, 1991/1993”,*  
8           *\$19,330,000;*

9           *“Missile Procurement, Air Force, 1992/1994”,*  
10          *\$23,570,000;*

11          *“Missile Procurement, Air Force, 1993/1995”,*  
12          *\$16,780,000;*

13          *“Missile Procurement, Air Force, 1994/1996”,*  
14          *\$16,780,000.*

15        *SEC. 8093. (a) Notwithstanding any other provision*  
16 *of law, of the amounts available to the Department of De-*  
17 *fense (department) during fiscal year 1997, not more than*  
18 *\$1,162,650,000 may be obligated for financing activities of*  
19 *defense federally funded research and development centers*  
20 *(FFRDCs): Provided, That of the specific amount referred*  
21 *to previously in this subsection, not more than*  
22 *\$206,650,000 may be obligated for financing activities of*  
23 *the defense studies and analysis FFRDCs: Provided further,*  
24 *That the total amounts appropriated in titles II, III, and*

1 *IV of this Act are hereby reduced by \$52,286,000 to reflect*  
2 *the overall funding ceiling contained in this subsection.*

3 *(b) Within 60 days after enactment of this Act, the*  
4 *Secretary of Defense shall submit to the Congressional de-*  
5 *fense committees a report presenting the specific amounts—*  
6 *in dollars and staff years of technical effort—to be allocated*  
7 *by the department for each defense FFRDC during fiscal*  
8 *year 1997.*

9 *(c) The Secretary of Defense shall, with the submission*  
10 *of the department's fiscal year 1998 budget request, submit*  
11 *a report presenting the specific amounts—in dollars and*  
12 *staff years of technical effort—to be allocated for each de-*  
13 *fense FFRDC during that fiscal year.*

14 *(d) The Secretary of Defense may, pursuant to the gen-*  
15 *eral transfer authority granted in Section 8005 of this Act,*  
16 *provide additional funds to a defense FFRDC: Provided,*  
17 *That any such transfer, irrespective of amount, shall be sub-*  
18 *ject to a Form DD-1415 reprogramming action request.*

19 *SEC. 8094. None of the funds available to the Depart-*  
20 *ment of the Navy may be used to enter into any contract*  
21 *for the overhaul, repair, or maintenance of any naval vessel*  
22 *homeported on the West Coast of the United States which*  
23 *includes charges for interport differential as an evaluation*  
24 *factor for award.*

1        *SEC. 8095. Notwithstanding any other provision of*  
2 *law, none of the funds appropriated in this Act may be*  
3 *used to purchase, install, replace, or otherwise repair any*  
4 *lock on a safe or security container which protects informa-*  
5 *tion critical to national security or any other classified ma-*  
6 *terials and which has not been certified as passing the secu-*  
7 *rity lock specifications contained in regulation FF-L-2740*  
8 *dated October 12, 1989, and has not passed all testing cri-*  
9 *teria and procedures established through February 28,*  
10 *1992: Provided, That the Director of Central Intelligence*  
11 *may waive this provision, on a case-by-case basis only,*  
12 *upon certification that the above cited locks are not ade-*  
13 *quate for the protection of sensitive intelligence informa-*  
14 *tion.*

15        *SEC. 8096. (a) None of the funds available to the De-*  
16 *partment of Defense during fiscal year 1997 may be obli-*  
17 *gated or expended to modify established reprogramming*  
18 *procedures, including modifying the below threshold re-*  
19 *programming dollar thresholds, until 90 days after any*  
20 *proposed modification is reported to the Congressional de-*  
21 *fense committees along with a detailed justification for that*  
22 *proposed modification.*

23        *(b) The Department of Defense may not modify its*  
24 *policies with respect to budgeting for low rate initial pro-*  
25 *duction test articles until 90 days after any proposed modi-*

1 *fication is reported to the Congressional defense committees*  
2 *along with a detailed justification for that proposed modi-*  
3 *fication.*

4 *(c) For the purposes of this section, the terms “estab-*  
5 *lished reprogramming procedures” and the terms “policies*  
6 *with respect to budgeting for low rate initial production*  
7 *test articles” refer to those procedures and policies which*  
8 *were in effect on January 1, 1996.*

9 *(TRANSFER OF FUNDS)*

10 *SEC. 8097. Of the funds provided in title IV of this*  
11 *Act, \$93,000,000 shall be made available for prostate cancer*  
12 *research: Provided, That these funds shall be transferred to*  
13 *the Department of the Army for the execution of a peer re-*  
14 *view research program: Provided further, That the transfer*  
15 *authority provided in this section is in addition to any*  
16 *transfer authority contained elsewhere in this Act.*

17 *SEC. 8098. Section 8110 of Public Law 104–61 (109*  
18 *Stat. 674) is hereby repealed.*

19 *SEC. 8099. (a) Notwithstanding any other provision*  
20 *of this Act, the number for Military Personnel, Navy shall*  
21 *be \$16,948,481,000, the number for Military Personnel, Air*  
22 *Force shall be \$17,026,210,000, the number for Operation*  
23 *and Maintenance, Army shall be \$17,696,659,000, the num-*  
24 *ber for Operation and Maintenance, Air Force shall be*  
25 *\$17,326,909,000, the number for Operation and Mainte-*  
26 *nance, Defense-Wide shall be \$9,887,142,000, the number*

1 *for Overseas Contingency Operations Transfer Fund shall*  
2 *be \$1,140,157,000, the number for Defense Health Program*  
3 *shall be \$10,251,208,000, and the number for Defense*  
4 *Health Program Operation and Maintenance shall be*  
5 *\$9,931,738,000.*

6 *(b) Of the funds appropriated under the heading Air-*  
7 *craft Procurement, Air Force, \$11,500,000 shall be made*  
8 *available only for modifications to B-52 bomber aircraft.*

9 *(c) Of the funds appropriated in title VI of this Act,*  
10 *under the heading Chemical Agents and Munitions Destruc-*  
11 *tion, Defense for research, development, test and evaluation,*  
12 *\$3,000,000 shall only be for the accelerated development of*  
13 *advanced sensors for the Army's Mobile Munitions Assess-*  
14 *ment System.*

15 *(d) Of the funds appropriated in title IV of this Act,*  
16 *under the heading Research, Development, Test and Eval-*  
17 *uation, Defense-Wide, \$56,200,000 shall be available for the*  
18 *Corps Surface-to-Air Missile (CORPS SAM) program and*  
19 *\$515,743,000 shall be available for the Other Theater Mis-*  
20 *sile Defense/Follow-On TMD Activities program.*

21 *(e) Funds appropriated in title II of this Act for super-*  
22 *vision and administration costs for facilities maintenance*  
23 *and repair, minor construction, or design projects may be*  
24 *obligated at the time the reimbursable order is accepted by*  
25 *the performing activity: Provided, That for the purpose of*

1 *this section, supervision and administration costs includes*  
2 *all in-house Government cost.*

3 *(f) Of the funds appropriated in title IV of this Act,*  
4 *under the heading Research, Development, Test and Eval-*  
5 *uation, Navy, \$2,000,000 is available for titanium process-*  
6 *ing technology.*

7 *(g) Advance billing for services provided or work per-*  
8 *formed by the Navy's defense business operating fund activi-*  
9 *ties is prohibited: Provided, That of the funds appropriated*  
10 *under the heading Operation and Maintenance, Navy,*  
11 *\$2,976,000,000 shall be available only for depot mainte-*  
12 *nance activities and programs, and \$989,700,000 shall be*  
13 *available only for real property maintenance activities.*

14 *(h) The Secretary of Defense may waive reimburse-*  
15 *ment of the cost of conferences, seminars, courses of instruc-*  
16 *tion, or similar educational activities of the Asia-Pacific*  
17 *Center for Security Studies for military officers and civil-*  
18 *ian officials of foreign nations if the Secretary determines*  
19 *that attendance by such personnel, without reimbursement,*  
20 *is in the national security interest of the United States:*  
21 *Provided, That costs for which reimbursement is waived*  
22 *pursuant to this subsection shall be paid from appropria-*  
23 *tions available for the Asia-Pacific Center.*

24 *(i) Of the funds appropriated in title IV of this Act,*  
25 *under the heading Research, Development, Test and Eval-*

1 uation, Defense-Wide, \$3,000,000 shall be available for a  
2 defense technology transfer pilot program.

3 (j) Of the funds appropriated in title IV of this Act,  
4 under the heading Research, Development, Test and Eval-  
5 uation, Navy, \$4,000,000 is available for the establishment  
6 of the National Coastal Data Centers required by section  
7 7901(c) of title 10, United States Code, as added by the  
8 National Defense Authorization Act for fiscal year 1997.

9 (k)(1) Of the amounts appropriated or otherwise made  
10 available by this Act for the Department of the Air Force,  
11 \$2,000,000 shall be available to provide comprehensive care  
12 and rehabilitation services to children with disabilities who  
13 are dependents of members of the Armed Forces at Lackland  
14 Air Force Base, Texas.

15 (2) Subject to paragraph (3), the Secretary of the Air  
16 Force shall grant the funds available under subsection (a)  
17 to the Children's Association for Maximum Potential  
18 (CAMP) for use by the association to defray the costs of  
19 designing and constructing the facility referred to in para-  
20 graph (1).

21 (3)(A) The Secretary may not make a grant of funds  
22 under paragraph (2) until the Secretary and the associa-  
23 tion enter into an agreement under which the Secretary  
24 leases to the association the facility to be constructed using  
25 the funds.

1           (B)(i) *The term of the lease under paragraph (1) may*  
2 *not be less than 25 years.*

3           (ii) *As consideration for the lease of the facility, the*  
4 *association shall assume responsibility for the operation*  
5 *and maintenance of the facility, including the costs of such*  
6 *operation and maintenance.*

7           (C) *The Secretary may require such additional terms*  
8 *and conditions in connection with the lease as the Secretary*  
9 *considers appropriate to protect the interests of the United*  
10 *States.*

11           SEC. 8100. *None of the funds appropriated by this Act*  
12 *may be obligated or expended—*

13                   (1) *to reduce the number of units of special oper-*  
14 *ations forces of the Army National Guard during fis-*  
15 *cal year 1997;*

16                   (2) *to reduce the authorized strength of any such*  
17 *unit below the strength authorized for the unit as of*  
18 *September 30, 1996; or*

19                   (3) *to apply any administratively imposed limi-*  
20 *tation on the assigned strength of any such unit at*  
21 *less than the strength authorized for that unit as of*  
22 *September 30, 1996.*

23           SEC. 8101. (a) *The Secretary of the Army shall ensure*  
24 *that solicitations for contracts for unrestricted procurement*  
25 *to be entered into using funds appropriated for the Army*

1 *by this Act include, where appropriate, specific goals for*  
2 *subcontracts with small businesses, small disadvantages*  
3 *businesses, and women owned small businesses.*

4 *(b) The Secretary shall ensure that any subcontract en-*  
5 *tered into pursuant to a solicitation referred to in sub-*  
6 *section (a) that meets a specific goal referred to in that sub-*  
7 *section is credited toward the overall goal of the Army for*  
8 *subcontracts with the businesses referred to in that sub-*  
9 *section.*

10 *SEC. 8102. (a) The Secretary of the Air Force and the*  
11 *Director of the Office of Personnel Management shall submit*  
12 *a joint report describing in detail the benefits, allowances,*  
13 *services, and any other forms of assistance which may or*  
14 *shall be provided to any civilian employee of the Federal*  
15 *Government or to any private citizen, or to the family of*  
16 *such an individual, who is injured or killed while traveling*  
17 *on an aircraft owned, leased, chartered, or operated by the*  
18 *Government of the United States.*

19 *(b) The report required by subsection (a) above shall*  
20 *be submitted to the congressional defense committees and*  
21 *to the Committee on Governmental Affairs of the Senate*  
22 *and the Committee on Government Reform and Oversight*  
23 *of the House of Representatives not later than December 15,*  
24 *1996.*

1        *SEC. 8103. (a) Not later than March 1, 1997, the Dep-*  
2 *uty Secretary of Defense shall submit to the defense commit-*  
3 *tees a report on Department of Defense procurements of pro-*  
4 *pellant raw materials.*

5        *(b) The report shall include the following:*

6            *(1) The projected future requirements of the De-*  
7 *partment of Defense for propellant raw materials,*  
8 *such as nitrocellulose.*

9            *(2) The capacity, ability, and production cost*  
10 *rates of the national technology and industrial base,*  
11 *including Government-owned, contractor-operated fa-*  
12 *cilities, contractor owned and operated facilities, and*  
13 *Government-owned, Government-operated facilities,*  
14 *for meeting such requirements.*

15           *(3) The national security benefits of preserving*  
16 *in the national technology and industrial base con-*  
17 *tractor owned and operated facilities for producing*  
18 *propellant raw materials, including nitrocellulose.*

19           *(4) The extent to which the cost rates for produc-*  
20 *tion of nitrocellulose in Government-owned, contrac-*  
21 *tor-operated facilities is lower because of the relation-*  
22 *ship of those facilities with the Department of Defense*  
23 *than such rates would be without that relationship.*

24           *(5) The advantages and disadvantages of permit-*  
25 *ting commercial facilities to compete for award of De-*

1        *partment of Defense contracts for procurement of pro-*  
2        *pellant raw materials, such as nitrocellulose.*

3        *SEC. 8104. Not later than six months after the date*  
4        *of the enactment of this Act, the Secretary of the Air Force*  
5        *shall submit to Congress a cost-benefit analysis of consoli-*  
6        *dating the ground station infrastructure of the Air Force*  
7        *that supports polar orbiting satellites.*

8        *SEC. 8105. (a) Not later than April 1, 1997, the Comp-*  
9        *troller General shall, in consultation with the Inspector*  
10       *General of the Department of Defense, the Secretary of De-*  
11       *fense, and the Secretary of Labor, submit to Congress a re-*  
12       *port which shall include the following—*

13                *(1) an analysis and breakdown of the restructur-*  
14                *ing costs paid by or submitted to the Department of*  
15                *Defense to companies involved in business combina-*  
16                *tions since 1993;*

17                *(2) an analysis of the specific costs associated*  
18                *with workforce reductions;*

19                *(3) an analysis of the services provided to the*  
20                *workers affected by business combinations;*

21                *(4) an analysis of the effectiveness of the restructur-*  
22                *ing costs used to assist laid off workers in gaining*  
23                *employment;*

24                *(5) in accordance with section 818 of 10 U.S.C.*  
25                *2324, an analysis of the savings reached from the*

1        *business combination relative to the restructuring*  
2        *costs paid by the Department of Defense.*

3        *(b) The report should set forth recommendations to*  
4        *make this program more effective for workers affected by*  
5        *business combinations and more efficient in terms of the*  
6        *use of Federal dollars.*

7        *SEC. 8106. (a) LEASE OF PROPERTY FOR CONSTRU-*  
8        *CTION OF RESERVE CENTER.—(1) The Secretary of the Navy*  
9        *may lease, without reimbursement, to the State of Mis-*  
10       *issippi (in this section referred to as the “State”), approxi-*  
11       *mately five acres of real property located at Naval Air Sta-*  
12       *tion, Meridian, Mississippi, only for use by the State to*  
13       *construct a reserve center of approximately 22,000 square*  
14       *feet and ancillary supporting facilities.*

15       *(2) The term of the lease under this subsection shall*  
16       *expire on the same date that the lease authorized by sub-*  
17       *section (b) expires.*

18       *(b) LEASEBACK OF RESERVE CENTER.—(1) The Sec-*  
19       *retary may lease from the State the property and improve-*  
20       *ments constructed pursuant to subsection (a) for a five-year*  
21       *period. The term of the lease shall begin on the date on*  
22       *which the improvements are available for occupancy, as de-*  
23       *termined by the Secretary.*

24       *(2) Rental payments under the lease under paragraph*  
25       *(1) may not exceed \$200,000 per year, and the total amount*

1 *of the rental payments for the entire period may not exceed*  
2 *20 percent of the total cost of constructing the reserve center*  
3 *and ancillary supporting facilities.*

4 *(3) Subject to the availability of appropriations for*  
5 *this purpose, the Secretary may use funds appropriated*  
6 *pursuant to an authorization of appropriations for the op-*  
7 *eration and maintenance of the Naval Reserve to make rent-*  
8 *al payments required under this subsection.*

9 *(c) EFFECT OF TERMINATION OF LEASES.—At the end*  
10 *of the lease term under subsection (b), the State shall con-*  
11 *vey, without reimbursement, to the United States all right,*  
12 *title, and interest of the State in the reserve center and an-*  
13 *cillary supporting facilities subject to the lease.*

14 *(d) ADDITIONAL TERMS AND CONDITIONS.—The Sec-*  
15 *retary may require such additional terms and conditions*  
16 *in connection with the leases under this section as the Sec-*  
17 *retary considers appropriate to protect the interests of the*  
18 *United States.*

19 *SEC. 8107. None of the funds provided for the purchase*  
20 *of the T-39N may be obligated until the Under Secretary*  
21 *of Defense for Acquisition certifies to the defense committees*  
22 *that the contract was awarded on the basis of and following*  
23 *a full and open competition consistent with current Federal*  
24 *acquisition statutes.*

1        *SEC. 8108. (a) REPEAL OF TEMPORARY REQUIRE-*  
2 *MENT RELATING TO EMPLOYMENT.—Title VII of the De-*  
3 *partment of Defense Appropriations Act, 1996 (Public Law*  
4 *104–61; 109 Stat. 650), is amended under the heading “NA-*  
5 *TIONAL SECURITY EDUCATION TRUST FUND” by striking*  
6 *out the proviso.*

7        *(b) GENERAL PROGRAM REQUIREMENTS.—Subsection*  
8 *(a)(1) of section 802 of the David L. Boren National Secu-*  
9 *rity Education Act of 1991 (title VIII of Public Law 102–*  
10 *183; 50 U.S.C. 1902) is amended—*

11            *(1) by striking out subparagraph (A) and insert-*  
12 *ing in lieu thereof the following new subparagraph*  
13 *(A):*

14                    *“(A) awarding scholarships to undergradu-*  
15 *ate students who—*

16                            *“(i) are United States citizens in order*  
17 *to enable such students to study, for at least*  
18 *one academic semester or equivalent term,*  
19 *in foreign countries that are critical coun-*  
20 *tries (as determined under section*  
21 *803(d)(4)(A) of this title) in those languages*  
22 *and study areas where deficiencies exist (as*  
23 *identified in the assessments undertaken*  
24 *pursuant to section 806(d) of this title); and*

1           “(i) pursuant to subsection (b)(2)(A)  
2           of this section, enter into an agreement to  
3           work for, and make their language skills  
4           available to, an agency or office of the Fed-  
5           eral Government or work in the field of  
6           higher education in the area of study for  
7           which the scholarship was awarded;” and

8           (2) in subparagraph (B)—

9           (A) in clause (i), by inserting “relating to  
10          the national security interests of the United  
11          States” after “international fields”; and

12          (B) in clause (ii)—

13               (i) by striking out “subsection (b)(2)”  
14               and inserting in lieu thereof “subsection  
15               (b)(2)(B)”; and

16               (ii) by striking out “work for an agen-  
17               cy or office of the Federal Government or  
18               in” and inserting in lieu thereof “work for,  
19               and make their language skills available to,  
20               an agency or office of the Federal Govern-  
21               ment or work in”.

22          (c) *SERVICE AGREEMENT*.—Subsection (b) of that sec-  
23          tion is amended—

24               (1) in the matter preceding paragraph (1), by  
25               striking out “, or of scholarships” and all that follows

1       *through “12 months or more,” and inserting in lieu*  
2       *thereof “or any scholarship”.*

3               *(2) by striking out paragraph (2) and inserting*  
4       *in lieu thereof the following new paragraph (2):*

5               *“(2) will—*

6                       *“(A) not later than eight years after such*  
7                       *recipient’s completion of the study for which*  
8                       *scholarship assistance was provided under the*  
9                       *program, and in accordance with regulations is-*  
10                      *sued by the Secretary—*

11                               *“(i) work in an agency or office of the*  
12                               *Federal Government having national secu-*  
13                               *rity responsibilities (as determined by the*  
14                               *Secretary in consultation with the National*  
15                               *Security Education Board) and make avail-*  
16                               *able such recipient’s foreign language skills*  
17                               *to an agency or office of the Federal Gov-*  
18                               *ernment approved by the Secretary (in con-*  
19                               *sultation with the Board), upon the request*  
20                               *of the agency or office, for a period specified*  
21                               *by the Secretary, which period shall be no*  
22                               *longer than the period for which scholarship*  
23                               *assistance was provided; or*

24                               *“(ii) if the recipient demonstrates to*  
25                               *the Secretary (in accordance with such reg-*

1            *ulations) that no position in an agency or*  
2            *office of the Federal Government having na-*  
3            *tional security responsibilities is available,*  
4            *work in the field of higher education in a*  
5            *discipline relating to the foreign country,*  
6            *foreign language, area study, or inter-*  
7            *national field of study for which the schol-*  
8            *arship was awarded, for a period specified*  
9            *by the Secretary, which period shall be de-*  
10           *termined in accordance with clause (i); or*  
11           *“(B) upon completion of such recipient’s*  
12           *education under the program, and in accordance*  
13           *with such regulations—*

14           *“(i) work in an agency or office of the*  
15           *Federal Government having national secu-*  
16           *rity responsibilities (as so determined) and*  
17           *make available such recipient’s foreign lan-*  
18           *guage skills to an agency or office of the*  
19           *Federal Government approved by the Sec-*  
20           *retary (in consultation with the Board),*  
21           *upon the request of the agency or office, for*  
22           *a period specified by the Secretary, which*  
23           *period shall be not less than one and not*  
24           *more than three times the period for which*  
25           *the fellowship assistance was provided; or*

1                   “(ii) if the recipient demonstrates to  
2                   the Secretary (in accordance with such reg-  
3                   ulations) that no position in an agency or  
4                   office of the Federal Government having na-  
5                   tional security responsibilities is available  
6                   upon the completion of the degree, work in  
7                   the field of higher education in a discipline  
8                   relating to the foreign country, foreign lan-  
9                   guage, area study, or international field of  
10                  study for which the fellowship was awarded,  
11                  for a period specified by the Secretary,  
12                  which period shall be established in accord-  
13                  ance with clause (i); and”.

14                  (d) *EVALUATION OF PROGRESS IN LANGUAGE*

15 *SKILLS.*—Such section 802 is further amended by—

16                  (1) redesignating subsections (c), (d), and (e) as  
17                  subsections (d), (e), and (f), respectively; and

18                  (2) by inserting after subsection (b) the following  
19                  new subsection (c):

20                  “(c) *EVALUATION OF PROGRESS IN LANGUAGE*

21 *SKILLS.*—The Secretary shall, through the National Secu-  
22 rity Education Program office, administer a test of the for-  
23 eign language skills of each recipient of a scholarship or  
24 fellowship under this title before the commencement of the  
25 study or education for which the scholarship or fellowship

1 *is awarded and after the completion of such study or edu-*  
2 *cation. The purpose of the tests is to evaluate the progress*  
3 *made by recipients of scholarships and fellowships in devel-*  
4 *oping foreign language skills as a result of assistance under*  
5 *this title.”.*

6 (e) *FUNCTIONS OF THE NATIONAL SECURITY EDU-*  
7 *CATION BOARD.—Section 803(d) of that Act (50 U.S.C.*  
8 *1903(d)) is amended—*

9 (1) *in paragraph (1), by inserting “, including*  
10 *an order of priority in such awards that favors indi-*  
11 *viduals expressing an interest in national security is-*  
12 *sues or pursuing a career in an agency or office of*  
13 *the Federal Government having national security re-*  
14 *sponsibilities” before the period;*

15 (2) *in paragraph (4)—*

16 (A) *in the matter preceding subparagraph*  
17 *(A), by striking out “Make recommendations”*  
18 *and inserting in lieu thereof “After taking into*  
19 *account the annual analyses of trends in lan-*  
20 *guage, international, and area studies under sec-*  
21 *tion 806(b)(1), make recommendations”;*

22 (B) *in subparagraph (A), by inserting “and*  
23 *countries which are of importance to the na-*  
24 *tional security interests of the United States”*  
25 *after “are studying”; and*

1           (C) in subparagraph (B), by inserting “re-  
2           lating to the national security interests of the  
3           United States” after “of this title”;

4           (3) by redesignating paragraph (5) as para-  
5           graph (7); and

6           (4) by inserting after paragraph (4) the follow-  
7           ing new paragraphs:

8           “(5) Encourage applications for fellowships  
9           under this title from graduate students having an  
10          educational background in disciplines relating to  
11          science or technology.

12          “(6) Provide the Secretary on an on-going basis  
13          with a list of scholarship recipients and fellowship re-  
14          cipients who are available to work for, or make their  
15          language skills available to, an agency or office of the  
16          Federal Government having national security respon-  
17          sibilities.”.

18          (f) *REPORT ON PROGRAM.*—(1) Not later than six  
19          months after the date of the enactment of this Act, the Sec-  
20          retary of Defense shall submit to Congress a report assessing  
21          the improvements to the program established under the  
22          David L. Boren National Security Education Act of 1991  
23          (title VIII of Public Law 102–183; 50 U.S.C. 1901 et seq.)  
24          that result from the amendments made by this section.

1           (2) *The report shall also include an assessment of the*  
2 *contribution of the program, as so improved, in meeting*  
3 *the national security objectives of the United States.*

4           *SEC. 8109. Any college or university that receives Fed-*  
5 *eral funding under this Act must report annually to the*  
6 *Office of Management and Budget on the average cost of*  
7 *tuition at their school for that year and the previous two*  
8 *years.*

9           *SEC. 8110. (a) The Secretary of Defense and the Sec-*  
10 *retary of State shall jointly conduct an audit of security*  
11 *measures at all United States military installations outside*  
12 *the United States to determine the adequacy of such meas-*  
13 *ures to prevent or limit the effects of terrorist attacks on*  
14 *United States military personnel.*

15           *(b) Not later than March 31, 1997, the Secretary of*  
16 *Defense and the Secretary of State shall jointly submit to*  
17 *Congress a report on the results of the audit conducted*  
18 *under subsection (a), including a description of the ade-*  
19 *quacy of—*

20                   (1) *physical and operational security measures;*

21                   (2) *access and perimeter control;*

22                   (3) *communications security;*

23                   (4) *crisis planning in the event of a terrorist at-*  
24 *tack, including evacuation and medical planning;*

1           (5) *special security considerations at nonperma-*  
2           *nent facilities;*

3           (6) *potential solutions to inadequate security,*  
4           *where identified; and*

5           (7) *cooperative security measures with host na-*  
6           *tions.*

7           *SEC. 8111. (a) FUTURE-YEARS DEFENSE PRO-*  
8           *GRAMS.—Section 221 of title 10, United States Code, is*  
9           *amended by adding at the end the following:*

10           *“(d) The President shall submit to Congress each year,*  
11           *at the same time the President submits to Congress the*  
12           *budget for that year under section 1105(a) of title 31, the*  
13           *future-years defense program (including associated an-*  
14           *nexes) that the Chief of the National Guard Bureau and*  
15           *the chiefs of the reserve components submitted to the Sec-*  
16           *retary of Defense in that year in order to assist the Sec-*  
17           *retary in preparing the future-years defense program in*  
18           *that year under subsection (a).”.*

19           *(b) EFFECTIVE DATE.—This section shall take effect*  
20           *beginning with the President’s budget submission for fiscal*  
21           *year 1999.*

22           *SEC. 8112. Beginning with fiscal year 1997, the Sec-*  
23           *retary of Defense shall establish a program element for the*  
24           *Office of the Secretary of Defense for the purpose of funding*  
25           *emergency anti-terrorism activities. Funds available for*

1 *that program element for fiscal year 1997 shall be in addi-*  
2 *tion to funds appropriated under other provisions of this*  
3 *Act for anti-terrorism and are available for the Secretary*  
4 *of Defense to respond quickly to emergency anti-terrorism*  
5 *requirements that are identified by commanders of the uni-*  
6 *fied combatant commands or commanders of joint task*  
7 *forces in response to a change in terrorist threat level.*

8       *SEC. 8113. Of the funds appropriated in title II of*  
9 *this Act, not less than \$7,100,000 is available to perform*  
10 *the environmental impact statement and associated baseline*  
11 *studies necessary to prepare an application for renewal of*  
12 *use of the McGregor Range at Fort Bliss, Texas.*

13       *SEC. 8114. Of the total amount appropriated under*  
14 *title II, \$20,000,000 shall be available subject to authoriza-*  
15 *tion, until expended, for payments to Vietnamese comman-*  
16 *dos captured and incarcerated by North Vietnam after hav-*  
17 *ing entered the Democratic Republic of Vietnam pursuant*  
18 *to operations under a Vietnam era operation plan known*  
19 *as "OPLAN 34A", or its predecessor, and to Vietnamese*  
20 *operatives captured and incarcerated by North Vietnamese*  
21 *forces while participating in operations in Laos or along*  
22 *the Lao-Vietnamese border pursuant to "OPLAN 35", who*  
23 *died in captivity or who remained in captivity after 1973,*  
24 *and who have not received payment from the United States*  
25 *for the period spent in captivity.*

1        *SEC. 8115. In addition to amounts provided elsewhere*  
2 *in this Act, \$150,000,000 is appropriated for defense*  
3 *against weapons of mass destruction, including domestic*  
4 *preparedness, interdiction of weapons of mass destruction*  
5 *and related materials, control and disposition of weapons*  
6 *of mass destruction and related materials threatening the*  
7 *United States, coordination of policy and countermeasures*  
8 *against proliferation of weapons of mass destruction, and*  
9 *miscellaneous related programs, projects, and activities as*  
10 *authorized by law: Provided, That the total amount avail-*  
11 *able under the heading “Research, Development, Test and*  
12 *Evaluation, Defense-Wide” for the Joint Technology Inser-*  
13 *tion program shall be \$2,523,000: Provided further, That*  
14 *the total amount appropriated under the heading “Re-*  
15 *search, Development, Test and Evaluation, Defense-Wide”*  
16 *is hereby reduced by \$12,000,000: Provided further, That*  
17 *the total amount appropriated under the heading “Oper-*  
18 *ation and Maintenance, Defense-Wide” is hereby reduced*  
19 *by \$138,000,000.*

20        *SEC. 8116. (a) Not more than 90 percent of the funds*  
21 *appropriated or otherwise made available by this Act for*  
22 *the procurement of F/A–18E/F aircraft may be obligated*  
23 *or expended for the procurement of such aircraft until 30*  
24 *days after the Secretary of Defense has submitted to the con-*

1 *gressional defense committees a report on the F/A-18E/F*  
2 *aircraft program which contains the following:*

3 *(1) A review of the F/A-18E/F aircraft program.*

4 *(2) An analysis and estimate of the production*  
5 *costs of the program for the total number of aircraft*  
6 *realistically expected to be procured at each of four*  
7 *annual production rates as follows:*

8 *(A) 18 aircraft*

9 *(B) 24 aircraft.*

10 *(C) 36 aircraft.*

11 *(D) 48 aircraft.*

12 *(3) A comparison of the costs and benefits of the*  
13 *F/A-18E/F program with the costs and benefits of the*  
14 *F/A-18C/D aircraft program taking into account the*  
15 *operational combat effectiveness of the aircraft.*

16 *(b) Not later than 30 days after the Secretary of De-*  
17 *fense has submitted the report required by subsection (a),*  
18 *the Comptroller General of the United States shall submit*  
19 *to the congressional defense committees an analysis of the*  
20 *report submitted by the Secretary.*

- 1 *This Act may be cited as the “Department of Defense*
- 2 *Appropriations Act, 1997”.*

Attest:

*Secretary.*

104<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R. 3610**

---

**AMENDMENT**

HR 3610 EAS—2  
HR 3610 EAS—3  
HR 3610 EAS—4  
HR 3610 EAS—5  
HR 3610 EAS—6  
HR 3610 EAS—7  
HR 3610 EAS—8  
HR 3610 EAS—9  
HR 3610 EAS—10  
HR 3610 EAS—11  
HR 3610 EAS—12  
HR 3610 EAS—13  
HR 3610 EAS—14  
HR 3610 EAS—15