

Calendar No. 447

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

**S. 1894**

[Report No. 104-286]

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## **A BILL**

Making appropriations for the Department of Defense for the fiscal year ending September 30, 1997, and for other purposes.

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JUNE 20, 1996

Read twice and placed on the calendar

**Calendar No. 447**104<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION**S. 1894****[Report No. 104-286]**

Making appropriations for the Department of Defense for the fiscal year ending September 30, 1997, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JUNE 20, 1996

Mr. STEVENS from the Committee on Appropriations, reported the following original bill; which was read twice and placed on the calendar

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**A BILL**

Making appropriations for the Department of Defense for the fiscal year ending September 30, 1997, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*  
3 That the following sums are appropriated, out of any  
4 money in the Treasury not otherwise appropriated, for the  
5 fiscal year ending September 30, 1997, for military func-  
6 tions administered by the Department of Defense, and for  
7 other purposes, namely:

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TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; \$20,559,042,000.

MILITARY PERSONNEL, NAVY

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

1 of the Social Security Act (42 U.S.C. 429(b)), and to the  
2 Department of Defense Military Retirement Fund;  
3 \$16,943,581,000.

4 MILITARY PERSONNEL, MARINE CORPS

5 For pay, allowances, individual clothing, subsistence,  
6 interest on deposits, gratuities, permanent change of sta-  
7 tion travel (including all expenses thereof for organiza-  
8 tional movements), and expenses of temporary duty travel  
9 between permanent duty stations, for members of the Ma-  
10 rine Corps on active duty (except members of the Reserve  
11 provided for elsewhere); and for payments pursuant to sec-  
12 tion 156 of Public Law 97-377, as amended (42 U.S.C.  
13 402 note), to section 229(b) of the Social Security Act  
14 (42 U.S.C. 429(b)), and to the Department of Defense  
15 Military Retirement Fund; \$6,099,182,000.

16 MILITARY PERSONNEL, AIR FORCE

17 For pay, allowances, individual clothing, subsistence,  
18 interest on deposits, gratuities, permanent change of sta-  
19 tion travel (including all expenses thereof for organiza-  
20 tional movements), and expenses of temporary duty travel  
21 between permanent duty stations, for members of the Air  
22 Force on active duty (except members of reserve compo-  
23 nents provided for elsewhere), cadets, and aviation cadets;  
24 and for payments pursuant to section 156 of Public Law  
25 97-377, as amended (42 U.S.C. 402 note), to section

1 229(b) of the Social Security Act (42 U.S.C. 429(b)), and  
2 to the Department of Defense Military Retirement Fund;  
3 \$17,021,810,000.

4 RESERVE PERSONNEL, ARMY

5 For pay, allowances, clothing, subsistence, gratuities,  
6 travel, and related expenses for personnel of the Army Re-  
7 serve on active duty under sections 10211, 10302, and  
8 3038 of title 10, United States Code, or while serving on  
9 active duty under section 12301(d) of title 10, United  
10 States Code, in connection with performing duty specified  
11 in section 12310(a) of title 10, United States Code, or  
12 while undergoing reserve training, or while performing  
13 drills or equivalent duty or other duty, and for members  
14 of the Reserve Officers' Training Corps, and expenses au-  
15 thorized by section 16131 of title 10, United States Code;  
16 and for payments to the Department of Defense Military  
17 Retirement Fund; \$2,052,136,000.

18 RESERVE PERSONNEL, NAVY

19 For pay, allowances, clothing, subsistence, gratuities,  
20 travel, and related expenses for personnel of the Navy Re-  
21 serve on active duty under section 10211 of title 10, Unit-  
22 ed States Code, or while serving on active duty under sec-  
23 tion 12301(d) of title 10, United States Code, in connec-  
24 tion with performing duty specified in section 12310(a)  
25 of title 10, United States Code, or while undergoing re-

1 serve training, or while performing drills or equivalent  
2 duty, and for members of the Reserve Officers' Training  
3 Corps, and expenses authorized by section 16131 of title  
4 10, United States Code; and for payments to the Depart-  
5 ment of Defense Military Retirement Fund;  
6 \$1,396,989,000.

7           RESERVE PERSONNEL, MARINE CORPS

8           For pay, allowances, clothing, subsistence, gratuities,  
9 travel, and related expenses for personnel of the Marine  
10 Corps Reserve on active duty under section 10211 of title  
11 10, United States Code, or while serving on active duty  
12 under section 12301(d) of title 10, United States Code,  
13 in connection with performing duty specified in section  
14 12310(a) of title 10, United States Code, or while under-  
15 going reserve training, or while performing drills or equiv-  
16 alent duty, and for members of the Marine Corps platoon  
17 leaders class, and expenses authorized by section 16131  
18 of title 10, United States Code; and for payments to the  
19 Department of Defense Military Retirement Fund;  
20 \$389,325,000.

21           RESERVE PERSONNEL, AIR FORCE

22           For pay, allowances, clothing, subsistence, gratuities,  
23 travel, and related expenses for personnel of the Air Force  
24 Reserve on active duty under sections 10211, 10305, and  
25 8038 of title 10, United States Code, or while serving on

1 active duty under section 12301(d) of title 10, United  
2 States Code, in connection with performing duty specified  
3 in section 12310(a) of title 10, United States Code, or  
4 while undergoing reserve training, or while performing  
5 drills or equivalent duty or other duty, and for members  
6 of the Air Reserve Officers' Training Corps, and expenses  
7 authorized by section 16131 of title 10, United States  
8 Code; and for payments to the Department of Defense  
9 Military Retirement Fund; \$785,842,000.

10 NATIONAL GUARD PERSONNEL, ARMY

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

## 1 NATIONAL GUARD PERSONNEL, AIR FORCE

2 For pay, allowances, clothing, subsistence, gratuities,  
3 travel, and related expenses for personnel of the Air Na-  
4 tional Guard on duty under section 10211, 10305, or  
5 12402 of title 10 or section 708 of title 32, United States  
6 Code, or while serving on duty under section 12301(d) of  
7 title 10 or section 502(f) of title 32, United States Code,  
8 in connection with performing duty specified in section  
9 12310(a) of title 10, United States Code, or while under-  
10 going training, or while performing drills or equivalent  
11 duty or other duty, and expenses authorized by section  
12 16131 of title 10, United States Code; and for payments  
13 to the Department of Defense Military Retirement Fund;  
14 \$1,295,511,000.

## 15 TITLE II

## 16 OPERATION AND MAINTENANCE

## 17 OPERATION AND MAINTENANCE, ARMY

## 18 (INCLUDING TRANSFER OF FUNDS)

19 For expenses, not otherwise provided for, necessary  
20 for the operation and maintenance of the Army, as author-  
21 ized by law; and not to exceed \$11,437,000 can be used  
22 for emergencies and extraordinary expenses, to be ex-  
23 pended on the approval or authority of the Secretary of  
24 the Army, and payments may be made on his certificate  
25 of necessity for confidential military purposes;



1 \$17,700,859,000 and, in addition, \$50,000,000 shall be  
2 derived by transfer from the National Defense Stockpile  
3 Transaction Fund.

4 OPERATION AND MAINTENANCE, NAVY

5 (INCLUDING TRANSFER OF FUNDS)

6 For expenses, not otherwise provided for, necessary  
7 for the operation and maintenance of the Navy and the  
8 Marine Corps, as authorized by law; and not to exceed  
9 \$3,995,000, can be used for emergencies and extraor-  
10 dinary expenses, to be expended on the approval or author-  
11 ity of the Secretary of the Navy, and payments may be  
12 made on his certificate of necessity for confidential mili-  
13 tary purposes; \$20,241,517,000 and, in addition,  
14 \$50,000,000 shall be derived by transfer from the Na-  
15 tional Defense Stockpile Transaction Fund.

16 OPERATION AND MAINTENANCE, MARINE CORPS

17 For expenses, not otherwise provided for, necessary  
18 for the operation and maintenance of the Marine Corps,  
19 as authorized by law; \$2,275,977,000.

20 OPERATION AND MAINTENANCE, AIR FORCE

21 (INCLUDING TRANSFER OF FUNDS)

22 For expenses, not otherwise provided for, necessary  
23 for the operation and maintenance of the Air Force, as  
24 authorized by law; and not to exceed \$8,362,000 can be  
25 used for emergencies and extraordinary expenses, to be ex-

1 pended on the approval or authority of the Secretary of  
2 the Air Force, and payments may be made on his certifi-  
3 cate of necessity for confidential military purposes;  
4 \$17,331,309,000 and, in addition, \$50,000,000 shall be  
5 derived by transfer from the National Defense Stockpile  
6 Transaction Fund.

7 OPERATION AND MAINTENANCE, DEFENSE-WIDE

8 For expenses, not otherwise provided for, necessary  
9 for the operation and maintenance of activities and agen-  
10 cies of the Department of Defense (other than the military  
11 departments), as authorized by law; \$9,953,142,000, of  
12 which not to exceed \$25,000,000 may be available for the  
13 CINC initiative fund account; and of which not to exceed  
14 \$28,500,000 can be used for emergencies and extraor-  
15 dinary expenses, to be expended on the approval or author-  
16 ity of the Secretary of Defense, and payments may be  
17 made on his certificate of necessity for confidential mili-  
18 tary purposes: *Provided*, That of the funds appropriated  
19 under this heading, \$20,000,000 shall be made available  
20 only for use in federally owned education facilities located  
21 on military installations for the purpose of transferring  
22 title of such facilities to the local education agency.

23 OPERATION AND MAINTENANCE, ARMY RESERVE

24 For expenses, not otherwise provided for, necessary  
25 for the operation and maintenance, including training, or-

1 ganization, and administration, of the Army Reserve; re-  
2 pair of facilities and equipment; hire of passenger motor  
3 vehicles; travel and transportation; care of the dead; re-  
4 cruiting; procurement of services, supplies, and equip-  
5 ment; and communications; \$1,129,436,000.

6 OPERATION AND MAINTENANCE, NAVY RESERVE

7 For expenses, not otherwise provided for, necessary  
8 for the operation and maintenance, including training, or-  
9 ganization, and administration, of the Navy Reserve; re-  
10 pair of facilities and equipment; hire of passenger motor  
11 vehicles; travel and transportation; care of the dead; re-  
12 cruiting; procurement of services, supplies, and equip-  
13 ment; and communications; \$861,527,000.

14 OPERATION AND MAINTENANCE, MARINE CORPS

15 RESERVE

16 For expenses, not otherwise provided for, necessary  
17 for the operation and maintenance, including training, or-  
18 ganization, and administration, of the Marine Corps Re-  
19 serve; repair of facilities and equipment; hire of passenger  
20 motor vehicles; travel and transportation; care of the dead;  
21 recruiting; procurement of services, supplies, and equip-  
22 ment; and communications; \$115,367,000.

23 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

24 For expenses, not otherwise provided for, necessary  
25 for the operation and maintenance, including training, or-

1 ganization, and administration, of the Air Force Reserve;  
 2 repair of facilities and equipment; hire of passenger motor  
 3 vehicles; travel and transportation; care of the dead; re-  
 4 cruiting; procurement of services, supplies, and equip-  
 5 ment; and communications; \$1,494,953,000.

6 OPERATION AND MAINTENANCE, ARMY NATIONAL

7 GUARD

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

23 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

24 For operation and maintenance of the Air National  
 25 Guard, including medical and hospital treatment and re-

1 lated expenses in non-Federal hospitals; maintenance, op-  
2 eration, repair, and other necessary expenses of facilities  
3 for the training and administration of the Air National  
4 Guard, including repair of facilities, maintenance, oper-  
5 ation, and modification of aircraft; transportation of  
6 things; hire of passenger motor vehicles; supplies, mate-  
7 rials, and equipment, as authorized by law for the Air Na-  
8 tional Guard; and expenses incident to the maintenance  
9 and use of supplies, materials, and equipment, including  
10 such as may be furnished from stocks under the control  
11 of agencies of the Department of Defense; travel expenses  
12 (other than mileage) on the same basis as authorized by  
13 law for Air National Guard personnel on active Federal  
14 duty, for Air National Guard commanders while inspecting  
15 units in compliance with National Guard Bureau regula-  
16 tions when specifically authorized by the Chief, National  
17 Guard Bureau; \$2,721,973,000.

18 OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND

19 (INCLUDING TRANSFER OF FUNDS)

20 For expenses directly relating to Overseas Contin-  
21 gency Operations by United States military forces;  
22 \$1,069,957,000: *Provided*, That the Secretary of Defense  
23 may transfer these funds only to operation and mainte-  
24 nance accounts within this title: *Provided further*, That the  
25 funds transferred shall be merged with and shall be avail-

1 able for the same purposes and for the same time period,  
2 as the appropriation to which transferred: *Provided fur-*  
3 *ther*, That the transfer authority provided in this para-  
4 graph is in addition to any other transfer authority con-  
5 tained elsewhere in this Act.

6 UNITED STATES COURT OF APPEALS FOR THE ARMED  
7 FORCES

8 For salaries and expenses necessary for the United  
9 States Court of Appeals for the Armed Forces;  
10 \$6,185,000, of which not to exceed \$2,500 can be used  
11 for official representation purposes.

12 ENVIRONMENTAL RESTORATION, ARMY  
13 (INCLUDING TRANSFER OF FUNDS)

14 For the Department of the Army, \$356,916,000, to  
15 remain available until transferred: Provided, That the Sec-  
16 retary of the Army shall, upon determining that such  
17 funds are required for environmental restoration, reduc-  
18 tion and recycling of hazardous waste, removal of unsafe  
19 buildings and debris of the Department of the Army, or  
20 for similar purposes, transfer the funds made available by  
21 this appropriation to other appropriations made available  
22 to the Department of the Army, to be merged with and  
23 to be available for the same purposes and for the same  
24 time period as the appropriations to which transferred:  
25 Provided further, That upon a determination that all or

1 part of the funds transferred from this appropriation are  
2 not necessary for the purposes provided herein, such  
3 amounts may be transferred back to this appropriation:  
4 *Provided further*, That not more than twenty-five percent  
5 of funds provided under this heading may be obligated for  
6 environmental remediation by the Corps of Engineers  
7 under total environmental remediation contracts.

8 ENVIRONMENTAL RESTORATION, NAVY

9 (INCLUDING TRANSFER OF FUNDS)

10 For the Department of the Navy, \$302,900,000, to  
11 remain available until transferred: Provided, That the Sec-  
12 retary of the Navy shall, upon determining that such  
13 funds are required for environmental restoration, reduc-  
14 tion and recycling of hazardous waste, removal of unsafe  
15 buildings and debris of the Department of the Navy, or  
16 for similar purposes, transfer the funds made available by  
17 this appropriation to other appropriations made available  
18 to the Department of the Navy, to be merged with and  
19 to be available for the same purposes and for the same  
20 time period as the appropriations to which transferred:  
21 *Provided further*, That upon a determination that all or  
22 part of the funds transferred from this appropriation are  
23 not necessary for the purposes provided herein, such  
24 amounts may be transferred back to this appropriation.

## 1 ENVIRONMENTAL RESTORATION, AIR FORCE

2 (INCLUDING TRANSFER OF FUNDS)

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

## 19 ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

20 (INCLUDING TRANSFER OF FUNDS)

21 For the Department of the Defense, \$38,650,000, to  
22 remain available until transferred: Provided, That the Sec-  
23 retary of Defense shall, upon determining that such funds  
24 are required for environmental restoration, reduction and  
25 recycling of hazardous waste, removal of unsafe buildings



1 and debris of the Department of Defense, or for similar  
2 purposes (including programs and operations at sites for-  
3 merly used by the Department of Defense), transfer the  
4 funds made available by this appropriation to other appro-  
5 priations made available to the Department of Defense,  
6 to be merged with and to be available for the same pur-  
7 poses and for the same time period as the appropriations  
8 to which transferred: Provided further, That upon a deter-  
9 mination that all or part of the funds transferred from  
10 this appropriation are not necessary for the purposes pro-  
11 vided herein, such amounts may be transferred back to  
12 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  
17 remain available until transferred: Provided, That the Sec-  
18 retary of the Army shall, upon determining that such  
19 funds are required for environmental restoration, reduc-  
20 tion and recycling of hazardous waste, removal of unsafe  
21 buildings and debris at sites formerly used by the Depart-  
22 ment of Defense, transfer the funds made available by this  
23 appropriation to other appropriations made available to  
24 the Department of the Army, to be merged with and to  
25 be available for the same purposes and for the same time

1 period as the appropriations to which transferred: Pro-  
2 vided further, That upon a determination that all or part  
3 of the funds transferred from this appropriation are not  
4 necessary for the purposes provided herein, such amounts  
5 may be transferred 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  
9 Defense (consisting of the programs provided under sec-  
10 tions 401, 402, 404, 2547, and 2551 of title 10, United  
11 States Code); \$49,000,000, to remain available until Sep-  
12 tember 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  
17 secure transportation and storage of nuclear, chemical and  
18 other weapons; for establishing programs to prevent the  
19 proliferation of weapons, weapons components, and weap-  
20 on-related technology and expertise; for programs relating  
21 to the training and support of defense and military person-  
22 nel for demilitarization and protection of weapons, weap-  
23 ons components and weapons technology and expertise;  
24 \$327,900,000, to remain available until expended.

1 TITLE III  
2 PROCUREMENT  
3 AIRCRAFT PROCUREMENT, ARMY

4 For construction, procurement, production, modifica-  
5 tion, and modernization of aircraft, equipment, including  
6 ordnance, ground handling equipment, spare parts, and  
7 accessories therefor; specialized equipment and training  
8 devices; expansion of public and private plants, including  
9 the land necessary therefor, for the foregoing purposes,  
10 and such lands and interests therein, may be acquired,  
11 and construction prosecuted thereon prior to approval of  
12 title; and procurement and installation of equipment, ap-  
13 pliances, and machine tools in public and private plants;  
14 reserve plant and Government and contractor-owned  
15 equipment layaway; and other expenses necessary for the  
16 foregoing purposes; \$1,283,815,000, to remain available  
17 for obligation until September 30, 1999.

18 MISSILE PROCUREMENT, ARMY

19 For construction, procurement, production, modifica-  
20 tion, and modernization of missiles, equipment, including  
21 ordnance, ground handling equipment, spare parts, and  
22 accessories therefor; specialized equipment and training  
23 devices; expansion of public and private plants, including  
24 the land necessary therefor, for the foregoing purposes,  
25 and such lands and interests therein, may be acquired,



1 1502(a), not to exceed \$33,100,000 may be obligated for  
2 future year V903 diesel engine requirements to maintain  
3 the industrial base.

4           PROCUREMENT OF AMMUNITION, ARMY

5       For construction, procurement, production, and  
6 modification of ammunition, and accessories therefor; spe-  
7 cialized equipment and training devices; expansion of pub-  
8 lic and private plants, including ammunition facilities au-  
9 thorized by section 2854, title 10, United States Code, and  
10 the land necessary therefor, for the foregoing purposes,  
11 and such lands and interests therein, may be acquired,  
12 and construction prosecuted thereon prior to approval of  
13 title; and procurement and installation of equipment, ap-  
14 pliances, and machine tools in public and private plants;  
15 reserve plant and Government and contractor-owned  
16 equipment layaway; and other expenses necessary for the  
17 foregoing purposes; \$1,118,329,000, to remain available  
18 for obligation until September 30, 1999.

19           OTHER PROCUREMENT, ARMY

20       For construction, procurement, production, and  
21 modification of vehicles, including tactical, support, and  
22 nontracked combat vehicles; the purchase of not to exceed  
23 14 passenger motor vehicles for replacement only; commu-  
24 nications and electronic equipment; other support equip-  
25 ment; spare parts, ordnance, and accessories therefor; spe-

1 cialized equipment and training devices; expansion of pub-  
2 lic and private plants, including the land necessary there-  
3 for, for the foregoing purposes, and such lands and inter-  
4 ests therein, may be acquired, and construction prosecuted  
5 thereon prior to approval of title; and procurement and  
6 installation of equipment, appliances, and machine tools  
7 in public and private plants; reserve plant and Govern-  
8 ment and contractor-owned equipment layaway; and other  
9 expenses necessary for the foregoing purposes;  
10 \$3,295,486,000, to remain available for obligation until  
11 September 30, 1999: *Provided*, That of the funds appro-  
12 priated in this paragraph and notwithstanding the provi-  
13 sions of title 31, United States Code, Section 1502(a), not  
14 to exceed \$2,400,000 may be obligated for future year  
15 V903 diesel engine requirements to maintain the indus-  
16 trial base.

17 AIRCRAFT PROCUREMENT, NAVY

18 For construction, procurement, production, modifica-  
19 tion, and modernization of aircraft, equipment, including  
20 ordnance, spare parts, and accessories therefor; specialized  
21 equipment; expansion of public and private plants, includ-  
22 ing the land necessary therefor, and such lands and inter-  
23 ests therein, may be acquired, and construction prosecuted  
24 thereon prior to approval of title; and procurement and  
25 installation of equipment, appliances, and machine tools

1 in public and private plants; reserve plant and Govern-  
2 ment and contractor-owned equipment layaway;  
3 \$7,239,704,000, to remain available for obligation until  
4 September 30, 1999.

5 WEAPONS PROCUREMENT, NAVY

6 For construction, procurement, production, modifica-  
7 tion, and modernization of missiles, torpedoes, other weap-  
8 ons, other ordnance and ammunition, and related support  
9 equipment including spare parts, and accessories therefor;  
10 expansion of public and private plants, including the land  
11 necessary therefor, and such lands and interests therein,  
12 may be acquired, and construction prosecuted thereon  
13 prior to approval of title; and procurement and installation  
14 of equipment, appliances, and machine tools in public and  
15 private plants; reserve plant and Government and contrac-  
16 tor-owned equipment layaway; \$1,500,154,000, to remain  
17 available for obligation until September 30, 1999: *Pro-*  
18 *vided*, That in addition to the foregoing purposes, the  
19 funds appropriated above under this heading shall be  
20 available to liquidate reported deficiencies in appropria-  
21 tions provided under this heading in prior Department of  
22 Defense appropriations acts, to the extent such defi-  
23 ciencies cannot otherwise be liquidated pursuant to 31  
24 U.S.C. 1553(b).

## 1 SHIPBUILDING AND CONVERSION, NAVY

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

14 For continuation of the SSN-21 attack sub-  
15 marine program, \$699,071,000;

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

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

18 CVN Refuelings, \$237,029,000;

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

20 Oceanographic ship program, \$54,400,000;

21 Oceanographic ship SWATH, \$45,000,000;

22 LCAC landing craft air cushion program (AP-  
23 CY), \$3,000,000; and

24 For craft, outfitting, post delivery, conversions,  
25 and first destination transportation, \$248,572,000;



1 in all: \$6,193,330,000, to remain available for obligation  
2 until September 30, 2001: *Provided*, That additional obli-  
3 gations may be incurred after September 30, 2001, for  
4 engineering services, tests, evaluations, and other such  
5 budgeted work that must be performed in the final stage  
6 of ship construction: *Provided further*, That none of the  
7 funds herein provided for the construction or conversion  
8 of any naval vessel to be constructed in shipyards in the  
9 United States shall be expended in foreign facilities for  
10 the construction of major components of such vessel: *Pro-*  
11 *vided further*, That none of the funds herein provided shall  
12 be used for the construction of any naval vessel in foreign  
13 shipyards: *Provided further*, That the Secretary of the  
14 Navy is hereby granted the authority to enter into one  
15 or more contracts for the procurement of not less than  
16 12 Arleigh Burke class destroyers in fiscal year 1998  
17 through fiscal year 2001 at a procurement rate of not less  
18 than three ships per year.

19                                   OTHER PROCUREMENT, NAVY

20           For procurement, production, and modernization of  
21 support equipment and materials not otherwise provided  
22 for, Navy ordnance (except ordnance for new aircraft, new  
23 ships, and ships authorized for conversion); expansion of  
24 public and private plants, including the land necessary  
25 therefor, and such lands and interests therein, may be ac-

1 quired, and construction prosecuted thereon prior to ap-  
2 proval of title; and procurement and installation of equip-  
3 ment, appliances, and machine tools in public and private  
4 plants; reserve plant and Government and contractor-  
5 owned equipment layaway; \$2,944,519,000, to remain  
6 available for obligation until September 30, 1999.

7                   PROCUREMENT, MARINE CORPS

8           For expenses necessary for the procurement, manu-  
9 facture, and modification of missiles, armament, military  
10 equipment, spare parts, and accessories therefor; plant  
11 equipment, appliances, and machine tools, and installation  
12 thereof in public and private plants; reserve plant and  
13 Government and contractor-owned equipment layaway; ve-  
14 hicles for the Marine Corps, including the purchase of not  
15 to exceed 88 passenger motor vehicles for replacement  
16 only; and expansion of public and private plants, including  
17 land necessary therefor, and such lands and interests  
18 therein, may be acquired and construction prosecuted  
19 thereon prior to approval of title; \$660,507,000, to remain  
20 available for obligation until September 30, 1999.

21                   AIRCRAFT PROCUREMENT, AIR FORCE

22           For construction, procurement, and modification of  
23 aircraft and equipment, including armor and armament,  
24 specialized ground handling equipment, and training de-  
25 vices, spare parts, and accessories therefor; specialized

1 equipment; expansion of public and private plants, Gov-  
2 ernment-owned equipment and installation thereof in such  
3 plants, erection of structures, and acquisition of land, for  
4 the foregoing purposes, and such lands and interests  
5 therein, may be acquired, and construction prosecuted  
6 thereon prior to approval of title; reserve plant and Gov-  
7 ernment and contractor-owned equipment layaway; and  
8 other expenses necessary for the foregoing purposes in-  
9 cluding rents and transportation of things;  
10 \$6,630,370,000, to remain available for obligation until  
11 September 30, 1999.

12                   MISSILE PROCUREMENT, AIR FORCE

13       For construction, procurement, and modification of  
14 missiles, spacecraft, rockets, and related equipment, in-  
15 cluding spare parts and accessories therefor, ground han-  
16 dling equipment, and training devices; expansion of public  
17 and private plants, Government-owned equipment and in-  
18 stallation thereof in such plants, erection of structures,  
19 and acquisition of land, for the foregoing purposes, and  
20 such lands and interests therein, may be acquired, and  
21 construction prosecuted thereon prior to approval of title;  
22 reserve plant and Government and contractor-owned  
23 equipment layaway; and other expenses necessary for the  
24 foregoing purposes including rents and transportation of

1 things; \$2,713,944,000, to remain available for obligation  
2 until September 30, 1999.

3                   OTHER PROCUREMENT, AIR FORCE

4       For procurement and modification of equipment (in-  
5 cluding ground guidance and electronic control equipment,  
6 and ground electronic and communication equipment),  
7 and supplies, materials, and spare parts therefor, not oth-  
8 erwise provided for; the purchase of not to exceed 506 pas-  
9 senger motor vehicles for replacement only; the purchase  
10 of 1 vehicle required for physical security of personnel,  
11 notwithstanding price limitations applicable to passenger  
12 vehicles but not to exceed \$287,000 per vehicle; and ex-  
13 pansion of public and private plants, Government-owned  
14 equipment and installation thereof in such plants, erection  
15 of structures, and acquisition of land, for the foregoing  
16 purposes, and such lands and interests therein, may be  
17 acquired, and construction prosecuted thereon, prior to  
18 approval of title; reserve plant and Government and con-  
19 tractor-owned equipment layaway; \$5,577,787,000, to re-  
20 main available for obligation until September 30, 1999.

21                   PROCUREMENT, DEFENSE-WIDE

22       For expenses of activities and agencies of the Depart-  
23 ment of Defense (other than the military departments)  
24 necessary for procurement, production, and modification  
25 of equipment, supplies, materials, and spare parts there-

1 for, not otherwise provided for; the purchase of not to ex-  
2 ceed 389 passenger motor vehicles for replacement only;  
3 expansion of public and private plants, equipment, and in-  
4 stallation thereof in such plants, erection of structures,  
5 and acquisition of land for the foregoing purposes, and  
6 such lands and interests therein, may be acquired, and  
7 construction prosecuted thereon prior to approval of title;  
8 reserve plant and Government and contractor-owned  
9 equipment layaway; \$1,773,794,000, to remain available  
10 for obligation until September 30, 1999.

11 NATIONAL GUARD AND RESERVE EQUIPMENT

12 For procurement of aircraft, missiles, tracked combat  
13 vehicles, ammunition, other weapons, and other procure-  
14 ment for the reserve components of the Armed Forces;  
15 \$759,800,000, to remain available for obligation until Sep-  
16 tember 30, 1999: *Provided*, That the Chiefs of the Reserve  
17 and National Guard components shall, not later than 30  
18 days after the enactment of this Act, individually submit  
19 to the congressional defense committees the modernization  
20 priority assessment for their respective Reserve or Na-  
21 tional Guard component.

1 TITLE IV  
2 RESEARCH, DEVELOPMENT, TEST AND  
3 EVALUATION

4 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,  
5 ARMY

6 For expenses necessary for basic and applied sci-  
7 entific research, development, test and evaluation, includ-  
8 ing maintenance, rehabilitation, lease, and operation of fa-  
9 cilities and equipment; \$5,107,283,000, to remain avail-  
10 able for obligation until September 30, 1998.

11 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,  
12 NAVY

13 For expenses necessary for basic and applied sci-  
14 entific research, development, test and evaluation, includ-  
15 ing maintenance, rehabilitation, lease, and operation of fa-  
16 cilities and equipment; \$8,067,543,000, to remain avail-  
17 able for obligation until September 30, 1998: *Provided*,  
18 That funds appropriated in this paragraph which are  
19 available for the V-22 may be used to meet requirements  
20 of the Special Operations Forces.

21 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,  
22 AIR FORCE

23 For expenses necessary for basic and applied sci-  
24 entific research, development, test and evaluation, includ-  
25 ing maintenance, rehabilitation, lease, and operation of fa-

1 cilities and equipment; \$14,778,540,000, to remain avail-  
2 able for obligation until September 30, 1998.

3 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,  
4 DEFENSE-WIDE

5 For expenses of activities and agencies of the Depart-  
6 ment of Defense (other than the military departments),  
7 necessary for basic and applied scientific research, devel-  
8 opment, test and evaluation; advanced research projects  
9 as may be designated and determined by the Secretary  
10 of Defense, pursuant to law; maintenance, rehabilitation,  
11 lease, and operation of facilities and equipment;  
12 \$9,190,092,000, to remain available for obligation until  
13 September 30, 1998.

14 DEVELOPMENTAL TEST AND EVALUATION, DEFENSE

15 For expenses, not otherwise provided for, of inde-  
16 pendent activities of the Director, Test and Evaluation in  
17 the direction and supervision of developmental test and  
18 evaluation, including performance and joint developmental  
19 testing and evaluation; and administrative expenses in  
20 connection therewith; \$269,038,000, to remain available  
21 for obligation until September 30, 1998.

22 OPERATIONAL TEST AND EVALUATION, DEFENSE

23 For expenses, not otherwise provided for, necessary  
24 for the independent activities of the Director, Operational  
25 Test and Evaluation in the direction and supervision of

1 operational test and evaluation, including initial oper-  
2 ational test and evaluation which is conducted prior to,  
3 and in support of, production decisions; joint operational  
4 testing and evaluation; and administrative expenses in  
5 connection therewith; \$21,968,000, to remain available for  
6 obligation until September 30, 1998.

7 TITLE V

8 REVOLVING AND MANAGEMENT FUNDS

9 DEFENSE BUSINESS OPERATIONS FUND

10 For the Defense Business Operations Fund;  
11 \$947,900,000.

12 NATIONAL DEFENSE SEALIFT FUND

13 For National Defense Sealift Fund programs,  
14 projects, and activities, and for expenses of the National  
15 Defense Reserve Fleet, as established by section 11 of the  
16 Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744);  
17 \$1,093,002,000, to remain available until expended: *Pro-*  
18 *vided*, That none of the funds provided in this paragraph  
19 shall be used to award a new contract that provides for  
20 the acquisition of any of the following major components  
21 unless such components are manufactured in the United  
22 States: auxiliary equipment, including pumps, for all ship-  
23 board services; propulsion system components (that is; en-  
24 gines, reduction gears, and propellers); shipboard cranes;  
25 and spreaders for shipboard cranes: *Provided further*, That



1 the exercise of an option in a contract awarded through  
2 the obligation of previously appropriated funds shall not  
3 be considered to be the award of a new contract: *Provided*  
4 *further*, That the Secretary of the military department re-  
5 sponsible for such procurement may waive these restric-  
6 tions on a case-by-case basis by certifying in writing to  
7 the Committees on Appropriations of the House of Rep-  
8 resentatives and the Senate, that adequate domestic sup-  
9 plies are not available to meet Department of Defense re-  
10 quirements on a timely basis and that such an acquisition  
11 must be made in order to acquire capability for national  
12 security purposes.

## 13 TITLE VI

### 14 OTHER DEPARTMENT OF DEFENSE PROGRAMS

#### 15 DEFENSE HEALTH PROGRAM

16 For expenses, not otherwise provided for, for medical  
17 and health care programs of the Department of Defense,  
18 as authorized by law; \$10,256,108,000, of which  
19 \$9,936,638,000 shall be for Operation and maintenance,  
20 and of which \$319,470,000, to remain available for obliga-  
21 tion until September 30, 1999, shall be for Procurement:  
22 *Provided*, That of the funds appropriated under this head-  
23 ing, \$14,500,000 shall be made available for obtaining  
24 emergency communications services for members of the

1 Armed Forces and their families from the American Na-  
2 tional Red Cross.

3 CHEMICAL AGENTS AND MUNITIONS DESTRUCTION,  
4 DEFENSE

5 For expenses, not otherwise provided for, necessary  
6 for the destruction of the United States stockpile of lethal  
7 chemical agents and munitions in accordance with the pro-  
8 visions of section 1412 of the Department of Defense Au-  
9 thorization Act, 1986 (50 U.S.C. 1521), and for the de-  
10 struction of other chemical warfare materials that are not  
11 in the chemical weapon stockpile, \$758,447,000, of which  
12 \$478,947,000 shall be for Operation and maintenance,  
13 \$191,200,000 shall be for Procurement to remain avail-  
14 able until September 30, 1999, and \$88,300,000 shall be  
15 for Research, development, test and evaluation to remain  
16 available until September 30, 1998.

17 DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,  
18 DEFENSE

19 (INCLUDING TRANSFER OF FUNDS)

20 For drug interdiction and counter-drug activities of  
21 the Department of Defense, for transfer to appropriations  
22 available to the Department of Defense for military per-  
23 sonnel of the reserve components serving under the provi-  
24 sions of title 10 and title 32, United States Code; for Op-  
25 eration and maintenance; for Procurement; and for Re-

1 search, development, test and evaluation; \$789,024,000:  
2 *Provided*, That the funds appropriated by this paragraph  
3 shall be available for obligation for the same time period  
4 and for the same purpose as the appropriation to which  
5 transferred: *Provided further*, That the transfer authority  
6 provided in this paragraph is in addition to any transfer  
7 authority contained elsewhere in this Act.

8 OFFICE OF THE INSPECTOR GENERAL

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

20 TITLE VII

21 RELATED AGENCIES

22 CENTRAL INTELLIGENCE AGENCY RETIREMENT AND  
23 DISABILITY SYSTEM FUND

24 For payment to the Central Intelligence Agency Re-  
25 tirement and Disability System Fund, to maintain proper

1 funding level for continuing the operation of the Central  
 2 Intelligence Agency Retirement and Disability System;  
 3 \$184,200,000.

4 INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

5 For necessary expenses of the Intelligence Commu-  
 6 nity Management Account; \$94,739,000.

7 PAYMENT TO KAHO'OLAWE ISLAND CONVEYANCE, RE-  
 8 MEDIATION, AND ENVIRONMENTAL RESTORATION  
 9 FUND

10 For payment to Kaho'olawe Island Conveyance, Re-  
 11 mediation, and Environmental Restoration Fund, as au-  
 12 thorized by law; \$10,000,000, to remain available until ex-  
 13 pended.

14 NATIONAL SECURITY EDUCATION TRUST FUND

15 For the purposes of title VIII of Public Law 102-  
 16 183, \$5,100,000, to be derived from the National Security  
 17 Education Trust Fund, to remain available until ex-  
 18 pended.

19 TITLE VIII

20 GENERAL PROVISIONS

21 SEC. 8001. No part of any appropriation contained  
 22 in this Act shall be used for publicity or propaganda pur-  
 23 poses not authorized by the Congress.

24 SEC. 8002. During the current fiscal year, provisions  
 25 of law prohibiting the payment of compensation to, or em-

1 ployment of, any person not a citizen of the United States  
2 shall not apply to personnel of the Department of Defense:  
3 *Provided*, That salary increases granted to direct and indi-  
4 rect hire foreign national employees of the Department of  
5 Defense funded by this Act shall not be at a rate in excess  
6 of the percentage increase authorized by law for civilian  
7 employees of the Department of Defense whose pay is  
8 computed under the provisions of section 5332 of title 5,  
9 United States Code, or at a rate in excess of the percent-  
10 age increase provided by the appropriate host nation to  
11 its own employees, whichever is higher: *Provided further*,  
12 That this section shall not apply to Department of De-  
13 fense foreign service national employees serving at United  
14 States diplomatic missions whose pay is set by the Depart-  
15 ment of State under the Foreign Service Act of 1980: *Pro-*  
16 *vided further*, That the limitations of this provision shall  
17 not apply to foreign national employees of the Department  
18 of Defense in the Republic of Turkey.

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

22 SEC. 8004. No more than 20 per centum of the ap-  
23 propriations in this Act which are limited for obligation  
24 during the current fiscal year shall be obligated during  
25 the last two months of the fiscal year: *Provided*, That this

1 section shall not apply to obligations for support of active  
2 duty training of reserve components or summer camp  
3 training of the Reserve Officers' Training Corps.

4 (TRANSFER OF FUNDS)

5 SEC. 8005. Upon determination by the Secretary of  
6 Defense that such action is necessary in the national inter-  
7 est, he may, with the approval of the Office of Manage-  
8 ment and Budget, transfer not to exceed \$1,200,000,000  
9 of working capital funds of the Department of Defense  
10 or funds made available in this Act to the Department  
11 of Defense for military functions (except military con-  
12 struction) between such appropriations or funds or any  
13 subdivision thereof, to be merged with and to be available  
14 for the same purposes, and for the same time period, as  
15 the appropriation or fund to which transferred: *Provided*,  
16 That such authority to transfer may not be used unless  
17 for higher priority items, based on unforeseen military re-  
18 quirements, than those for which originally appropriated  
19 and in no case where the item for which funds are re-  
20 quested has been denied by Congress: *Provided further*,  
21 That the Secretary of Defense shall notify the Congress  
22 promptly of all transfers made pursuant to this authority  
23 or any other authority in this Act: *Provided further*, That  
24 no part of the funds in this Act shall be available to pre-  
25 pare or present a request to the Committees on Appropria-

1 tions for reprogramming of funds, unless for higher prior-  
2 ity items, based on unforeseen military requirements, than  
3 those for which originally appropriated and in no case  
4 where the item for which reprogramming is requested has  
5 been denied by the Congress.

6 (TRANSFER OF FUNDS)

7 SEC. 8006. During the current fiscal year, cash bal-  
8 ances in working capital funds of the Department of De-  
9 fense established pursuant to section 2208 of title 10,  
10 United States Code, may be maintained in only such  
11 amounts as are necessary at any time for cash disburse-  
12 ments to be made from such funds: *Provided*, That trans-  
13 fers may be made between such funds and the “Foreign  
14 Currency Fluctuations, Defense” and “Operation and  
15 Maintenance” appropriation accounts in such amounts as  
16 may be determined by the Secretary of Defense, with the  
17 approval of the Office of Management and Budget, except  
18 that such transfers may not be made unless the Secretary  
19 of Defense has notified the Congress of the proposed  
20 transfer. Except in amounts equal to the amounts appro-  
21 priated to working capital funds in this Act, no obligations  
22 may be made against a working capital fund to procure  
23 or increase the value of war reserve material inventory,  
24 unless the Secretary of Defense has notified the Congress  
25 prior to any such obligation.

1       SEC. 8007. Funds appropriated by this Act may not  
2 be used to initiate a special access program without prior  
3 notification 30 calendar days in session in advance to the  
4 congressional defense committees.

5       SEC. 8008. None of the funds contained in this Act  
6 available for the Civilian Health and Medical Program of  
7 the Uniformed Services shall be available for payments to  
8 physicians and other non-institutional health care provid-  
9 ers in excess of the amounts allowed in fiscal year 1996  
10 for similar services, except that: (a) for services for which  
11 the Secretary of Defense determines an increase is justi-  
12 fied by economic circumstances, the allowable amounts  
13 may be increased in accordance with appropriate economic  
14 index data similar to that used pursuant to title XVIII  
15 of the Social Security Act; and (b) for services the Sec-  
16 retary determines are overpriced based on allowable pay-  
17 ments under title XVIII of the Social Security Act, the  
18 allowable amounts shall be reduced by not more than 15  
19 percent (except that the reduction may be waived if the  
20 Secretary determines that it would impair adequate access  
21 to health care services for beneficiaries). The Secretary  
22 shall solicit public comment prior to promulgating regula-  
23 tions to implement this section. Such regulations shall in-  
24 clude a limitation, similar to that used under title XVIII  
25 of the Social Security Act, on the extent to which a pro-



1 vider may bill a beneficiary an actual charge in excess of  
2 the allowable amount.

3 SEC. 8009. None of the funds provided in this Act  
4 shall be available to initiate (1) a multiyear contract that  
5 employs economic order quantity procurement in excess of  
6 \$20,000,000 in any one year of the contract or that in-  
7 cludes an unfunded contingent liability in excess of  
8 \$20,000,000, or (2) a contract for advance procurement  
9 leading to a multiyear contract that employs economic  
10 order quantity procurement in excess of \$20,000,000 in  
11 any one year, unless the congressional defense committees  
12 have been notified at least thirty days in advance of the  
13 proposed contract award: *Provided*, That no part of any  
14 appropriation contained in this Act shall be available to  
15 initiate a multiyear contract for which the economic order  
16 quantity advance procurement is not funded at least to  
17 the limits of the Government's liability: *Provided further*,  
18 That no part of any appropriation contained in this Act  
19 shall be available to initiate multiyear procurement con-  
20 tracts for any systems or component thereof if the value  
21 of the multiyear contract would exceed \$500,000,000 un-  
22 less specifically provided in this Act: *Provided further*,  
23 That no multiyear procurement contract can be termi-  
24 nated without 10-day prior notification to the congres-  
25 sional defense committees: *Provided further*, That the exe-

1 cution of multiyear authority shall require the use of a  
2 present value analysis to determine lowest cost compared  
3 to an annual procurement.

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

6 Javelin missiles;

7 Arleigh Burke (DDG-51) class destroyers;

8 MK19-3 grenade machine guns;

9 M16A2 rifles;

10 M249 Squad Automatic Weapons;

11 M4 carbine rifles; and

12 M240B machine guns.

13 SEC. 8010. Within the funds appropriated for the op-  
14 eration and maintenance of the Armed Forces, funds are  
15 hereby appropriated pursuant to section 401 of title 10,  
16 United States Code, for humanitarian and civic assistance  
17 costs under chapter 20 of title 10, United States Code.  
18 Such funds may also be obligated for humanitarian and  
19 civic assistance costs incidental to authorized operations  
20 and pursuant to authority granted in section 401 of chap-  
21 ter 20 of title 10, United States Code, and these obliga-  
22 tions shall be reported to Congress on September 30 of  
23 each year: *Provided*, That funds available for operation  
24 and maintenance shall be available for providing humani-  
25 tarian and similar assistance by using Civic Action Teams

1 in the Trust Territories of the Pacific Islands and freely  
2 associated states of Micronesia, pursuant to the Compact  
3 of Free Association as authorized by Public Law 99–239:  
4 *Provided further*, That upon a determination by the Sec-  
5 retary of the Army that such action is beneficial for grad-  
6 uate medical education programs conducted at Army med-  
7 ical facilities located in Hawaii, the Secretary of the Army  
8 may authorize the provision of medical services at such  
9 facilities and transportation to such facilities, on a non-  
10 reimbursable basis, for civilian patients from American  
11 Samoa, the Commonwealth of the Northern Mariana Is-  
12 lands, the Marshall Islands, the Federated States of Mi-  
13 cronesia, Palau, and Guam.

14 SEC. 8011. (a) During fiscal year 1997, the civilian  
15 personnel of the Department of Defense may not be man-  
16 aged on the basis of any end-strength, and the manage-  
17 ment of such personnel during that fiscal year shall not  
18 be subject to any constraint or limitation (known as an  
19 end-strength) on the number of such personnel who may  
20 be employed on the last day of such fiscal year.

21 (b) The fiscal year 1998 budget request for the De-  
22 partment of Defense as well as all justification material  
23 and other documentation supporting the fiscal year 1998  
24 Department of Defense budget request shall be prepared  
25 and submitted to the Congress as if subsections (a) and

1 (b) of this provision were effective with regard to fiscal  
2 year 1998.

3 (c) Nothing in this section shall be construed to apply  
4 to military (civilian) technicians.

5 SEC. 8012. Notwithstanding any other provision of  
6 law, none of the funds made available by this Act shall  
7 be used by the Department of Defense to exceed, outside  
8 the fifty United States, its territories, and the District of  
9 Columbia, 125,000 civilian workyears: *Provided*, That  
10 workyears shall be applied as defined in the Federal Per-  
11 sonnel Manual: *Provided further*, That workyears ex-  
12 pended in dependent student hiring programs for dis-  
13 advantaged youths shall not be included in this workyear  
14 limitation.

15 SEC. 8013. None of the funds made available by this  
16 Act shall be used in any way, directly or indirectly, to in-  
17 fluence congressional action on any legislation or appro-  
18 priation matters pending before the Congress.

19 SEC. 8014. (a) None of the funds appropriated by  
20 this Act shall be used to make contributions to the Depart-  
21 ment of Defense Education Benefits Fund pursuant to  
22 section 2006(g) of title 10, United States Code, represent-  
23 ing the normal cost for future benefits under section  
24 3015(c) of title 38, United States Code, for any member

1 of the armed services who, on or after the date of enact-  
2 ment of this Act—

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

5 (2) receives an enlistment bonus under section  
6 308a or 308f of title 37, United States Code,

7 nor shall any amounts representing the normal cost of  
8 such future benefits be transferred from the Fund by the  
9 Secretary of the Treasury to the Secretary of Veterans  
10 Affairs pursuant to section 2006(d) of title 10, United  
11 States Code; nor shall the Secretary of Veterans Affairs  
12 pay such benefits to any such member: *Provided*, That in  
13 the case of a member covered by clause (1), these limita-  
14 tions shall not apply to members in combat arms skills  
15 or to members who enlist in the armed services on or after  
16 July 1, 1989, under a program continued or established  
17 by the Secretary of Defense in fiscal year 1991 to test  
18 the cost-effective use of special recruiting incentives in-  
19 volving not more than nineteen noncombat arms skills ap-  
20 proved in advance by the Secretary of Defense: *Provided*  
21 *further*, That this subsection applies only to active compo-  
22 nents of the Army.

23 (b) None of the funds appropriated by this Act shall  
24 be available for the basic pay and allowances of any mem-  
25 ber of the Army participating as a full-time student and

1 receiving benefits paid by the Secretary of Veterans Af-  
2 fairs from the Department of Defense Education Benefits  
3 Fund when time spent as a full-time student is credited  
4 toward completion of a service commitment: *Provided*,  
5 That this subsection shall not apply to those members who  
6 have reenlisted with this option prior to October 1, 1987:  
7 *Provided further*, That this subsection applies only to ac-  
8 tive components of the Army.

9       SEC. 8015. None of the funds appropriated by this  
10 Act shall be available to convert to contractor performance  
11 an activity or function of the Department of Defense that,  
12 on or after the date of enactment of this Act, is performed  
13 by more than ten Department of Defense civilian employ-  
14 ees until a most efficient and cost-effective organization  
15 analysis is completed on such activity or function and cer-  
16 tification of the analysis is made to the Committees on  
17 Appropriations of the House of Representatives and the  
18 Senate: *Provided*, That this section shall not apply to a  
19 commercial or industrial type function of the Department  
20 of Defense that: (1) is included on the procurement list  
21 established pursuant to section 2 of the Act of June 25,  
22 1938 (41 U.S.C. 47), popularly referred to as the Javits-  
23 Wagner-O'Day Act; (2) is planned to be converted to per-  
24 formance by a qualified nonprofit agency for the blind or  
25 by a qualified nonprofit agency for other severely handi-

1 capped individuals in accordance with that Act; or (3) is  
2 planned to be converted to performance by a qualified firm  
3 under 51 percent Native American ownership.

4 (TRANSFER OF FUNDS)

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

15 SEC. 8017. For fiscal year 1997, the total amount  
16 appropriated in this Act to fund the Uniformed Services  
17 Treatment Facilities program, operated pursuant to sec-  
18 tion 911 of Public Law 97-99 (42 U.S.C. 248e), shall not  
19 exceed \$331,380,000.

20 SEC. 8018. None of the funds appropriated by this  
21 Act available for the Civilian Health and Medical Program  
22 of the Uniformed Services (CHAMPUS) shall be available  
23 for the reimbursement of any health care provider for in-  
24 patient mental health service for care received when a pa-  
25 tient is referred to a provider of inpatient mental health

1 care or residential treatment care by a medical or health  
2 care professional having an economic interest in the facil-  
3 ity to which the patient is referred: *Provided*, That this  
4 limitation does not apply in the case of inpatient mental  
5 health services provided under the program for the handi-  
6 capped under subsection (d) of section 1079 of title 10,  
7 United States Code, provided as partial hospital care, or  
8 provided pursuant to a waiver authorized by the Secretary  
9 of Defense because of medical or psychological cir-  
10 cumstances of the patient that are confirmed by a health  
11 professional who is not a Federal employee after a review,  
12 pursuant to rules prescribed by the Secretary, which takes  
13 into account the appropriate level of care for the patient,  
14 the intensity of services required by the patient, and the  
15 availability of that care.

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

22 SEC. 8020. Notwithstanding any other provision of  
23 law, during the current fiscal year, the Secretary of De-  
24 fense may, by Executive Agreement, establish with host  
25 nation governments in NATO member states a separate



1 account into which such residual value amounts negotiated  
2 in the return of United States military installations in  
3 NATO member states may be deposited, in the currency  
4 of the host nation, in lieu of direct monetary transfers to  
5 the United States Treasury: *Provided*, That such credits  
6 may be utilized only for the construction of facilities to  
7 support United States military forces in that host nation,  
8 or such real property maintenance and base operating  
9 costs that are currently executed through monetary trans-  
10 fers to such host nations: *Provided further*, That the De-  
11 partment of Defense's budget submission for fiscal year  
12 1998 shall identify such sums anticipated in residual value  
13 settlements, and identify such construction, real property  
14 maintenance or base operating costs that shall be funded  
15 by the host nation through such credits: *Provided further*,  
16 That all military construction projects to be executed from  
17 such accounts must be previously approved in a prior Act  
18 of Congress: *Provided further*, That each such Executive  
19 Agreement with a NATO member host nation shall be re-  
20 ported to the congressional defense committees, the Com-  
21 mittee on International Relations of the House of Rep-  
22 resentatives and the Committee on Foreign Relations of  
23 the Senate thirty days prior to the conclusion and endorse-  
24 ment of any such agreement established under this provi-  
25 sion.

1        SEC. 8021. None of the funds available to the De-  
2        partment of Defense may be used to demilitarize or dis-  
3        pose of any M-1 Carbines, M-1 Garand rifles, M-14 ri-  
4        fles, .22 caliber rifles, .30 caliber rifles, or M-1911 pistols.

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

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

20       SEC. 8024. During the current fiscal year, none of  
21       the funds available to the Department of Defense may be  
22       used to procure or acquire (1) defensive handguns unless  
23       such handguns are the M9 or M11 9 mm Department of  
24       Defense standard handguns, or (2) offensive handguns ex-  
25       cept for the Special Operations Forces: *Provided*, That the

1 foregoing shall not apply to handguns and ammunition for  
2 marksmanship competitions.

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

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

19           (1) is a member of a Reserve component of the  
20       Armed Forces, as described in section 261 of title  
21       10, or the National Guard, as described in section  
22       101 of title 32;

23           (2) performs, for the purpose of providing mili-  
24       tary aid to enforce the law or providing assistance

1 to civil authorities in the protection or saving of life  
2 or property or prevention of injury—

3 (A) Federal service under sections 331,  
4 332, 333, or 12406 of title 10, or other provi-  
5 sion of law, as applicable, or

6 (B) full-time military service for his or her  
7 State, the District of Columbia, the Common-  
8 wealth of Puerto Rico, or a territory of the  
9 United States; and

10 (3) requests and is granted—

11 (A) leave under the authority of this sec-  
12 tion; or

13 (B) annual leave, which may be granted  
14 without regard to the provisions of sections  
15 5519 and 6323(b) of title 5, if such employee  
16 is otherwise entitled to such annual leave:

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

23 SEC. 8027. None of the funds appropriated by this  
24 Act shall be available to perform any cost study pursuant  
25 to the provisions of OMB Circular A-76 if the study being

1 performed exceeds a period of twenty-four months after  
2 initiation of such study with respect to a single function  
3 activity or forty-eight months after initiation of such study  
4 for a multi-function activity.

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

9 SEC. 8029. Notwithstanding any other provision of  
10 law or regulation, the Secretary of Defense may adjust  
11 wage rates for civilian employees hired for certain health  
12 care occupations as authorized for the Secretary of Veter-  
13 ans Affairs by section 7455 of title 38, United States  
14 Code.

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

21 SEC. 8031. (a) Of the funds for the procurement of  
22 supplies or services appropriated by this Act, qualified  
23 nonprofit agencies for the blind or other severely handi-  
24 capped shall be afforded the maximum practicable oppor-  
25 tunity to participate as subcontractors and suppliers in the

1 performance of contracts let by the Department of De-  
2 fense.

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

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

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

24 SEC. 8033. During the current fiscal year, the De-  
25 partment of Defense is authorized to incur obligations of

1 not to exceed \$350,000,000 for purposes specified in sec-  
2 tion 2350j(c) of title 10, United States Code, in anticipa-  
3 tion of receipt of contributions, only from the Government  
4 of Kuwait, under that section: *Provided*, That, upon re-  
5 ceipt, such contributions from the Government of Kuwait  
6 shall be credited to the appropriation or fund which in-  
7 curred such obligations.

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

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

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

21           (b) the potential future uses of the nine chemi-  
22           cal disposal facilities other than for the destruction  
23           of stockpile chemical munitions and as limited by  
24           section 1412(c)(2), Public Law 99–145: *Provided*,

1       That this prohibition does not apply to future use  
2       studies for the CAMDS facility at Tooele, Utah.

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

23       SEC. 8037. For the purposes of this Act, the term  
24 “congressional defense committees” means the National  
25 Security Committee of the House of Representatives, the



1 Armed Services Committee of the Senate, the subcommit-  
2 tee on Defense of the Committee on Appropriations of the  
3 Senate, and the subcommittee on National Security of the  
4 Committee on Appropriations of the House of Representa-  
5 tives.

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  
9 and repair of aircraft, vehicles and vessels as well as the  
10 production of components and other Defense-related arti-  
11 cles, through competition between Department of Defense  
12 depot maintenance activities and private firms: *Provided*,  
13 That the Senior Acquisition Executive of the military de-  
14 partment or defense agency concerned, with power of dele-  
15 gation, shall certify that successful bids include com-  
16 parable estimates of all direct and indirect costs for both  
17 public and private bids: *Provided further*, That Office of  
18 Management and Budget Circular A-76 shall not apply  
19 to competitions conducted under this section.

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

1 covered by the agreement, the Secretary of Defense shall  
2 rescind the Secretary's blanket waiver of the Buy Amer-  
3 ican Act with respect to such types of products produced  
4 in that foreign 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 Con-  
12 gress a report on the amount of Department of Defense  
13 purchases from foreign entities in fiscal year 1997. Such  
14 report shall separately indicate the dollar value of items  
15 for which the Buy American Act was waived pursuant to  
16 any agreement described in subsection (a)(2), the Trade  
17 Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any  
18 international agreement to which the United States is a  
19 party.

20 (c) For purposes of this section, the term "Buy  
21 American Act" means title III of the Act entitled "An Act  
22 making appropriations for the Treasury and Post Office  
23 Departments for the fiscal year ending June 30, 1934,  
24 and for other purposes", approved March 3, 1933 (41  
25 U.S.C. 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  
5 next fiscal year to the extent, and for the purposes, pro-  
6 vided in 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 nec-  
10 essary from the assets of the Voluntary Separation Incen-  
11 tive Fund 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  
18 applicable appropriations or funds of the Department of  
19 Defense under the terms and conditions specified by 40  
20 U.S.C. 485(h)(2) (A) and (B) and 10 U.S.C.  
21 2667(d)(1)(B), to be merged with and to be available for  
22 the same time period and the same purposes as the appro-  
23 priation to which transferred.

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  
2 Armed Forces who is not otherwise entitled to travel and  
3 transportation allowances and who occupies transient gov-  
4 ernment housing while performing active duty for training  
5 or inactive duty training: *Provided*, That such members  
6 may be provided lodging in kind if transient government  
7 quarters are unavailable as if the member was entitled to  
8 such allowances under subsection (a) of section 404 of title  
9 37, United States Code: *Provided further*, That if lodging  
10 in kind is provided, any authorized service charge or cost  
11 of such lodging may be paid directly from funds appro-  
12 priated for operation and maintenance of the reserve com-  
13 ponent of the 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 sec-  
21 tion 2921(c)(1) of the National Defense Authorization Act  
22 of 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall  
23 be available until expended for the payments specified by  
24 section 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  
3 section 4416 of the National Defense Authorization Act  
4 for Fiscal Year 1993 (Public Law 102-428; 106 Stat.  
5 2714) shall be made from appropriations in this Act which  
6 are available 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  
12 support provided to NATO forces in and around the  
13 former Yugoslavia.

14       SEC. 8048. During the current fiscal year, appropria-  
15 tions which are available to the Department of Defense  
16 for operation and maintenance may be used to purchase  
17 items having an investment item unit cost of not more  
18 than \$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  
24 note) under the terms and conditions provided in section  
25 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  
7 of the Defense Business Operations Fund if such an item  
8 would not have been chargeable to the Defense Business  
9 Operations Fund during fiscal year 1994 and if the pur-  
10 chase of such an investment item would be chargeable dur-  
11 ing the current fiscal year to appropriations made to the  
12 Department of Defense for procurement.

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

24        SEC. 8051. None of the funds provided in this Act  
25 shall be available for use by a Military Department to

1 modify an aircraft, weapon, ship or other item of equip-  
2 ment, that the Military Department concerned plans to  
3 retire or otherwise dispose of within five years after com-  
4 pletion of the modification: *Provided*, That this prohibition  
5 shall not apply to safety modifications: *Provided further*,  
6 That this prohibition may be waived by the Secretary of  
7 a Military Department if the Secretary determines it is  
8 in the best national security interest of the United States  
9 to provide such waiver and so notifies the congressional  
10 defense committees in writing.

11 SEC. 8052. None of the funds appropriated by this  
12 Act for programs of the Central Intelligence Agency shall  
13 remain available for obligation beyond the current fiscal  
14 year, except for funds appropriated for the Reserve for  
15 Contingencies, which shall remain available until Septem-  
16 ber 30, 1998.

17 SEC. 8053. Notwithstanding any other provision of  
18 law, funds made available in this Act for the Defense In-  
19 telligence Agency may be used for the design, develop-  
20 ment, and deployment of General Defense Intelligence  
21 Program intelligence communications and intelligence in-  
22 formation systems for the Services, the Unified and Speci-  
23 fied Commands, and the component commands.

24 SEC. 8054. Of the funds appropriated to the Depart-  
25 ment of Defense under the heading "Operation and Main-

1 tenance, Defense-Wide”, not less than \$8,000,000 shall be  
2 made available only for the mitigation of environmental  
3 impacts, including training and technical assistance to  
4 tribes, related administrative support, the gathering of in-  
5 formation, documenting of environmental damage, and de-  
6 veloping a system for prioritization of mitigation, on In-  
7 dian lands resulting from Department of Defense activi-  
8 ties.

9       SEC. 8055. Amounts collected for the use of the fa-  
10 cilities of the National Science Center for Communications  
11 and Electronics during the current fiscal year pursuant  
12 to section 1459(g) of the Department of Defense Author-  
13 ization Act, 1986 and deposited to the special account es-  
14 tablished under subsection 1459(g)(2) of that Act are ap-  
15 propriated and shall be available until expended for the  
16 operation and maintenance of the Center as provided for  
17 in subsection 1459(g)(2).

18       SEC. 8056. None of the funds appropriated in this  
19 Act may be used to fill the commander’s position at any  
20 military medical facility with a health care professional  
21 unless the prospective candidate can demonstrate profes-  
22 sional administrative skills.

23       SEC. 8057. None of the funds appropriated in this  
24 Act may be expended by an entity of the Department of  
25 Defense unless the entity, in expending the funds, com-



1 plies with the Buy American Act. For purposes of this  
2 subsection, the term “Buy American Act” means title III  
3 of the Act entitled “An Act making appropriations for the  
4 Treasury and Post Office Departments for the fiscal year  
5 ending June 30, 1934, and for other purposes”, approved  
6 March 3, 1933 (41 U.S.C. 10a et seq.).

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

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

15               (2) the purpose of the contract is to explore an  
16       unsolicited proposal which offers significant sci-  
17       entific or technological promise, represents the prod-  
18       uct of original thinking, and was submitted in con-  
19       fidence by one source, or

20               (3) the purpose of the contract is to take ad-  
21       vantage of unique and significant industrial accom-  
22       plishment by a specific concern, or to insure that a  
23       new product or idea of a specific concern is given fi-  
24       nancial support:

1 *Provided*, That this limitation shall not apply to contracts  
2 in an amount of less than \$25,000, contracts related to  
3 improvements of equipment that is in development or pro-  
4 duction, or contracts as to which a civilian official of the  
5 Department of Defense, who has been confirmed by the  
6 Senate, determines that the award of such contract is in  
7 the interest of the national defense.

8       SEC. 8059. Of the funds provided in title VI, under  
9 the heading “Chemical Agents and Munitions Destruction,  
10 Defense”, \$40,000,000 shall only be available for the initi-  
11 ation of a pilot program to identify and demonstrate not  
12 less than two alternatives to the baseline incineration pro-  
13 cess for the demilitarization of assembled chemical muni-  
14 tions: *Provided*, That the Under Secretary of Defense for  
15 Acquisition and Technology shall, not later than Novem-  
16 ber 1, 1996, designate a program executive officer to carry  
17 out the pilot program who is not, nor has been, in direct  
18 or immediate control of the baseline reverse assembly in-  
19 cineration demilitarization program: *Provided further*,  
20 That the Under Secretary of Defense for Acquisition and  
21 Technology shall evaluate the effectiveness of each alter-  
22 native chemical munitions demilitarization technology  
23 identified and demonstrated under the pilot program to  
24 demilitarize assembled chemical munitions while meeting  
25 all applicable Federal and State environmental and safety

1 requirements: *Provided further*, That the Under Secretary  
2 of Defense for Acquisition and Technology shall transmit,  
3 by December 15 of each year, a report to the congressional  
4 defense committees on the activities carried out under the  
5 pilot program during the preceding fiscal year in which  
6 the report is to be made: *Provided further*, That no funds  
7 may be obligated for the initiation of construction of a  
8 baseline incineration facility at the Lexington Blue Grass  
9 Army Depot or the Pueblo Depot activity until 180 days  
10 after the Secretary of Defense has submitted to the con-  
11 gressional defense committees a report detailing the effec-  
12 tiveness of each alternative chemical munitions demili-  
13 tarization technology identified and demonstrated under  
14 the pilot program and its ability to meet the applicable  
15 safety and environmental requirements.

16 SEC. 8060. Notwithstanding any other provision of  
17 law, the Secretary of Defense may, when he considers it  
18 in the best interest of the United States, cancel any part  
19 of an indebtedness, up to \$2,500, that is or was owed to  
20 the United States by a member or former member of a  
21 uniformed service if such indebtedness, as determined by  
22 the Secretary, was incurred in connection with Operation  
23 Desert Shield/Storm: *Provided*, That the amount of an in-  
24 debtedness previously paid by a member or former mem-

1 ber and canceled under this section shall be refunded to  
2 the member.

3 SEC. 8061. Notwithstanding any other provision of  
4 law, the Department of Defense is authorized to enter into  
5 interim leasing arrangements for the Naval Air Facility,  
6 Adak, for commercial reutilization of Department of De-  
7 fense infrastructure and facilities consistent with the 1990  
8 Defense Base Closure and Realignment Commission Act  
9 of 1990 (Public Law 101–510, as amended).

10 (RESCISSIONS)

11 SEC. 8062. Of the funds provided in Department of  
12 Defense Appropriations Acts, the following funds are here-  
13 by rescinded from the following accounts in the specified  
14 amounts:

15 “Missile Procurement, Air Force, 1995/1997”,

16 \$31,900,000;

17 “Missile Procurement, Air Force, 1996/1998”,

18 \$20,000,000;

19 “Research, Development, Test and Evaluation,  
20 Air Force, 1996/1997”, \$75,000,000.

21 SEC. 8063. Of the funds appropriated in the Depart-  
22 ment of Defense Appropriations Act, 1996 (Public Law  
23 104–61), under the heading “Other Procurement, Army”,  
24 the Department of the Army shall grant \$477,000 to the  
25 Kansas Unified School District 207 for the purpose of in-

1 tegrating schools at Fort Leavenworth into the existing  
2 fiber optic network on post.

3       SEC. 8064. None of the funds available in this Act  
4 may be used to reduce the authorized positions for mili-  
5 tary (civilian) technicians of the Army National Guard,  
6 the Air National Guard, Army Reserve and Air Force Re-  
7 serve for the purpose of applying any administratively im-  
8 posed civilian personnel ceiling, freeze, or reduction on  
9 military (civilian) technicians, unless such reductions are  
10 a direct result of a reduction in military force structure.

11       SEC. 8065. None of the funds appropriated or other-  
12 wise made available in this Act may be obligated or ex-  
13 pended for assistance to the Democratic People's Republic  
14 of North Korea unless specifically appropriated for that  
15 purpose.

16       SEC. 8066. During the current fiscal year, funds ap-  
17 propriated in this Act are available to compensate mem-  
18 bers of the National Guard for duty performed pursuant  
19 to a plan submitted by a Governor of a State and approved  
20 by the Secretary of Defense under section 112 of title 32,  
21 United States Code: *Provided*, That during the perform-  
22 ance of such duty, the members of the National Guard  
23 shall be under State command and control: *Provided fur-*  
24 *ther*, That such duty shall be treated as full-time National

1 Guard duty for purposes of sections 12602 (a)(2) and  
2 (b)(2) of title 10, United States Code.

3 SEC. 8067. Funds appropriated in this Act for oper-  
4 ation and maintenance of the Military Departments, Uni-  
5 fied and Specified Commands and Defense Agencies shall  
6 be available for reimbursement of pay, allowances and  
7 other expenses which would otherwise be incurred against  
8 appropriations for the National Guard and Reserve when  
9 members of the National Guard and Reserve provide intel-  
10 ligence support to Unified Commands, Defense Agencies  
11 and Joint Intelligence Activities, including the activities  
12 and programs included within the General Defense Intel-  
13 ligence Program and the Consolidated Cryptologic Pro-  
14 gram: *Provided*, That nothing in this section authorizes  
15 deviation from established Reserve and National Guard  
16 personnel and training procedures.

17 SEC. 8068. During the current fiscal year, none of  
18 the funds appropriated in this Act may be used to reduce  
19 the civilian medical and medical support personnel as-  
20 signed to military treatment facilities below the September  
21 30, 1996 level.

22 SEC. 8069. All refunds or other amounts collected in  
23 the administration of the Civilian Health and Medical Pro-  
24 gram of the Uniformed Services (CHAMPUS) shall be  
25 credited to current year appropriations.

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 8070. None of the funds appropriated in this  
3 Act may be transferred to or obligated from the Pentagon  
4 Reservation Maintenance Revolving Fund, unless the Sec-  
5 retary of Defense certifies that the total cost for the plan-  
6 ning, design, construction and installation of equipment  
7 for the renovation of the Pentagon Reservation will not  
8 exceed \$1,218,000,000.

9 SEC. 8071. (a) None of the funds available to the  
10 Department of Defense for any fiscal year for drug inter-  
11 diction or counter-drug activities may be transferred to  
12 any other department or agency of the United States ex-  
13 cept as specifically provided in an appropriations law.

14 (b) None of the funds available to the Central Intel-  
15 ligence Agency for any fiscal year for drug interdiction  
16 and counter-drug activities may be transferred to any  
17 other department or agency of the United States except  
18 as specifically provided in an appropriations law.

19 (TRANSFER OF FUNDS)

20 SEC. 8072. Appropriations available in this Act under  
21 the heading “Operation and Maintenance, Defense-Wide”  
22 for increasing energy and water efficiency in Federal  
23 buildings may, during its period of availability, be trans-  
24 ferred to other appropriations or funds of the Department  
25 of Defense for projects related to increasing energy and

1 water efficiency, to be merged with and to be available  
2 for the same general purposes, and for the same time pe-  
3 riod, as the appropriation or fund to which transferred.

4 SEC. 8073. Notwithstanding any other provision of  
5 law, funds available to the Department of Defense shall  
6 be made available to provide transportation of medical  
7 supplies and equipment, on a nonreimbursable basis, to  
8 American Samoa: *Provided*, That notwithstanding any  
9 other provision of law, funds available to the Department  
10 of Defense shall be made available to provide transpor-  
11 tation of medical supplies and equipment, on a non-  
12 reimbursable basis, to the Indian Health Service when it  
13 is in conjunction with a civil-military project.

14 SEC. 8074. Notwithstanding any other provision of  
15 law, the Naval shipyards of the United States shall be eli-  
16 gible to participate in any manufacturing extension pro-  
17 gram financed by funds appropriated in this or any other  
18 Act.

19 (TRANSFER OF FUNDS)

20 SEC. 8075. In addition to amounts appropriated or  
21 otherwise made available by this Act, \$300,000,000 is  
22 hereby appropriated to the Department of Defense and  
23 shall be available only for transfer to the United States  
24 Coast Guard.

25 SEC. 8076. Notwithstanding any other provision of  
26 law, each contract awarded by the Department of Defense



1 during the current fiscal year for construction or service  
2 performed in whole or in part in a State which is not con-  
3 tiguous with another State and has an unemployment rate  
4 in excess of the national average rate of unemployment  
5 as determined by the Secretary of Labor, shall include a  
6 provision requiring the contractor to employ, for the pur-  
7 pose of performing that portion of the contract in such  
8 State that is not contiguous with another State, individ-  
9 uals who are residents of such State and who, in the case  
10 of any craft or trade, possess or would be able to acquire  
11 promptly the necessary skills: *Provided*, That the Sec-  
12 retary of Defense may waive the requirements of this sec-  
13 tion, on a case-by-case basis, in the interest of national  
14 security.

15       SEC. 8077. Notwithstanding any other provision of  
16 law, within the funds available in this Act, the Secretary  
17 of the Air Force may enter into agreements to modify  
18 leases of housing units being constructed if deemed to be  
19 in the best interest of the Department. The housing units  
20 shall be assigned, without rental charge, as family housing  
21 to members of the Armed Forces who are eligible for as-  
22 signment to military family housing.

23       SEC. 8078. (a) The Secretary of Defense shall sub-  
24 mit, on a quarterly basis, a report to the congressional  
25 defense committees, the Committee on International Rela-

1 tions of the House of Representatives and the Committee  
2 on Foreign Relations of the Senate setting forth all costs  
3 (including incremental costs) incurred by the Department  
4 of Defense during the preceding quarter in implementing  
5 or supporting resolutions of the United Nations Security  
6 Council, including any such resolution calling for inter-  
7 national sanctions, international peacekeeping operations,  
8 and humanitarian missions undertaken by the Depart-  
9 ment of Defense. The quarterly report shall include an ag-  
10 gregate of all such Department of Defense costs by oper-  
11 ation or mission.

12 (b) The Secretary of Defense shall detail in the quar-  
13 terly reports all efforts made to seek credit against past  
14 United Nations expenditures and all efforts made to seek  
15 compensation from the United Nations for costs incurred  
16 by the Department of Defense in implementing and sup-  
17 porting United Nations activities.

18 SEC. 8079. To the extent authorized by subchapter  
19 VI of Chapter 148 of title 10, United States Code, the  
20 Secretary of Defense shall issue loan guarantees in sup-  
21 port of U.S. defense exports not otherwise provided for:  
22 *Provided*, That the total contingent liability of the United  
23 States for guarantees issued under the authority of this  
24 section may not exceed \$15,000,000,000: *Provided further*,  
25 That the exposure fees charged and collected by the Sec-

1 retary for each guarantee, shall be paid by the country  
2 involved and shall not be financed as part of a loan guar-  
3 anteed by the United States: *Provided further*, That the  
4 Secretary shall provide quarterly reports to the Commit-  
5 tees on Appropriations, Armed Services and Foreign Rela-  
6 tions of the Senate and the Committees on Appropria-  
7 tions, National Security and International Relations in the  
8 House of Representatives on the implementation of this  
9 program: *Provided further*, That amounts charged for ad-  
10 ministrative fees and deposited to the special account pro-  
11 vided for under section 2540c(d) of title 10, shall be avail-  
12 able for paying the costs of administrative expenses of the  
13 Department of Defense that are attributable to the loan  
14 guarantee program under subchapter VI of Chapter 148  
15 of title 10.

16 SEC. 8080. None of the funds available to the De-  
17 partment of Defense shall be obligated or expended to  
18 make a financial contribution to the United Nations for  
19 the cost of an United Nations peacekeeping activity  
20 (whether pursuant to assessment or a voluntary contribu-  
21 tion) or for payment of any United States arrearage to  
22 the United Nations.

23 SEC. 8081. None of the funds available to the De-  
24 partment of Defense under this Act shall be obligated or  
25 expended to pay a contractor under a contract with the

1 Department of Defense for costs of any amount paid by  
2 the contractor to an employee when—

3 (1) such costs are for a bonus or otherwise in  
4 excess of the normal salary paid by the contractor  
5 to the employee; and

6 (2) such bonus is part of restructuring costs as-  
7 sociated with a business combination.

8 SEC. 8082. (a) None of the funds appropriated or  
9 otherwise made available in this Act may be used to trans-  
10 port or provide for the transportation of chemical muni-  
11 tions or agents to the Johnston Atoll for the purpose of  
12 storing or demilitarizing such munitions or agents.

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

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

20 SEC. 8083. During the current fiscal year, appropria-  
21 tions made in this Act under the heading “Operation and  
22 Maintenance, Defense-Wide” may be transferred to appro-  
23 priations available for the pay of military personnel, to be  
24 merged with, and to be available for the same time period  
25 as the appropriations to which transferred, to be used for

1 the purposes of expenses incurred in connection with a  
2 pilot program to increase the use of Reserve personnel in  
3 support of missions of the Armed Forces and for the use  
4 of such personnel in connection with support and services  
5 for eligible organizations and activities outside the Depart-  
6 ment of Defense pursuant to section 2012 of title 10,  
7 United States Code.

8       SEC. 8084. None of the funds provided in this Act  
9 may be obligated or expended for the sale of zinc in the  
10 National Defense Stockpile if zinc commodity prices de-  
11 cline more than five percent below the London Metals Ex-  
12 change market price reported on the date of enactment  
13 of this Act.

14       SEC. 8085. For purposes of section 1553(b) of title  
15 31, United States Code, any subdivision of appropriations  
16 made in this Act under the heading “Shipbuilding and  
17 Conversion, Navy” shall be considered to be for the same  
18 purpose as any subdivision under the heading “Shipbuild-  
19 ing and Conversion, Navy” appropriations in any prior  
20 year, and the one percent limitation shall apply to the total  
21 amount of the appropriation.

22       SEC. 8086. During the current fiscal year, and not-  
23 withstanding 31 U.S.C. 1552(a), not more than  
24 \$107,000,000 appropriated under the heading “Aircraft  
25 Procurement, Air Force” in Public Law 101–511 and not

1 more than \$15,000,000 appropriated under the heading  
2 “Aircraft Procurement, Air Force” in Public Law 102–  
3 172 which were available and obligated for the B–2 Air-  
4 craft Program shall remain available for expenditure and  
5 for adjusting obligations for such Program until Septem-  
6 ber 30, 2002.

7       SEC. 8087. During the current fiscal year, in the case  
8 of an appropriation account of the Department of Defense  
9 for which the period of availability for obligation has ex-  
10 pired or which has closed under the provisions of section  
11 1552 of title 31, United States Code, and which has a  
12 negative unliquidated or unexpended balance, an obliga-  
13 tion or an adjustment of an obligation may be charged  
14 to any current appropriation account for the same purpose  
15 as the expired or closed account if—

16           (1) the obligation would have been properly  
17 chargeable (except as to amount) to the expired or  
18 closed account before the end of the period of avail-  
19 ability or closing of that account;

20           (2) the obligation is not otherwise properly  
21 chargeable to any current appropriation account of  
22 the Department of Defense; and

23           (3) in the case of an expired account, the obli-  
24 gation is not chargeable to a current appropriation  
25 of the Department of Defense under the provisions

1 of section 1405(b)(8) of the National Defense Au-  
2 thorization Act for Fiscal Year 1991, Public Law  
3 101–510, as amended (31 U.S.C. 1551 note): *Pro-*  
4 *vided*, That in the case of an expired account, if sub-  
5 sequent review or investigation discloses that there  
6 was not in fact a negative unliquidated or unex-  
7 pended balance in the account, any charge to a cur-  
8 rent account under the authority of this section shall  
9 be reversed and recorded against the expired ac-  
10 count: *Provided further*, That the total amount  
11 charged to a current appropriation under this sec-  
12 tion may not exceed an amount equal to one percent  
13 of the total appropriation for that account.

14 (TRANSFER OF FUNDS)

15 SEC. 8088. Upon enactment of this Act, the Sec-  
16 retary of Defense shall make the following transfers of  
17 funds: *Provided*, That the amounts transferred shall be  
18 available for the same purposes as the appropriations to  
19 which transferred, and for the same time period as the  
20 appropriation from which transferred: *Provided further*,  
21 That the amounts shall be transferred between the follow-  
22 ing appropriations in the amount specified:

23 From:

24 Under the heading, “Shipbuilding and Conver-  
25 sion, Navy, 1985/1995”:

1           For craft, outfitting, and post delivery,  
2           \$2,000,000;

3       To:

4           Under the heading, “Shipbuilding and Conver-  
5       sion, Navy, 1985/1995”:

6           DDG-51 Destroyer program, \$2,000,000;

7       From:

8           Under the heading, “Shipbuilding and Conver-  
9       sion, Navy, 1986/1996”:

10          LHD-1 amphibious assault ship program,  
11          \$2,154,000;

12       To:

13          Under the heading, “Shipbuilding and Conver-  
14       sion, Navy, 1986/1996”:

15          For craft, outfitting and post delivery,  
16          \$2,154,000;

17       From:

18          Under the heading, “Shipbuilding and Conver-  
19       sion, Navy, 1987/1996”:

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

21          Oceanographic ship program, \$735,000;

22       To:

23          Under the heading, “Shipbuilding and Conver-  
24       sion, Navy, 1987/1996”:



1           For craft, outfitting, and post delivery,  
2           \$1,830,000;

3       From:

4           Under the heading, “Shipbuilding and Conver-  
5       sion, Navy, 1989/2000”:

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

7       To:

8           Under the heading, “Shipbuilding and Conver-  
9       sion, Navy, 1989/2000”:

10          SSN-21 attack submarine program,  
11          \$6,571,000;

12       From:

13          Under the heading, “Shipbuilding and Conver-  
14       sion, Navy, 1991/2001”:

15          DDG-51 destroyer program, \$12,687,000;

16       To:

17          Under the heading, “Shipbuilding and Conver-  
18       sion, Navy, 1991/2001”:

19          LHD-1 amphibious assault ship program,  
20          \$9,387,000;

21          MHC coastal mine hunter program,  
22          \$3,300,000;

23       From:

24          Under the heading, “Shipbuilding and Conver-  
25       sion, Navy, 1992/1996”:

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

2           To:

3                   Under the heading, “Shipbuilding and Conver-  
4           sion, Navy, 1992/1996”:

5                   MHC coastal mine hunter program,  
6                   \$1,600,000;

7           From:

8                   Under the heading, “Shipbuilding and Conver-  
9           sion, Navy, 1993/1997”:

10                   DDG-51 destroyer program, \$5,000,000;

11                   LSD-41 cargo variant ship program,  
12                   \$2,700,000;

13                   For craft, outfitting, post delivery, and  
14                   first destination transportation, and inflation  
15                   adjustments, \$1,577,000;

16           To:

17                   Under the heading, “Shipbuilding and Conver-  
18           sion, Navy, 1993/1997”:

19                   AOE combat support ship program,  
20                   \$9,277,000;

21           From:

22                   Under the heading, “Shipbuilding and Conver-  
23           sion, Navy, 1995/1999”:

24                   Carrier replacement program,  
25                   \$18,023,000;

1 To:

2 Under the heading, “Shipbuilding and Conver-  
3 sion, Navy, 1993/1997”:

4 MHC coastal mine hunter program,  
5 \$6,700,000;

6 AOE combat support ship program,  
7 \$11,323,000;

8 From:

9 Under the heading, “Shipbuilding and Conver-  
10 sion, Navy, 1994/1998”:

11 LHD-1 amphibious assault ship program,  
12 \$4,100,000;

13 Mine warfare command and control ship,  
14 \$1,000,000;

15 For craft, outfitting, post delivery, and  
16 first destination transportation, \$2,000,000;

17 From:

18 Under the heading, “Shipbuilding and Conver-  
19 sion, Navy, 1995/1999”:

20 Carrier replacement program, \$9,477,000;

21 From:

22 Under the heading, “Shipbuilding and Conver-  
23 sion, Navy, 1996/2000”:

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

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

1 CVN Refuelings, \$5,212,000;

2 T-AGS-64 multi-purpose oceanographic  
3 survey ship, \$375,000;

4 For craft, outfitting, post delivery, conver-  
5 sions and first destination transportation,  
6 \$11,770,000;

7 To:

8 Under the heading, “Shipbuilding and Conver-  
9 sion, Navy, 1994/1998”:

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

11 SEC. 8089. (a) The Secretary of Defense shall require  
12 not later than June 30, 1997, each disbursement by the  
13 Department of Defense in an amount in excess of  
14 \$3,000,000 be matched to a particular obligation before  
15 the disbursement is made.

16 (b) The Secretary shall ensure that a disbursement  
17 in excess of the threshold amount applicable under section  
18 (a) is not divided into multiple disbursements of less than  
19 that amount for the purpose of avoiding the applicability  
20 of such section to that disbursement.

21 SEC. 8090. The Under Secretary of Defense (Comp-  
22 troller) shall submit to the Congressional defense commit-  
23 tees a detailed report identifying, by amount and by sepa-  
24 rate budget activity, activity group, subactivity group, line  
25 item, program element, program, project, subproject, and

1 activity, any activity for which the fiscal year 1998 budget  
2 request was reduced because Congress appropriated funds  
3 above the President's budget request for that specific ac-  
4 tivity for fiscal year 1997.

5 SEC. 8091. Notwithstanding any other provision of  
6 law, of the funds appropriated under the heading "Air-  
7 craft Procurement, Navy" in Public Law 104-61,  
8 \$45,000,000 shall be made available only for procurement  
9 of T-39N aircraft, simulators, and support equipment  
10 currently used for training naval flight officers under an  
11 existing contract.

12 SEC. 8092. Notwithstanding 31 U.S.C. 1552(a), of  
13 the funds provided in Department of Defense Appropria-  
14 tions Acts, not more than the specified amounts of funds  
15 from the following accounts shall remain available for the  
16 payment of satellite on-orbit incentive fees until the fees  
17 are paid:

18 "Missile Procurement, Air Force, 1990/1992",

19 \$17,800,000;

20 "Missile Procurement, Air Force, 1991/1993",

21 \$19,330,000;

22 "Missile Procurement, Air Force, 1992/1994",

23 \$23,570,000;

24 "Missile Procurement, Air Force, 1993/1995",

25 \$16,780,000;

1           “Missile Procurement, Air Force, 1994/1996”,  
2           \$16,780,000.

3           SEC. 8093. (a) Notwithstanding any other provision  
4 of law, of the amounts available to the Department of De-  
5 fense (department) during fiscal year 1997, not more than  
6 \$1,162,650,000 may be obligated for financing activities  
7 of defense federally funded research and development cen-  
8 ters (FFRDCs): *Provided*, That of the specific amount re-  
9 ferred to previously in this subsection, not more than  
10 \$206,650,000 may be obligated for financing activities of  
11 the defense studies and analysis FFRDCs: *Provided fur-*  
12 *ther*, That the total amounts appropriated in titles II, III,  
13 and IV of this Act are hereby reduced by \$52,286,000  
14 to reflect the overall funding ceiling contained in this sub-  
15 section.

16           (b) Within 60 days after enactment of this Act, the  
17 Secretary of Defense shall submit to the Congressional de-  
18 fense committees a report presenting the specific  
19 amounts—in dollars and staff years of technical effort—  
20 to be allocated by the department for each defense  
21 FFRDC during fiscal year 1997.

22           (c) The Secretary of Defense shall, with the submis-  
23 sion of the department’s fiscal year 1998 budget request,  
24 submit a report presenting the specific amounts—in dol-

1 lars and staff years of technical effort—to be allocated for  
2 each defense FFRDC during that fiscal year.

3 (d) The Secretary of Defense may, pursuant to the  
4 general transfer authority granted in Section 8005 of this  
5 Act, provide additional funds to a defense FFRDC: *Pro-*  
6 *vided*, That any such transfer, irrespective of amount,  
7 shall be subject to a Form DD–1415 reprogramming ac-  
8 tion request.

9 SEC. 8094. None of the funds available to the De-  
10 partment of the Navy may be used to enter into any con-  
11 tract for the overhaul, repair, or maintenance of any naval  
12 vessel homeported on the West Coast of the United States  
13 which includes charges for interport differential as an  
14 evaluation factor for award.

15 SEC. 8095. Notwithstanding any other provision of  
16 law, none of the funds appropriated in this Act may be  
17 used to purchase, install, replace, or otherwise repair any  
18 lock on a safe or security container which protects infor-  
19 mation critical to national security or any other classified  
20 materials and which has not been certified as passing the  
21 security lock specifications contained in regulation FF–L–  
22 2740 dated October 12, 1989, and has not passed all test-  
23 ing criteria and procedures established through February  
24 28, 1992: *Provided*, That the Director of Central Intel-  
25 ligence may waive this provision, on a case-by-case basis





1 ferred to the Department of the Army for the execution  
2 of a peer review research program: *Provided further*, That  
3 the transfer authority provided in this section is in addi-  
4 tion to any transfer authority contained elsewhere in this  
5 Act.

6 SEC. 8098. Section 8110 of Public Law 104–61 (109  
7 Stat. 674) is hereby repealed.

8 This Act may be cited as the “Department of Defense  
9 Appropriations Act, 1997”.