

103RD CONGRESS
1ST SESSION

H. R. 3116

AMENDMENTS

In the Senate of the United States,

October 21 (legislative day, October 13), 1993.

Resolved, That the bill from the House of Representatives (H.R. 3116) entitled “An Act making appropriations for the Department of Defense for the fiscal year ending September 30, 1994, and for other purposes”, do pass with the following

AMENDMENTS:

1 **(1)**Page 2, line 15, strike out **【\$21,571,207,000】** and
2 insert: *\$21,212,285,000*

3 **(2)**Page 3, line 3, strike out **【\$18,633,383,000】** and in-
4 sert: *\$18,156,982,000*

5 **(3)**Page 3, line 15, strike out **【\$5,763,117,000】** and in-
6 sert: *\$5,755,272,000*

7 **(4)**Page 4, line 3, strike out **【\$15,916,937,000】** and in-
8 sert: *\$15,662,809,000*

9 **(5)**Page 4, line 17, strike out **【\$2,143,272,000】** and in-
10 sert: *\$2,138,416,000*

11 **(6)**Page 5, line 6, strike out **【\$1,565,838,000】** and in-
12 sert: *\$1,550,989,000*

1 (7)Page 5, line 20, strike out **【\$350,490,000】** and in-
2 sert: *\$311,661,000*

3 (8)Page 6, line 9, strike out **【\$783,158,000】** and insert:
4 *\$778,919,000*

5 (9)Page 6, line 23, strike out **【\$3,334,183,000】** and in-
6 sert: *\$3,332,556,000*

7 (10)Page 7, line 14, strike out **【\$1,215,935,000】** and
8 insert: *\$1,230,471,000*

9 (11)Page 8, line 1, strike out **【\$15,221,091,000】** and
10 insert: *\$15,706,229,000*

11 (12)Page 8, line 1, strike out all after “addition,” down
12 to and including “and” in line 3

13 (13)Page 8, line 7, after “Project” insert: *: Provided*
14 *further, That of the funds appropriated in this paragraph,*
15 *not less than \$6,500,000 shall be made available only for*
16 *the Army Environmental Policy Institute, of which*
17 *\$2,000,000 shall be made available only for a study on the*
18 *effects of depleted uranium on the environment: Provided*
19 *further, That of the funds appropriated in this paragraph,*
20 *\$500,000 shall be available only for a study of the effects*
21 *of uranium milling, including exposure to radon chemicals*
22 *and uranium, on the health of those individuals employed*
23 *in uranium mills in the southwestern United States during*

1 *the period beginning on January 1, 1947 and ending on*
2 *December 31, 1971: Provided further, That the Senate finds*
3 *that—*

4 *(1) the United States entered into Operation Re-*
5 *store Hope in December of 1992 for the purpose of re-*
6 *lieving mass starvation in Somalia;*

7 *(2) the original humanitarian relief mission in*
8 *Somalia had the unanimous support of the Senate,*
9 *expressed in Senate Joint Resolution 45, passed on*
10 *February 4, 1993;*

11 *(3) the original humanitarian mission was being*
12 *successfully accomplished by United States forces,*
13 *working with forces of other nations, and an ex-*
14 *expanded mission was assumed by the United Nations*
15 *on May 4, 1993 pursuant to United Nations Resolu-*
16 *tion 814, of March 26, 1993;*

17 *(4) neither the expanded United Nations mission*
18 *of national reconciliation, nor the broad mission of*
19 *disarming the clans, nor any other mission not essen-*
20 *tial to the performance of the humanitarian mission*
21 *has been endorsed or approved by the Senate;*

22 *(5) the expanded mission of the United Nations*
23 *was, subsequent to an attack upon United Nations*
24 *forces, diverted into a mission aimed primarily at*
25 *capturing certain persons, pursuant to United Na-*

1 *tions Security Council Resolution 837, of June 6,*
2 *1993;*

3 *(6) the actions of hostile elements in Mogadishu,*
4 *and the United Nations mission to subdue those ele-*
5 *ments, have resulted in open conflict in the city of*
6 *Mogadishu and the deaths of 29 Americans, at least*
7 *159 wounded, and the capture of American personnel;*
8 *and*

9 *(7) during fiscal years 1992 and 1993, the Unit-*
10 *ed States incurred expenses in excess of*
11 *\$1,100,000,000 to support operations in Somalia:*

12 *Provided further, That the Senate approves the use of Unit-*
13 *ed States Armed Forces in Somalia for the following pur-*
14 *poses—*

15 *(i) The protection of United States personnel*
16 *and bases; and*

17 *(ii) The provision of assistance in securing open*
18 *lines of communication for the free flow of supplies*
19 *and relief operations through the provision of—*

20 *(I) United States military logistical sup-*
21 *port services to United Nations forces; and*

22 *(II) United States combat forces in a secu-*
23 *rity role and as an interim force protection sup-*
24 *plement to United Nations units:*

1 *Provided further, That funds appropriated, or otherwise*
2 *made available, in this or any other Act to the Department*
3 *of Defense may be obligated for expenses incurred only*
4 *through March 31, 1994 for the operations of United States*
5 *Armed Forces in Somalia: Provided further, That such date*
6 *may be extended if so requested by the President and au-*
7 *thorized by the Congress: Provided further, That funds may*
8 *be obligated beyond March 31, 1994 to support a limited*
9 *number of United States military personnel sufficient only*
10 *to protect American diplomatic facilities and American*
11 *citizens, and noncombat personnel to advise the United Na-*
12 *tions commander in Somalia: Provided further, That Unit-*
13 *ed States combat forces in Somalia shall be under the com-*
14 *mand and control of United States commanders under the*
15 *ultimate direction of the President of the United States:*
16 *Provided further, That the President should intensify efforts*
17 *to have United Nations member countries immediately de-*
18 *ploy additional troops to Somalia to fulfill previous force*
19 *commitments made to the United Nations and to deploy*
20 *additional forces to assume the security missions of United*
21 *States Armed Forces: Provided further, That—*

22 (A) *captured United States personnel in Soma-*
23 *lia should be treated humanely and fairly; and*

24 (B) *the United States and the United Nations*
25 *should make all appropriate efforts to ensure the im-*

1 *mediate and safe return of any future captured Unit-*
2 *ed States personnel:*

3 *Provided further, That the President should ensure that, at*
4 *all times, United States military personnel in Somalia have*
5 *the capacity to defend themselves, and American citizens:*
6 *Provided further, That the United States Armed Forces*
7 *should remain deployed in or around Somalia until such*
8 *time as all American service personnel missing in action*
9 *in Somalia are accounted for, and all American service per-*
10 *sonnel held prisoner in Somalia are released*

11 **(14)**Page 8, line 17, strike out **【\$18,097,782,000】** and
12 insert: *\$19,845,083,000*

13 **(15)**Page 8, line 17, strike out all after “in” down to
14 and including “and” in line 19 and insert: *addition,*

15 **(16)**Page 8, line 21, strike out all after “Fund” down
16 to and including “system” in line 24

17 **(17)**Page 9, strike out line 2

18 **(18)**Page 9, line 5, strike out all after “law;” down to
19 and including “Fund” in line 7 and insert: *\$1,834,495,000*

20 **(19)**Page 9, line 17, strike out **【\$18,305,447,000】** and
21 insert: *\$19,107,389,000*

1 **(20)**Page 9, line 17, strike out all after “addition,”
2 down to and including “and” in line 19

3 **(21)**Page 9, line 20, strike out all after “Fund” over
4 to and including “Pennsylvania” in line 23 on page 10

5 **(22)**Page 11, line 5, strike out **【\$9,487,133,000】** and
6 insert: *\$9,452,165,000*

7 **(23)**Page 11, line 12, strike out all after “purposes”
8 down to and including “law” in line 20 and insert: *: Pro-*
9 *vided, That of the funds appropriated under this heading,*
10 *\$58,000,000 shall be made available only for aiding school*
11 *districts in accordance with authority granted under sec-*
12 *tions 3(a) through 3(e) of Public Law 81-874: Provided fur-*
13 *ther, That of the funds appropriated in this paragraph, not*
14 *less than \$50,000,000 shall be made available only for the*
15 *Legacy Resource Management Program, of which not less*
16 *than \$200,000 shall be made available for the Legacy Re-*
17 *source Management Program fellowships: Provided further,*
18 *That of the funds appropriated under this heading,*
19 *\$10,000,000 shall be made available only for the repair and*
20 *maintenance of federally owned education facilities located*
21 *on military installations*

22 **(24)**Page 11, line 20, after “law” insert: *: Provided fur-*
23 *ther, That of the funds appropriated under this heading,*
24 *\$1,000,000 shall be made available only for use by the Office*

1 *of the Secretary of Defense for the exploitation of captured*
2 *Iraqi Government documents relating to the Kurds and*
3 *other minorities of northern Iraq: Provided further, That*
4 *the funds in the preceding proviso may be made available*
5 *for personal service contracts of Arabic-language linguists*
6 *and may be exempt from competitive bidding requirements:*
7 *Provided further, That of the funds appropriated under this*
8 *heading, \$1,000,000 shall be made available only for the*
9 *Defense Mapping Agency to evaluate and procure available*
10 *imagery photographs and materials from successor states*
11 *of the former Soviet Union: Provided further, That the Di-*
12 *rector of the Defense Mapping Agency shall report to the*
13 *Congressional Defense Committees the availability of such*
14 *imagery materials, priorities for acquisition and the proc-*
15 *ess for the dissemination of such materials to Federal agen-*
16 *cies, State and local authorities, academic institutions and*
17 *the private sector not later than March 15, 1994*

18 **(25)**Page 12, line 3, strike out all after “communica-
19 tions;” down to and including “law” in line 6 and insert:
20 *\$1,057,740,000*

21 **(26)**Page 12, line 14, strike out **[\$807,200,000]** and
22 insert: *\$761,137,000*

1 **(27)**Page 12, line 14, strike out all after
2 “\$807,200,000” down to and including “Command” in
3 line 18

4 **(28)**Page 12, line 18, strike out all after “Command”
5 down to and including “law” in line 20

6 **(29)**Page 13, line 4, strike out all after “communica-
7 tions;” down to and including “law” in line 6 and insert:
8 *\$75,125,000*

9 **(30)**Page 13, line 14, strike out all after “communica-
10 tions;” down to and including “law” in line 17 and insert:
11 *\$1,333,470,000*

12 **(31)**Page 14, line 9, strike out **【\$2,272,018,000】** and
13 insert: *\$2,216,944,000*

14 **(32)**Page 14, line 9, strike out all after
15 “\$2,272,018,000” down to and including “law” in line 15
16 and insert: *: Provided, That of the funds appropriated*
17 *under this heading, \$3,000,000 shall be made available only*
18 *for the MEDRETES program*

19 **(33)**Page 15, line 10, strike out **【\$2,695,233,000】** and
20 insert: *\$2,686,299,000*

1 (34)Page 15, line 10, strike out all after
2 "\$2,695,233,000" down to and including "Group" in line
3 15

4 (35)Page 15, line 15, strike out all after "Group" down
5 to and including "law" in line 17

6 (36)Page 16, line 14, strike out **[\$5,855,000]** and in-
7 sert: *\$6,055,000*

8 (37)Page 16, line 16, strike out all after "purposes"
9 down to and including "law" in line 18

10 (38)Page 16, line 21, strike out **[\$1,716,800,000]** and
11 insert: *\$2,207,800,000*

12 (39)Page 16, line 25, strike out all after "waste," over
13 to and including "and" in line 1 on page 17

14 (40)Page 17, strike out all after line 18 over to and
15 including line 5 on page 19 and insert:

16 *SUMMER OLYMPICS*

17 *For logistical support and personnel services (other*
18 *than pay and nontravel related allowances of members of*
19 *the Armed Forces of the United States, except for members*
20 *of the reserve components thereof called or ordered to active*
21 *duty to provide support for the 1996 Games of the XXVI*
22 *Olympiad to be held in Atlanta, Georgia) provided by any*

1 *component of the Department of Defense to the 1996 Games*
2 *of the XXVI Olympiad; \$2,000,000.*

3 *WORLD CUP USA 1994*

4 *For logistical support and personnel services (other*
5 *than pay and nontravel related allowances of members of*
6 *the Armed Forces of the United States, except for members*
7 *of the reserve components thereof called or ordered to active*
8 *duty to provide support for the World Cup USA 1994 Orga-*
9 *nizing Committee) provided by any component of the De-*
10 *partment of Defense to the World Cup USA 1994 Organiz-*
11 *ing Committee; \$12,000,000.*

12 **(41)**Page 19, line 8, after “Afghanistan” insert: *, the*
13 *Kurdish population and other minorities of northern Iraq,*

14 **(42)**Page 19, line 8, after “and” insert: *the people of*

15 **(43)**Page 19, line 12, strike out **[\$15,000,000]** and in-
16 sert: *\$48,000,000*

17 **(44)**Page 19, line 13, strike out all after “1995” down
18 to and including “law” in line 15 and insert: *: Provided,*
19 *That of the funds appropriated under this heading,*
20 *\$30,000,000 shall be made available only for Kurdish relief*
21 *activities, of which \$15,000,000 shall be made available for*
22 *a 1993–1994 winterization relief program: Provided fur-*
23 *ther, That of the funds appropriated under this heading,*

1 *\$10,000,000 shall be made available for activities to support*
2 *clearing of land mines for humanitarian purposes*

3 **(45)**Page 20, line 3, after “expended” insert: : *Provided,*
4 *That of the funds appropriated under this heading,*
5 *\$10,000,000 shall be made available only for the continuing*
6 *study, assessment, and identification of nuclear waste dis-*
7 *posal by the former Soviet Union in the Arctic region: Pro-*
8 *vided further, That the transfer authority provided in sec-*
9 *tion 9110(a) of the Department of Defense Appropriations*
10 *Act, 1993, shall continue to be in effect during fiscal year*
11 *1994: Provided further, That any transfer made under the*
12 *foregoing proviso in this paragraph shall be subject to the*
13 *limitations and the reporting requirements stipulated in*
14 *section 8006 of this Act*

15 **(46)**Page 20, line 3, after “expended” insert: : *Provided*
16 *further, That the Director of Central Intelligence shall re-*
17 *port to the President and the Congressional defense and in-*
18 *telligence committees on the current status of interconti-*
19 *ental ballistic missile development and production in*
20 *states eligible for assistance under this heading: Provided*
21 *further, That none of the funds appropriated under this*
22 *heading may be expended or transferred to an otherwise eli-*
23 *gible recipient state if the President concludes, and notifies*
24 *the Congressional defense and intelligence committees in a*
25 *written report, that the potential recipient is currently en-*

1 *gaged in the production of a new road mobile or fixed-site*
2 *land based intercontinental ballistic missile armed with*
3 *multiple nuclear re-entry vehicles*

4 **(47)**Page 20, line 19, strike out **【\$1,726,164,000】** and
5 insert: *\$1,125,303,000*

6 **(48)**Page 20, line 20, strike out all after “1996” down
7 to and including “law” in line 22

8 **(49)**Page 21, line 11, strike out **【\$1,126,110,000】** and
9 insert: *\$934,123,000*

10 **(50)**Page 21, line 12, strike out all after “1996” down
11 to and including “law” in line 14

12 **(51)**Page 22, line 4, strike out **【\$892,709,000】** and in-
13 sert: *\$805,074,000*

14 **(52)**Page 22, line 5, strike out all after “1996” down
15 to and including “law” in line 7

16 **(53)**Page 22, strike out line 9

17 **(54)**Page 22, line 22, strike out **【\$620,787,000】** and
18 insert: *\$610,174,000*

19 **(55)**Page 22, line 22, strike out all after
20 “\$620,787,000,” over to and including “Defense,” in line
21 1 on page 23

1 (56)Page 23, line 19, strike out **[\$2,904,933,000]** and
2 insert: *\$2,784,474,000*

3 (57)Page 23, line 20, after “1996” insert: *: Provided*
4 *further, That of the funds appropriated under this heading,*
5 *\$18,000,000 shall be available only for Heavy Armor Modi-*
6 *fication for the High-Mobility multipurpose wheeled vehicle*

7 (58)Page 24, line 7, strike out **[\$5,664,216,000]** and
8 insert: *\$5,665,615,000*

9 (59)Page 24, line 20, strike out all after “layaway;”
10 down to and including “1996” in line 21 and insert:
11 *\$2,972,906,000, to remain available for obligation until*
12 *September 30, 1996: Provided, That of the funds appro-*
13 *priated in this paragraph, \$1,028,596,000 shall not be obli-*
14 *gated or expended for procurement or advance procurement*
15 *of Trident II missiles unless the President has certified to*
16 *Congress that the other signatories to the START treaty*
17 *have rejected a United States proposal to the Joint Compli-*
18 *ance and Inspection Commission that “detubing” be accept-*
19 *ed as an option for eliminating SLBM launchers under*
20 *START II or until the President has certified to Congress*
21 *that such course of action would not be in the national in-*
22 *terest*

23 (60)Page 24, line 21, strike out all after “1996” down
24 to and including “law” in line 24

1 **(61)**Page 25, after line 13, insert:

2 *Carrier replacement program, \$3,403,600,000:*
3 *Provided, That these funds shall not be obligated or*
4 *expended until authorized by law;*

5 **(62)**Page 25, line 15, strike out **【\$2,642,772,000】** and
6 insert: *\$2,610,972,000*

7 **(63)**Page 25, line 17, after “\$893,848,000” insert: *, of*
8 *which \$50,000,000 may be available for advance procure-*
9 *ment on the LHD-7 amphibious assault ship*

10 **(64)**Page 25, strike out lines 18 and 19

11 **(65)**Page 25, line 20, strike out all after “program,”
12 over to and including “B-253129)” in line 7 on page 26
13 and insert: *\$62,482,000*

14 **(66)**Page 26, lines 8 and 9, strike out **【production de-**
15 **sign support,】** and insert: *and*

16 **(67)**Page 26, lines 9 and 10, strike out **【and cost**
17 **growth, \$595,131,000】** and insert: *\$330,104,000*

18 **(68)**Page 26, line 11, strike out **【\$5,397,102,000】** and
19 insert: *\$7,332,133,000*

20 **(69)**Page 26, line 23, strike out all after “shipyards”
21 down to and including “law” in line 25

1 (70)Page 27, line 14, strike out **【\$2,980,815,000】** and
2 insert: *\$2,794,718,000*

3 (71)Page 27, line 15, strike out all after “1996” down
4 to and including “Center” in line 23

5 (72)Page 27, line 23, strike out all after “Center” over
6 to and including “Center” in line 3 on page 28

7 (73)Page 28, line 3, strike out all after “Center” down
8 to and including “Command” in line 7

9 (74)Page 28, line 7, strike out all after “Command”
10 down to and including “Force” in line 10

11 (75)Page 28, line 10, strike out all after “Force” down
12 to and including “law” in line 13

13 (76)Page 29, line 2, strike out **【\$527,754,000】** and in-
14 sert: *\$441,056,000*

15 (77)Page 29, line 3, strike out all after “1996” down
16 to and including “law” in line 5

17 (78)Page 29, line 20, strike out **【\$6,887,201,000】** and
18 insert: *\$4,017,475,000*

19 (79)Page 29, line 21, strike out all after “1996” down
20 to and including “aircraft” in line 23

1 **(80)**Page 29, line 23, after “aircraft” insert: *: Provided,*
2 *That of the funds appropriated under this paragraph,*
3 *\$4,500,000 shall be available for replacement of the TER-*
4 *9A ejection rack for F-16 fighter aircraft*

5 **(81)**Page 30, line 14, strike out **【\$3,845,354,000】** and
6 insert: *\$4,127,514,000*

7 **(82)**Page 30, line 15, strike out all after “1996” down
8 to and including “law” in line 17

9 **(83)**Page 31, line 10, strike out **【\$7,336,918,000】** and
10 insert: *\$7,527,084,000*

11 **(84)**Page 31, line 16, strike out **【\$1,178,100,000】** and
12 insert: *\$785,000,000*

13 **(85)**Page 31, line 17, strike out all after “1996” down
14 to and including “law” in line 19

15 **(86)**Page 32, line 12, strike out **【\$1,557,344,000】** and
16 insert: *\$1,602,726,000*

17 **(87)**Page 32, line 13, strike out all after “1996” down
18 to and including “conversion” in line 24

19 **(88)**Page 33, strike out lines 1 to 12

20 **(89)**Page 33, line 22, strike out **【\$5,560,082,000】** and
21 insert: *\$5,275,385,000*

1 **(90)**Page 34, line 4, strike out all after “Maryland”
2 down to and including “law” in line 18 and insert: : *Pro-*
3 *vided further, That of the funds appropriated under this*
4 *heading, \$15,000,000 may be made available for an up-*
5 *grade of the Los Alamos Meson Physics Facility/Los Alamos*
6 *Neutron Scattering Center upon the determination by the*
7 *Secretary of Defense and the Secretary of Energy that the*
8 *project will make a significant contribution to enhancing*
9 *the capabilities of United States armed forces*

10 **(91)**Page 34, line 25, strike out **[\$8,604,777,000]** and
11 insert: *\$7,925,369,000*

12 **(92)**Page 35, line 1, strike out all after “1995” down
13 to and including “projects” in line 16

14 **(93)**Page 35, line 16, strike out all after “projects”
15 down to and including “program” in line 24

16 **(94)**Page 35, line 24, strike out all after “program”
17 over to and including “Government” in line 6 on page 36

18 **(95)**Page 36, line 6, strike out all after “Government”
19 down to and including “Government” in line 12

20 **(96)**Page 36, line 12, strike out all after “Government”
21 down to and including “aircraft” in line 21

1 (97)Page 36, line 21, strike out all after “aircraft” over
2 to and including “ship” in line 4 on page 37

3 (98)Page 37, line 4, strike out all after “ship” down
4 to and including “responsibilities” in line 10

5 (99)Page 37, line 17, strike out **【\$12,608,995,000】** and
6 insert: *\$11,847,970,000*

7 (100)Page 37, line 18, strike out all after “1995” over
8 to and including “(NCMS)” in line 2 on page 38 and in-
9 sert: : *Provided, That not less than \$74,000,000 of the funds*
10 *appropriated in this paragraph shall be made available*
11 *only for development of the Global Positioning System*
12 *(GPS) Aided Relative Synthetic Aperture Radar Targeting/*
13 *GPS-Aided Munitions (GATS/GAM) capability for the B-*
14 *2 Advanced Technology Bomber: Provided further, That of*
15 *the funds appropriated in this paragraph, not less than*
16 *\$15,000,000 of the funds in the Advanced Weapons program*
17 *element shall be made available only to continue the estab-*
18 *lishment and operation of an image information processing*
19 *center supporting the Air Force Maui Space Surveillance*
20 *Site (MSSS): Provided further, That of the funds appro-*
21 *priated in this paragraph, \$2,000,000 shall be made avail-*
22 *able only for development and testing of down-sized test*
23 *equipment for the F-15*

1 **(101)**Page 38, line 12, strike out **[\$9,376,918,000]** and
2 insert: *\$8,296,588,000*

3 **(102)**Page 38, line 13, strike out all after “1995” over
4 to and including “programs” in line 4 on page 39

5 **(103)**Page 39, line 4, strike out all after “programs”
6 over to and including “search” in line 18 on page 41 and
7 insert: *: Provided, That of the funds appropriated in this*
8 *paragraph, not less than \$5,000,000 of the funds in the*
9 *High Performance Computing Modernization program ele-*
10 *ment shall be made available only to upgrade the*
11 *supercomputing capability and capacity of the Maui High*
12 *Performance Computing Center*

13 **(104)**Page 41, line 18, after “search” insert: *: Provided*
14 *further, That of the funds appropriated under this heading,*
15 *\$10,500,000 shall be available only for the ARPA Nuclear*
16 *Nonproliferation Technology Initiative*

17 **(105)**Page 41, line 18, after “search” insert: *: Provided*
18 *further, That of the funds appropriated in this paragraph,*
19 *\$6,500,000 shall be available for the establishment and op-*
20 *eration of a Joint Simulation Center for Warfighting Con-*
21 *cepts and Doctrine Development: Provided further, That of*
22 *the funds appropriated in this paragraph, \$5,000,000 shall*
23 *be available for the establishment of a Peace Enforcement*
24 *Doctrine Development Center*

1 **(106)**Page 41, line 18, after “search” insert: : *Provided*
2 *further, That of the funds appropriated under this heading,*
3 *\$4,600,000 shall be made available only for the design and*
4 *demonstration of the Yankee Methanol Plantship*

5 **(107)**Page 42, line 1, strike out **【\$232,592,000】** and
6 insert: *\$228,047,000*

7 **(108)**Page 42, line 17, strike out **【\$1,091,100,000】** and
8 insert: *\$1,161,095,000*

9 **(109)**Page 42, line 17, strike out all after
10 “\$1,091,100,000” down to and including “operations” in
11 line 24

12 **(110)**Page 43, line 1, strike out **【SEALIFT】** and insert:
13 *STRATEGIC LIFT*

14 **(111)**Page 43, strike out line 2

15 **(112)**Page 43, line 3, strike out **【Sealift】** and insert:
16 *Strategic Lift*

17 **(113)**Page 43, line 4, strike out **【\$490,800,000】** and
18 insert: *\$2,669,100,000*

19 **(114)**Page 43, line 5, strike out all after “expended”
20 over to and including “weight” in line 2 on page 44

21 **(115)**Page 44, line 8, strike out **【\$9,644,447,000】** and
22 insert: *\$9,576,209,000*

1 **(116)**Page 44, line 9, strike out **[\$9,368,185,000]** and
2 insert: *\$9,303,447,000*

3 **(117)**Page 44, line 10, strike out **[\$276,262,000]** and
4 insert: *\$272,762,000*

5 **(118)**Page 44, line 21, after “tucky” insert: *and that*
6 *one multi-state region shall include the State of New Mexico*

7 **(119)**Page 44, line 21, strike out all after “tucky” over
8 to and including “law” in line 2 on page 45 and insert:
9 : *Provided further, That of the funds appropriated under*
10 *this heading, not less than \$1,410,000 shall be made avail-*
11 *able only for annual incentive pay bonuses for certified*
12 *nurse anesthetists: Provided further, That of the funds ap-*
13 *propriated under this heading, not less than \$3,000,000*
14 *shall be made available only for nursing research programs:*
15 *Provided further, That of the funds appropriated under this*
16 *heading, \$1,500,000 shall be made available for the Na-*
17 *tional Museum of Health and Medicine*

18 **(120)**Page 45, line 11, strike out **[\$397,561,000]** and
19 insert: *\$395,847,000*

20 **(121)**Page 45, line 12, strike out **[\$292,061,000]** and
21 insert: *\$278,361,000*

22 **(122)**Page 45, line 13, strike out **[\$74,800,000]** and
23 insert: *\$65,886,000, shall be for Procurement*

1 (123)Page 45, line 14, strike out **【shall be for Procure-**
2 **ment,】**

3 (124)Page 45, line 14, strike out **【\$30,700,000】** and
4 insert: *\$51,600,000, shall be for Research, development, test*
5 *and evaluation*

6 (125)Page 45, lines 15 and 16, strike out **【, shall be**
7 **for Research, development, test and evaluation】**

8 (126)Page 45, line 16, strike out all after “evaluation”
9 down to and including “law” in line 18

10 (127)Page 46, line 3, strike out **【\$757,785,000】** and
11 insert: *\$1,080,656,000*

12 (128)Page 46, line 9, strike out all after “Act” down
13 to and including “Initiative” in line 12

14 (129)Page 46, line 17, strike out **【\$169,801,000】** and
15 insert: *\$127,601,000*

16 (130)Page 46, line 17, strike out **【\$169,001,000】** and
17 insert: *\$126,801,000*

18 (131)Page 47, strike out line 3

19 (132)Page 47, strike out lines 12 to 20 and insert:

1 *For the purposes of Title VIII of Public Law 102–183,*
2 *\$24,000,000 to be derived from the National Security Edu-*
3 *cation Trust Fund, to remain available until expended.*

4 **(133)**Page 47, line 23, strike out **【\$114,688,000】** and
5 insert: *\$115,788,000*

6 **(134)**Page 48, line 22, after “1980” insert: *: Provided*
7 *further, That the limitations of this provision shall not*
8 *apply to foreign national employees of the Department of*
9 *Defense in the Republic of Turkey*

10 **(135)**Page 49, strike out lines 14 to 18

11 **(136)**Page 49, line 23, strike out **【\$2,000,000,000】** and
12 insert: *\$1,500,000,000*

13 **(137)**Page 54, strike out all after line 3 over to and
14 including line 3 on page 55 and insert:

15 *SEC. 8012. Within the funds appropriated for the oper-*
16 *ation and maintenance of the Armed Forces, funds are here-*
17 *by appropriated pursuant to section 401 of title 10, United*
18 *States Code, for humanitarian and civic assistance costs*
19 *under chapter 20 of title 10, United States Code. Such funds*
20 *may also be obligated for humanitarian and civic assist-*
21 *ance costs incidental to authorized operations and pursuant*
22 *to authority granted in section 401 of chapter 20 of title*
23 *10, United States Code, and these obligations shall be re-*

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

17 **(138)**Page 55, strike out all after line 11 over to and
18 including line 4 on page 56 and insert:

19 *SEC. 8014. Notwithstanding any other provision of*
20 *law, none of the funds made available by this Act shall be*
21 *used by the Department of Defense to exceed, outside the*
22 *fifty United States, its territories, and the District of Co-*
23 *lumbia, 131,250 civilian workyears: Provided, That*
24 *workyears shall be applied as defined in the Federal Person-*
25 *nel Manual: Provided further, That workyears expended in*

1 *dependent student hiring programs for disadvantaged*
2 *youths shall not be included in this workyear limitation.*

3 **(139)**Page 60, strike out all after line 5 over to and
4 including line 4 on page 62, and insert:

5 *SEC. 8023. None of the funds appropriated or made*
6 *available by this Act may be obligated for acquisition of*
7 *major automated information systems which have not suc-*
8 *cessfully completed oversight reviews required by Defense*
9 *Department regulations: Provided, That none of the funds*
10 *appropriated or made available by this Act may be obli-*
11 *gated on Composite Health Care System acquisition con-*
12 *tracts if such contracts would cause the total life cycle cost*
13 *estimate of \$1,600,000,000 expressed in fiscal year 1986*
14 *constant dollars to be exceeded.*

15 **(140)**Page 62, strike out all after line 15 over to and
16 including line 23 on page 64 and insert:

17 *SEC. 8025. None of the funds appropriated by this Act*
18 *may be used to establish new region-wide, at-risk, fixed*
19 *price managed care contracts possessing features similar to*
20 *those of the CHAMPUS Reform Initiative until such time*
21 *as the Secretary of Defense submits to the Congress a plan*
22 *to implement a nation-wide managed health care program*
23 *for the military health services system: Provided, That the*
24 *program shall include, but not be limited to: (1) a uniform,*
25 *stabilized benefit structure characterized by a triple option*

1 *health benefit feature; (2) a regionally-based health care*
2 *management system; (3) cost minimization incentives in-*
3 *cluding “gatekeeping” and annual enrollment procedures,*
4 *capitation budgeting, and at-risk provider contracts; and*
5 *(4) full and open competition for all managed care support*
6 *contracts: Provided further, That the implementation of the*
7 *nation-wide managed care military health services system*
8 *shall be completed by September 30, 1996.*

9 **(141)**Page 66, strike out all after line 17 over to and
10 including line 22 on page 68 and insert:

11 *SEC. 8028. None of the funds appropriated or other-*
12 *wise made available by this Act may be obligated or ex-*
13 *pended for development or procurement of any automated*
14 *Computer Aided Logistics system unless specific approval*
15 *for such system is provided in writing to the Committees*
16 *on Appropriations and Armed Services of the House and*
17 *Senate by the Deputy Under Secretary of Defense (Logis-*
18 *tics) at least 30 days prior to any contract solicitation.*

19 **(142)**Page 68, strike out all after line 22 over to and
20 including line 21 on page 69, and insert:

21 *SEC. 8029. Notwithstanding any other provision of*
22 *law, none of the funds appropriated in this Act may be*
23 *used to purchase, install, replace, or otherwise repair any*
24 *lock on a safe or security container which protects informa-*
25 *tion critical to national security or any other classified ma-*

1 *terials and which has not been certified as passing the secu-*
2 *rity lock specifications contained in regulation FF-L-2740*
3 *dated October 12, 1989, and has not passed all testing cri-*
4 *teria and procedures established through February 28,*
5 *1992.*

6 **(143)**Page 69, strike out all after line 21 over to and
7 including line 2 on page 71 and insert:

8 *SEC. 8030. None of the funds available to the Depart-*
9 *ment of the Navy may be used to enter into any contract*
10 *for the overhaul, repair, or maintenance of any naval vessel*
11 *homeported on the West Coast of the United States which*
12 *includes charges for interport differential as an evaluation*
13 *factor for award.*

14 **(144)**Page 73, strike out all after line 16 over to and
15 including line 10 on page 75

16 **(145)**Page 75, after line 10 insert:

17 *SEC. 8035. Such sums as may be necessary for fiscal*
18 *year 1994 pay raises for programs funded by this Act shall*
19 *be derived from funds within the amounts appropriated in*
20 *this Act.*

21 **(146)**Page 78, line 19, strike out **[the Letterman Army**
22 **Institute of Research]** and insert: *any Army Research*
23 *Laboratory*

1 **(147)**Page 79, strike out all after line 16 over to and
2 including line 4 on page 80 and insert:

3 *SEC. 8046. Notwithstanding any other provision of*
4 *law, each contract awarded by the Department of Defense*
5 *in fiscal year 1994 for construction or service performed*
6 *in whole or in part in a State which is not contiguous with*
7 *another State and has an unemployment rate in excess of*
8 *the national average rate of unemployment as determined*
9 *by the Secretary of Labor shall include a provision requir-*
10 *ing the contractor to employ, for the purpose of performing*
11 *that portion of the contract in such State that is not contig-*
12 *uous with another State, individuals who are residents of*
13 *such State and who, in the case of any craft or trade, pos-*
14 *sess or would be able to acquire promptly the necessary*
15 *skills: Provided, That the Secretary of Defense may waive*
16 *the requirements of this section in the interest of national*
17 *security.*

18 **(148)**Page 82, strike out lines 9 to 18 and insert:

19 *SEC. 8051. Notwithstanding any other provision of*
20 *law, a qualified Indian Tribal or Alaska Native Corpora-*
21 *tion which enters into a joint venture with a qualified small*
22 *business concern shall not be denied the opportunity to com-*
23 *pete for and be awarded a procurement contract to supply*
24 *a product under the program provided for by section 2323*
25 *of title 10, United States Code, solely because the Indian*

1 *Tribal or Alaska Native Corporation is not the actual man-*
2 *ufacturer or processor of the product to be supplied.*

3 **(149)**Page 82, line 20, strike out **【\$11,679,000】** and
4 insert: *\$10,596,000*

5 **(150)**Page 82, line 21, strike out **【\$4,642,000】** and in-
6 sert: *\$4,471,000*

7 **(151)**Page 84, strike out lines 13 to 24 and insert:

8 *SEC. 8056. Notwithstanding any other provision of*
9 *law, in addition to the funds made available elsewhere in*
10 *this Act to the Department of the Navy, \$60,000,000 to re-*
11 *main available until expended, shall be made available only*
12 *for obligations incurred in the conveyance, clean-up, and*
13 *restoration of Kaho'olawe Island.*

14 **(152)**Page 85, strike out lines 14 to 25 and insert:

15 *SEC. 8059. Of the funds made available by this Act*
16 *in title III, Procurement, \$8,000,000, drawn pro rata from*
17 *each appropriations account in title III, shall be available*
18 *for incentive payments authorized by section 504 of the In-*
19 *dian Financing Act of 1974, 25 U.S.C. 1544. These pay-*
20 *ments shall be available only to contractors which have sub-*
21 *mitted subcontracting plans pursuant to 15 U.S.C.*
22 *637(d)(4)(B), and according to regulations which shall be*
23 *promulgated by the Secretary of Defense within 90 days*
24 *of the passage of this Act.*

1 **(153)**Page 86, line 17, strike out **【such appropriations**
2 as necessary**】** and insert: *\$20,000,000,*

3 **(154)**Page 88, after line 17, insert:

4 *(c) Notwithstanding any other provision of law, of the*
5 *amounts available to the Department of Defense during fis-*
6 *cal year 1994, not more than \$1,352,650,000 may be obli-*
7 *gated for financing activities of federally funded research*
8 *and development centers.*

9 *(d) The total amount appropriated for research, devel-*
10 *opment, test and evaluation by this Act is hereby reduced*
11 *by \$200,000,000 to reflect the obligation limitation con-*
12 *tained in subsection (c).*

13 **(155)**Page 88, strike out all after line 17 over to and
14 including line 18 on page 90 and insert:

15 *SEC. 8065. None of the funds available to the Depart-*
16 *ment of Defense during the current fiscal year may be obli-*
17 *gated or expended to develop for aircraft or helicopter weap-*
18 *ons systems an airborne instrumentation system for flight*
19 *test data acquisition, or to develop or implement modifica-*
20 *tions to an existing airborne instrumentation system, other*
21 *than the Common Airborne Instrumentation System under*
22 *development in the Central Test and Evaluation Investment*
23 *Development program element funded in the “Developmen-*
24 *tal Test and Evaluation, Defense” appropriations account.*

1 *SEC. 8066. None of the unobligated balances available*
2 *in the National Defense Stockpile Transaction Fund during*
3 *the current fiscal year may be obligated or expended to fi-*
4 *nance any grant or contract to conduct research, develop-*
5 *ment, test and evaluation activities for the development or*
6 *production of advanced materials, unless amounts for such*
7 *purposes are specifically appropriated in a subsequent ap-*
8 *propriations Act.*

9 **(156)**Page 92, strike out all after line 21 over to and
10 including line 18 on page 95 and insert:

11 *SEC. 8070. Notwithstanding any other provision of*
12 *law, any statutorily-required analysis of the impact on the*
13 *defense technology and industrial base of terminations and*
14 *significant reductions of major research and development*
15 *programs and procurement programs of the Department of*
16 *Defense shall address only those actions recommended by*
17 *the Defense Department in its annual budget request and*
18 *amendments thereto, supplemental requests, or proposed re-*
19 *scissions.*

20 **(157)**Page 97, strike out lines 3 to 13 and insert:

21 *SEC. 8075. None of the funds in this or any other Act*
22 *shall be available for the preparation of studies on—*

23 *(a) the feasibility of removal and transportation*
24 *of unitary chemical weapons from the eight chemical*
25 *storage sites within the continental United States:*

1 *Provided, That this prohibition shall not apply to*
 2 *non-stockpile material in the United States or to*
 3 *studies needed for environmental analysis required by*
 4 *the National Environmental Policy Act; and*

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

11 **(158)**Page 99, line 11, strike out **【Facility,】** and insert:
 12 *Facility or*

13 **(159)**Page 99, lines 12 and 13, strike out **【, or any**
 14 other building not an integral part of the present Penta-
 15 gon building**】**

16 **(160)**Page 99, strike out lines 22 to 25

17 **(161)**Page 99, after line 25 insert:

18 *SEC. 8083. Notwithstanding any other provision of*
 19 *law, the Naval shipyards of the United States shall be eligi-*
 20 *ble to participate in any manufacturing extension program*
 21 *financed by funds appropriated in this or any other Act.*

22 **(162)**Page 100, line 8, after “Act” insert: *: Provided*
 23 *further, That \$5,000,000 of the funds made available by this*

1 *section shall be available until September 30, 1995 for ex-*
2 *penses associated with the construction and modification of*
3 *facilities to support the relocation of military training pro-*
4 *grams from installations in the Philippines to sites in the*
5 *United States*

6 **(163)**Page 101, strike out lines 5 to 9 and insert:

7 *SEC. 8088. None of the funds available to the Depart-*
8 *ment of Defense for establishing a Naval East Coast Elec-*
9 *tronics Engineering Center may be obligated or expended*
10 *for the establishment of such Headquarters at any location*
11 *other than Charleston, South Carolina: Provided, That no*
12 *such funds may be obligated or expended for the establish-*
13 *ment or operation of subordinate detachments at St.*
14 *Inigoes, Maryland, and Portsmouth, Virginia, with man-*
15 *ning levels or broader functions than that specifically stated*
16 *in the 1993 Report to the President of the Defense Base*
17 *Closure and Realignment Commission.*

18 **(164)**Page 101, strike out all after line 9 over to and
19 including line 8 on page 102 and insert:

20 *SEC. 8089. (a) Notwithstanding any other provision*
21 *of law, funds appropriated under this Act for the Depart-*
22 *ment of Defense shall be made available for the Overseas*
23 *Workload Program: Provided, That a firm of any member*
24 *nation of the North Atlantic Treaty Organization (NATO)*
25 *or of any major non-NATO ally or countries in the Euro-*

1 *pean Theater, shall be eligible to bid on any contract for*
2 *the maintenance, repair, or overhaul of equipment of the*
3 *Department of Defense to be awarded under competitive*
4 *procedures as part of the program of the Department of De-*
5 *fense known as the Overseas Workload Program.*

6 *(b) A contract awarded during fiscal year 1994, or*
7 *thereafter, to a firm described in subsection (a) may be per-*
8 *formed in the theater in which the equipment is normally*
9 *located or in the country in which the firm is located.*

10 *(c) For purposes only of this section, Israel shall be*
11 *considered in the European Theater in every respect, with*
12 *its firms fully eligible for nonrestrictive, nondiscriminatory*
13 *contract competition under the Overseas Workload Pro-*
14 *gram.*

15 *(d) No funds appropriated for the Overseas Workload*
16 *Program for fiscal year 1994 or thereafter shall be used for*
17 *contracts awarded in fiscal year 1994 or thereafter which*
18 *have not been opened for competition in a manner consist-*
19 *ent with this provision.*

20 **(165)**Page 102, strike out lines 9 to 21 and insert:

21 *SEC. 8090. None of the funds available to the Depart-*
22 *ment of the Air Force shall be available to establish or sup-*
23 *port any organic depot maintenance support activity for*
24 *the B-2 bomber.*

1 ~~(166)~~Page 102, strike out all after line 21 over to and
2 including line 22 on page 103 and insert:

3 *SEC. 8091. (a) Any college, university, or other institu-*
4 *tion which has been determined by the Defense Contract*
5 *Audit Agency to have overbilled the Federal Government for*
6 *indirect costs which are unreasonable, unallowable, or*
7 *unallocable under Office of Management and Budget Circu-*
8 *lars A-21 and A-133 may not receive from the Department*
9 *of Defense, during fiscal year 1994, any grant or contract,*
10 *or combination of grants or contracts, which totals the*
11 *amount overbilled to the Department of Defense.*

12 *(b) The restriction in subsection (a) shall not apply*
13 *if, within six months after an official determination of*
14 *overbilling—*

15 *(1) the institution in question either repays in*
16 *full to the United States Treasury the amount*
17 *overbilled to the Federal Government, plus interest, or*

18 *(2) the Under Secretary of Defense for Acquisi-*
19 *tion certifies in writing to Congress that the institu-*
20 *tion is no longer liable for such restitution, or that*
21 *the dispute has become the subject of formal judicial*
22 *review.*

23 *(c) The restriction in subsection (a) shall only apply to*
24 *any college, university, or other institution which has been*
25 *determined by the Defense Contract Audit Agency to have*

1 *overbilled the Federal Government by an amount which*
2 *equals or exceeds \$15,000,000.*

3 **(167)**Page 104, line 2, strike out **【\$50,000】** and insert:
4 *\$25,000*

5 **(168)**Page 104, line 4, strike out **【or indirect】**

6 **(169)**Page 104, strike out lines 7 to 12 and insert:

7 *SEC. 8094. Of the funds appropriated to the Depart-*
8 *ment of Defense for Operation and Maintenance, Defense-*
9 *Wide, not less than \$8,000,000 shall be made available until*
10 *expended to the Administration for Native Americans with-*
11 *in 90 days of enactment of this Act only for the mitigation*
12 *of environmental impacts, including the gathering of infor-*
13 *mation, documenting of environmental damage, and devel-*
14 *oping a system for prioritization of mitigation, on Indian*
15 *lands resulting from Department of Defense activities.*

16 **(170)**Page 104, strike out lines 19 to 25 and insert:

17 *SEC. 8096. None of the funds available to the Depart-*
18 *ment of Defense shall be used for the training or utilization*
19 *of psychologists in the prescription of drugs, except pursu-*
20 *ant to the findings and recommendations of the Army Sur-*
21 *geon General's Blue Ribbon Panel as specified in its Feb-*
22 *ruary and August 1990 meeting minutes.*

23 **(171)**Page 105, strike out lines 1 to 23 and insert:

1 *SEC. 8097. During the current fiscal year, obligations*
2 *against the stock funds of the Department of Defense may*
3 *not be incurred in excess of 70 percent of sales from such*
4 *stock funds during the current fiscal year: Provided, That*
5 *in determining the amount of obligations against, and sales*
6 *from the stock funds, obligations and sales for fuel, subsist-*
7 *ence, commissary items, retail operations, the cost of oper-*
8 *ations, and repair of spare parts shall be excluded: Provided*
9 *further, That upon a determination by the Secretary of De-*
10 *fense that such action is critical to the national security*
11 *of the United States, the Secretary may waive the provi-*
12 *sions of this section: Provided further, That if the provisions*
13 *of this section are waived, the Secretary shall immediately*
14 *notify the Congress of the waiver and the reasons for such*
15 *a waiver.*

16 **(172)**Page 105, strike out all after line 23 over to and
17 including line 12 on page 106 and insert:

18 *SEC. 8098. None of the funds provided in this Act shall*
19 *be available for use by a Military Department to modify*
20 *an aircraft, weapon, ship or other item of equipment, that*
21 *the Military Department concerned plans to retire or other-*
22 *wise dispose of within five years after completion of the*
23 *modification: Provided, That this prohibition shall not*
24 *apply to safety modifications: Provided further, That this*
25 *prohibition may be waived by the Secretary of a Military*

1 *Department if the Secretary determines it is in the best na-*
2 *tional security interest of the country to provide such waiv-*
3 *er and so notifies the congressional defense committees in*
4 *writing.*

5 **(173)**Page 107, after line 18, insert:

6 *SEC. 8099A. None of the funds appropriated by this*
7 *Act shall be used for the support of any nonappropriated*
8 *funds activity of the Department of Defense that procures*
9 *malt beverages, wine and cigarettes with nonappropriated*
10 *funds for resale (including such alcoholic beverages sold by*
11 *the drink) on a military installation located in the United*
12 *States unless such malt beverages, wine and cigarettes are*
13 *procured within that State, or in the case of the District*
14 *of Columbia, within the District of Columbia, in which the*
15 *military installation is located: Provided, That in a case*
16 *in which the military installation is located in more than*
17 *one State, purchases may be made in any State in which*
18 *the installation is located: Provided further, That such local*
19 *procurement requirements for malt beverages, wine and*
20 *cigarettes shall apply to all alcoholic beverages and ciga-*
21 *rettes only for military installations in States which are*
22 *not contiguous with another State: Provided further, That*
23 *alcoholic beverages other than wine and malt beverages, and*
24 *cigarettes, in contiguous States and the District of Colum-*

1 *bia shall be procured from the most competitive source,*
2 *price and other factors considered.*

3 **(174)**Page 108, strike out lines 7 to 23 and insert:

4 *SEC. 8102. (a) Of the amounts available to the Depart-*
5 *ment of Defense for fiscal year 1994, not less than*
6 *\$10,000,000 shall be available for National Defense Science*
7 *and Engineering Graduate Fellowships to be awarded on*
8 *a competitive basis by the Secretary of Defense to United*
9 *States citizens or nationals pursuing advanced degrees in*
10 *fields of primary concern and interest to the Department.*

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

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

23 **(175)**Page 109, lines 4 and 5, strike out **[and there-**
24 **after,]**

1 (176)Page 109, lines 9 and 10, strike out [and there-
2 after,]

3 (177)Page 109, lines 21 and 22 strike out [and there-
4 after,]

5 (178)Page 110, strike out all after line 13 over to and
6 including line 7 on page 115 and insert:

7 *SEC. 8109. None of the funds appropriated by this Act*
8 *shall be used to begin closing a military treatment facility*
9 *unless the Secretary of Defense notifies the Committees on*
10 *Appropriations of the House of Representatives and the*
11 *Senate ninety days prior to such action.*

12 *SEC. 8110. The Secretary of Defense is authorized to*
13 *provide optional summer school programs in addition to*
14 *the programs otherwise authorized by the Defense Depend-*
15 *ents Education Act of 1978 (Public Law 95-561), and to*
16 *charge a fee for participation in such optional education*
17 *programs. Optional summer school program fees shall be*
18 *made available for use by the Secretary to defray the costs*
19 *of summer school operations.*

20 *SEC. 8111. Unobligated balances of the funds appro-*
21 *priated in Public Law 102-172 and Public Law 102-396*
22 *under the headings "World University Games", "Summer*
23 *Olympics" and "World Cup USA 1994" in title II of those*
24 *Acts shall, notwithstanding any other section of those Acts,*
25 *remain available for obligation until September 30, 1995.*

1 *SEC. 8112. Notwithstanding any other provision of*
2 *law, reimbursements received from the North Atlantic Trea-*
3 *ty Organization for the E-3 Airborne Warning and Control*
4 *System (AWACS) Radar System Improvement Program*
5 *(RSIP) attributable to development work for fiscal years*
6 *1987 through 1992 shall be available to the Air Force until*
7 *September 30, 1994, for meeting that service's financial*
8 *commitments for the AWACS RSIP.*

9 *SEC. 8113. (a) None of the funds appropriated or oth-*
10 *erwise made available in this Act may be used to transport*
11 *or provide for the transportation of chemical munitions to*
12 *the Johnston Atoll for the purpose of storing or demilitariz-*
13 *ing such munitions.*

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

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

21 *SEC. 8114. None of the funds available to the Depart-*
22 *ment of Defense may be used to support the relocation of*
23 *P-3 aircraft squadrons or other aircraft or units from the*
24 *Naval Air Station at Barbers Point, Hawaii unless such*
25 *relocation was specifically stated in the 1993 Report to the*

1 *President of the Defense Base Closure and Realignment*
2 *Commission.*

3 *SEC. 8115. (a) No funds available to the Air Force*
4 *during fiscal year 1994 may be obligated or expended for*
5 *any research, development, test, or evaluation activities to*
6 *upgrade the current capabilities of the B-1B bomber unless*
7 *the Secretary of Defense certifies to the Congressional de-*
8 *fense committees that the entire B-1B upgrade program is*
9 *militarily-required, affordable, and fully funded in the Fu-*
10 *ture Years Defense Program for fiscal years 1995-2000.*

11 *(b) Of the funds appropriated for the Department of*
12 *Defense for fiscal year 1993 under the heading "Research,*
13 *Development, Test and Evaluation, Air Force" in Title IV*
14 *of Public Law 102-396, the following amount is hereby re-*
15 *scinded: \$31,000,000.*

16 *SEC. 8116. The Secretary of Defense is authorized to*
17 *use, for foreign military sales otherwise authorized under*
18 *Chapter 39, title 22 United States Code or for transfer to*
19 *United States Army, Army National Guard, or Army Re-*
20 *serves, articles and services procured for the implementation*
21 *of the Italian air defense agreements: Provided, That the*
22 *term "Italian air defense agreements" has the meaning*
23 *given such term in Section 1050 of Public Law 102-190,*
24 *(105 Stat. 1469): Provided further, That section 1050 of*
25 *Public Law 102-190 (105 Stat. 1469) is repealed.*

1 *SEC. 8117. None of the funds appropriated or other-*
2 *wise made available by this or any other Act may be made*
3 *available for the Department of Defense to develop, acquire,*
4 *by purchase or otherwise, any 52 caliber-variant of the*
5 *M109 155mm self-propelled howitzer.*

6 *SEC. 8118. Notwithstanding any other provision of*
7 *law, funds and credits received from the contractor under*
8 *contract warranties for the failure of the first ultra high*
9 *frequency follow-on satellite shall no longer be available for*
10 *a replacement ultra high frequency satellite but shall be*
11 *made available to finance a replacement extremely high fre-*
12 *quency satellite and its launch.*

13 **(179)**Page 115, strike out lines 18 to 21 and insert:

14 *Under the heading, "Research, Development,*
15 *Test and Evaluation, Navy, 1993/1994",*
16 *\$3,459,000;*

17 **(180)**Page 116, strike out lines 2 to 24 and insert:

18 *Under the heading, "Aircraft Procurement,*
19 *Navy, 1993/1995", \$3,400,000;*

20 *Under the heading, "National Guard and*
21 *Reserve Equipment, 1993/1995", \$21,208,000;*

22 *Under the heading, "Research, Development,*
23 *Test and Evaluation, Navy, 1993/1994",*
24 *\$88,846,000;*

1 **(181)**Page 117, line 11, strike out **【\$28,890,000】** and
2 insert: *\$57,600,000*

3 **(182)**Page 117, strike out lines 12 to 24 and insert:

4 *Under the heading, “Weapons Procurement,*
5 *Navy, 1992/1994”, \$36,000,000;*

6 *Under the heading, “Other Procurement,*
7 *Navy, 1993/1995”, \$66,756,000;*

8 **(183)**Page 118, strike out lines 14 to 18 and insert:

9 *Under the heading, “Shipbuilding and Con-*
10 *version, Navy, 1990/1994”:*

11 *AOE combat support ship program,*
12 *\$3,505,000;*

13 *Oceanographic ship program,*
14 *\$538,000;*

15 *Craft, outfitting, post delivery, and*
16 *ship special support equipment, \$994,000;*

17 *Under the heading, “Weapons Procurement,*
18 *Navy, 1993/1995”, \$49,868,000;*

19 **(184)**Page 119, strike out lines 3 and 4

20 **(185)**Page 119, after line 5 insert:

21 *Under the heading, “Shipbuilding and Con-*
22 *version, Navy, 1991/1995”:*

23 *For craft, outfitting, and post delivery,*
24 *\$45,865,000;*

1 *Under the heading, “Shipbuilding and Con-*
 2 *version, Navy, 1992/1996”:*

3 *DDG-51 destroyer program,*
 4 *\$41,800,000;*

5 *For craft, outfitting, post delivery, and*
 6 *DBOF transfer, \$6,260,000;*

7 *Under the heading, “Shipbuilding and Con-*
 8 *version, Navy, 1993/1997”:*

9 *DDG-51 destroyer program,*
 10 *\$14,400,000;*

11 *MHC coastal mine hunter program,*
 12 *\$9,343,000;*

13 *For craft, outfitting, post delivery, and*
 14 *first destination transportation, and infla-*
 15 *tion adjustments, \$45,177,000;*

16 **(186)**Page 119, line 7, strike out **[\$24,015,000]** and
 17 insert: *\$100,382,000*

18 **(187)**Page 119, line 9, strike out **[\$102,439,000]** and
 19 insert: *\$6,044,000*

20 **(188)**Page 119, line 14, strike out **[\$70,654,000]** and
 21 insert: *\$237,971,000*

22 **(189)**Page 119, line 16, strike out all after
 23 “\$31,300,000” down to and including “\$24,500,000” in
 24 line 20

1 **(190)**Page 119, strike out all after line 20 over to and
2 including line 8 on page 120 and insert:

3 *SEC. 8121. Notwithstanding any other provision of*
4 *law, funds appropriated in this Act for the upgrade, pur-*
5 *chase, or modernization of supercomputing capability and*
6 *capacity under the High Performance Computing Mod-*
7 *ernization program shall only be available for contracts,*
8 *contract modifications, or contract options which are*
9 *awarded without regard to the architecture or design of the*
10 *supercomputer system.*

11 *SEC. 8122. Amounts collected for the use of the facili-*
12 *ties of the National Science Center for Communications and*
13 *Electronics during the current fiscal year pursuant to sec-*
14 *tion 1459(g) of the Department of Defense Authorization*
15 *Act, 1986 and deposited to the special account established*
16 *under subsection 1459(g)(2) of that Act are appropriated*
17 *and shall be available until expended for the operation and*
18 *maintenance of the Center as provided for in subsection*
19 *1459(g)(2).*

20 **(191)**Page 120, strike out all after line 22 over to and
21 including line 12 on page 121 and insert:

22 *SEC. 8124. During the current fiscal year, funds re-*
23 *ceived from the sale of tanks and infantry fighting vehicles*
24 *under section 21 of the Arms Export Control Act (22 U.S.C.*
25 *2761) shall be available for the upgrading of tanks, infantry*

1 *fighting vehicles or armored personnel carriers in the man-*
2 *ner and to the extent specified by subsections 21(j)(1) and*
3 *(2) of that Act (22 U.S.C. 2761(j)(1) and (2)).*

4 *SEC. 8125. Amounts appropriated in this Act which*
5 *are available for the Small Business Innovation Research*
6 *Program and the Small Business Technology Transfer Pilot*
7 *Program portions of the extramural research and develop-*
8 *ment budget of the Department of Defense shall be the*
9 *amounts specifically identified for those programs in the*
10 *supporting documentation accompanying the Budget sub-*
11 *mitted for the Department of Defense, notwithstanding sec-*
12 *tions 9(f)(1) and (n)(1) of the Small Business Act (15*
13 *U.S.C. 638(f)(1) and (n)(1)).*

14 **(192)**Page 121, strike out all after line 12 over to and
15 including line 11 on page 123 and insert:

16 *SEC. 8126. None of the funds appropriated by this or*
17 *any other Act with respect to any fiscal year for the Navy*
18 *may be used to carry out an electromagnetic pulse program*
19 *in the Chesapeake Bay area in connection with the Electro-*
20 *magnetic Pulse Radiation Environment Simulator for*
21 *Ships (EMPRESS II) program unless or until the Sec-*
22 *retary of Defense certifies to the Congress that conduct of*
23 *the EMPRESS II program is essential to the national secu-*
24 *rity of the United States and to achieving requisite military*
25 *capability for United States naval vessels, and that the eco-*

1 *conomic, environmental, and social costs to the United States*
2 *of conducting the EMPRESS II program in the Chesapeake*
3 *Bay area are far less than the economic, environmental,*
4 *and social costs caused by conducting the EMPRESS II*
5 *program elsewhere.*

6 *SEC. 8127. Military personnel who separate from a*
7 *military department under the Voluntary Separation Ini-*
8 *tiative (VSI) or the Special Separation Bonus (SSB), and*
9 *who are eligible for service continuation bonuses such as*
10 *the reenlistment bonus or aviation continuation pay during*
11 *the same year in which they separate, will receive separa-*
12 *tion payments reduced by an amount equal to the amount*
13 *of the continuation bonus received by the member in the*
14 *year in which the member separates: Provided, That any*
15 *future continuation bonus payments to which the member*
16 *would otherwise be entitled are rescinded: Provided further,*
17 *That civilian employees of the Department of Defense are*
18 *prohibited from receiving voluntary separation payments*
19 *if such employees are rehired by another agency of the Fed-*
20 *eral Government within one hundred and eighty days of*
21 *separating from the Department of Defense.*

22 *SEC. 8128. Under the heading "Research, Develop-*
23 *ment, Test and Evaluation, Army" in the Department of*
24 *Defense Appropriations Act, 1993 (Public Law 102-396),*
25 *delete the final proviso and insert in lieu thereof:*

1 “: Provided further, That of the funds appro-
2 priated in this paragraph, \$4,000,000 shall be used
3 only for a grant to the Assistive Technology Center at
4 the National Rehabilitation Hospital for laboratory
5 and other efforts associated with research and develop-
6 ment and other programs of major importance to the
7 Department of Defense”.

8 *SEC. 8129. None of the funds appropriated in this Act*
9 *may be used to pay for the costs of personnel, operations,*
10 *procurement of supplies or other items in support of the*
11 *Marshall Center.*

12 **(193)**Page 123, after line 17 insert:

13 *SEC. 8131. The appropriations made under the head-*
14 *ings “Operation and Maintenance, Navy” and “Operation*
15 *and Maintenance, Air Force” under chapter III of title XI*
16 *of the Dire Emergency Supplemental Appropriations Act,*
17 *1992, including disaster assistance to meet the present*
18 *emergencies arising from the consequences of Hurricane An-*
19 *drew, Typhoon Omar, Hurricane Iniki and other natural*
20 *disasters, and additional assistance to distressed commu-*
21 *nities (Public Law 102–368) are each amended by inserting*
22 *“, the August 8, 1993 earthquake in Guam” immediately*
23 *after “Typhoon Omar” and by striking out “September 30,*
24 *1993” and inserting “September 30, 1994” in lieu thereof.*

25 **(194)**Page 123, after line 17 insert:

1 *SEC. 8132. The appropriation, "Emergency Response*
2 *Fund, Defense" made under the heading "Emergency Re-*
3 *sponse Fund" by the Department of Defense Appropriations*
4 *Act, 1990 (Public Law 101-165) is amended by inserting*
5 *the following immediately after the third sentence: "In ad-*
6 *dition to the foregoing, upon a determination by the Sec-*
7 *retary of Defense that such action is necessary, the Fund*
8 *may be used, in addition to other funds available to the*
9 *Department of Defense for such purposes, for expenses of*
10 *the Department of Defense which are incurred in supplying*
11 *supplies or services furnished in response to natural or*
12 *manmade disasters."*

13 **(195)**Page 123, after line 17 insert:

14 *SEC. 8133. Of the funds appropriated or otherwise*
15 *made available by this Act not more than \$155,000,000*
16 *shall be available for payment of the operating costs of*
17 *NATO Headquarters.*

18 **(196)**Page 123, after line 17 insert:

19 *SEC. 8134. None of the funds appropriated by this Act*
20 *shall be available for a contract for studies, analyses, or*
21 *consulting services entered into without competition on the*
22 *basis of an unsolicited proposal unless the head of the activ-*
23 *ity responsible for the procurement determines:*

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

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

9 (3) *the purpose of the contract is to take advan-*
10 *tage of unique and significant industrial accomplish-*
11 *ment by a specific concern, or to insure that a new*
12 *product or idea of a specific concern is given finan-*
13 *cial support:*

14 *Provided, That this limitation shall not apply to contracts*
15 *in an amount of less than \$25,000, contracts related to im-*
16 *provements of equipment that is in development or produc-*
17 *tion, or contracts as to which a civilian official of the De-*
18 *partment of Defense, who has been confirmed by the Senate,*
19 *determines that the award of such contract is in the interest*
20 *of the national defense.*

21 **(197)**Page 123, after line 17 insert:

22 *SEC. 8135. Not later than January 1, 1994, the Sec-*
23 *retary of the Navy shall transfer, without reimbursement,*
24 *to the Secretary of State a tract of land consisting of ap-*
25 *proximately 10 acres, together with improvements thereon,*

1 *which comprise that portion of the Naval Base, Charleston,*
2 *South Carolina, bounded by Bainbridge Avenue, Holland*
3 *Street, and Dyess Avenue and known as buildings 646,*
4 *646A, 647, 643, 645, and 649, excluding building 644, and*
5 *all walkways and parking areas associated with such build-*
6 *ings: Provided, That the real property transferred pursuant*
7 *to this section shall be used by the Secretary of State in*
8 *support of diplomatic and consular operations: Provided*
9 *further, That the exact acreage and legal description of the*
10 *property to be transferred under this section shall be deter-*
11 *mined by a survey approved by the Secretary of the Navy.*

12 **(198)**Page 123, after line 17 insert:

13 *SEC. 8136. Notwithstanding any other provision of*
14 *law, the Secretary of Defense shall pay a death gratuity*
15 *to each Servicemen's Group Life Insurance (SGLI) bene-*
16 *ficiary of each deceased member of the uniformed services*
17 *who died after October 28, 1992 and before December 1,*
18 *1992, and whose death was a death in the performance of*
19 *duty: Provided, That the amount of the death gratuity pay-*
20 *able to each beneficiary under this section shall be equal*
21 *to the SGLI paid or payable to such beneficiary under Sub-*
22 *chapter III of chapter 19 of title 38, United States Code,*
23 *by reason of the death of such member: Provided further,*
24 *That no death gratuity shall be paid under this section*
25 *where the deceased member of the uniformed services affirm-*

1 *actively elected, in writing, to decline to apply for increased*
2 *SGLI coverage under paragraph (e) of section 1922A of title*
3 *38, United States Code: Provided further, That in the case*
4 *of a deceased member of the uniformed services who, prior*
5 *to death, affirmatively elected, in writing, to apply for an*
6 *increase in SGLI coverage in an amount less than \$100,000*
7 *under paragraph (e) of section 1922A of title 38, U.S.C.,*
8 *the death gratuity paid under this section shall be equal*
9 *to the amount of the increase so elected: Provided further,*
10 *That a death gratuity shall be payable under this section*
11 *to a SGLI beneficiary upon receipt of a written application*
12 *therefor by the Secretary of Defense not later than Septem-*
13 *ber 30, 1994: Provided further, That, in addition to*
14 *amounts appropriated elsewhere in this Act, \$5,300,000 is*
15 *appropriated and shall be available only for the settlement*
16 *of death gratuity claims under this section.*

17 **(199)**Page 123, after line 17 insert:

18 *(TRANSFER OF FUNDS)*

19 *SEC. 8137. During the current fiscal year and there-*
20 *after, sales of stockpiled material in the National Defense*
21 *Stockpile Transaction Fund in the Defense Business Oper-*
22 *ations Fund may be made in amounts not to exceed*
23 *\$500,000,000 in each fiscal year: Provided, That receipts*
24 *from such sales as well as available fund balances may be*
25 *transferred to any appropriation available to the Depart-*

1 *ment of Defense to be merged with and to be available for*
2 *the same purposes and same time period as the appropria-*
3 *tion to which transferred, or may be deposited to the mis-*
4 *cellaneous receipts of the Treasury: Provided further, That*
5 *the Secretary of Defense may impose a moratorium on the*
6 *acquisition of new material for the National Defense Stock-*
7 *pile for the purpose of reducing existing excess material in*
8 *the Stockpile.*

9 **(200)**Page 123, after line 17 insert:

10 *SEC. 8138. The Assistant Secretary of Defense for*
11 *Health Affairs shall, during the current fiscal year, initiate*
12 *a managed health care program for eligible beneficiaries in*
13 *the area of Homestead Air Force Base: Provided, That this*
14 *program shall provide benefits and services substantially*
15 *identical to those established to serve beneficiary popu-*
16 *lations in areas where military medical facilities have been*
17 *terminated, to include retail pharmacy networks available*
18 *to Medicare-eligible beneficiaries: Provided further, That the*
19 *Assistant Secretary of Defense for Health Affairs shall*
20 *present a plan to implement this program to the House and*
21 *Senate Committees on Appropriations not later than Janu-*
22 *ary 15, 1994.*

23 **(201)**Page 123, after line 17 insert:

1 (RESCISSIONS)

2 *SEC. 8139. Of the funds provided in Department of*
3 *Defense Appropriations Acts, the following funds are hereby*
4 *rescinded from the following accounts in the specified*
5 *amounts:*

6 "Aircraft Procurement, Army, 1993/1994",
7 \$42,700,000;

8 "Wheeled and Tracked Combat Vehicles, Army,
9 1993/1995", \$4,700,000;

10 "Procurement of Ammunition, Army, 1992/
11 1994", \$30,181,000;

12 "Procurement of Ammunition, Army, 1993/
13 1995", \$32,580,000;

14 "Weapons Procurement, Navy, 1992/1994",
15 \$15,000,000;

16 "Weapons Procurement, Navy, 1993/1995",
17 \$47,500,000;

18 "Other Procurement, Navy, 1993/1995",
19 \$26,600,000;

20 "Procurement, Marine Corps, 1992/1994",
21 \$10,285,000;

22 "Procurement, Marine Corps, 1993/1995",
23 \$6,508,000;

24 "Missile Procurement, Air Force, 1993/1995",
25 \$57,600,000;

1 “Other Procurement, Air Force, 1993/1995”,
2 \$63,206,000;

3 “Other Procurement, Air Force, 1992/1994”,
4 \$17,276,000;

5 “Research, Development, Test and Evaluation,
6 Navy, 1993/1994”, \$13,100,000.

7 **(202)**Page 123, after line 17 insert:

8 *SEC. 8140. In addition to amounts appropriated else-*
9 *where in this Act, \$25,000,000 is appropriated for the sub-*
10 *sidy of loan guarantees to carry out the program established*
11 *under section 1052 of S. 1298 as it passed the Senate on*
12 *September 14, 1993: Provided, That such section is enacted*
13 *into law.*

14 **(203)**Page 123, after line 17 insert:

15 *SEC. 8141. The Under Secretary of Defense for Acqui-*
16 *sition shall develop a detailed plan and schedule to imple-*
17 *ment the transition of the Defense Nuclear Agency and the*
18 *integration of its militarily essential functions into the*
19 *military services and Advanced Research Projects Agency:*
20 *Provided, That none of the funds made available by this*
21 *Act shall be available to implement changes in current DNA*
22 *operations until 30 days after the plan and schedule have*
23 *been approved by the Under Secretary of Defense for Acqui-*
24 *sition and submitted to the Congressional defense commit-*
25 *tees for review: Provided further, That the Under Secretary*

1 *of Defense for Acquisition shall submit the aforementioned*
2 *transition plan and schedule not later than February 1,*
3 *1994.*

4 **(204)**Page 123, after line 17 insert:

5 *SEC. 8142. (a) No funds appropriated under this Act*
6 *may be obligated or expended for the purpose of establishing*
7 *the Antler Military Operations Area, Pennsylvania, for the*
8 *purpose of conducting aerial combat training operations*
9 *until the date of the submittal to congressional defense com-*
10 *mittees of the report referred to in subsection (b).*

11 *(b)(1)(A) The Secretary of Defense, in consultation*
12 *with the Administrator of the Environmental Protection*
13 *Agency and the Administrator of the Federal Aviation Ad-*
14 *ministration, shall submit to the congressional defense com-*
15 *mittees a report on the effect of low-level aircraft training*
16 *operations of the Department of Defense on the proposed*
17 *Antler Military Operations Area, Pennsylvania.*

18 *(B) The Secretary shall submit the report not later*
19 *than 6 months after the date of the enactment of this Act.*

20 *(2) The report under this subsection shall include the*
21 *following:*

22 *(A) An assessment of the effect of the training*
23 *operations referred to in paragraph (1) on—*

24 *(i) the environment of the areas of, and in*
25 *the vicinity of, the proposed Antler Military Op-*

1 *erations Area, including a detailed assessment of*
2 *the effects of the noise generated by such oper-*
3 *ations on the environment of such areas;*

4 *(ii) the economy of such areas; and*

5 *(iii) the health and safety of persons living*
6 *in and around such areas.*

7 *(B) A description of the number of aircraft*
8 *flights per month that the Secretary anticipates will*
9 *occur in the proposed Antler Military Operations*
10 *Area.*

11 *(C) A description of the number and duration of*
12 *such flights per month that the Secretary anticipates*
13 *will occur at or below a level that is 500 feet above*
14 *the highest ground level of the proposed Antler Mili-*
15 *tary Operations Area.*

16 *(c) In this section, the term “congressional defense*
17 *committees” means the Committees on Armed Services and*
18 *the Committees on Appropriations of the Senate and House*
19 *of Representatives.*

20 **(205)**Page 123, after line 17 insert:

21 *SEC. 8143. Notwithstanding any other provision of*
22 *law, within 30 days from the enactment of this Act, the*
23 *Department of the Navy shall select and take possession of*
24 *either LCU-1540 or LCU-1549 from the General Services*
25 *Administration: Provided, That the Navy shall modify or*

1 *have modified the selected vessel utilizing commercial stand-*
2 *ards that meet United States Coast Guard certification re-*
3 *quirements as safe to operate in open ocean as a cargo ves-*
4 *sel: Provided further, That upon completion of all modifica-*
5 *tions and certification by the United States Coast Guard,*
6 *the Navy shall immediately transfer title of the vessel, at*
7 *no cost, to the government of American Samoa: Provided*
8 *further, That of the funds appropriated in this Act in title*
9 *II, Operation and Maintenance, Navy, \$1,500,000 shall be*
10 *available for this purpose: Provided further, That notwith-*
11 *standing any other provision of law, funds available to the*
12 *Department of Defense shall be made available to provide*
13 *transportation of medical supplies and equipment, on a*
14 *nonreimbursable basis, to American Samoa.*

15 **(206)**Page 123, after line 17 insert:

16 *SEC. 8144. Notwithstanding any other provision of*
17 *this or any other Act, the total amount obligated or ex-*
18 *pended for procurement of the SSN-21 and SSN-22*
19 *Seawolf attack submarines may not exceed \$4,673,371,000.*

20 **(207)**Page 123, after line 17 insert:

21 *SEC. 8145. (a)(1) The Comptroller General shall carry*
22 *out a study of the cost-effectiveness to the Navy of the utili-*
23 *zation of nuclear-powered aircraft carriers and nuclear-*
24 *powered submarines.*

25 *(2) The study shall include—*

1 (A) a comparison of the life-cycle cost of nuclear-
2 powered aircraft carriers and nuclear-powered sub-
3 marines with the life-cycle cost of conventionally-pow-
4 ered aircraft carriers and conventionally-powered
5 submarines, as the case may be;

6 (B) a comparison of the cost of procuring nu-
7 clear-powered aircraft carriers with the cost of carry-
8 ing out the service-life extension or complex overhaul
9 of existing conventionally-powered aircraft carriers;

10 (C) a comparison of the projected cost to the
11 Navy of operating a fleet of aircraft carriers utilizing
12 homeports located at foreign overseas installations
13 with the projected cost of operating such a fleet utiliz-
14 ing both foreign overseas homeports and homeports lo-
15 cated in the United States;

16 (D) an assessment of the effect on the projected
17 costs referred to in subparagraph (C) of—

18 (i) the plan, if any, of the Navy for the lo-
19 cation of a homeport for a nuclear-powered air-
20 craft carrier in the Western Pacific region in the
21 event of the retirement of all conventionally-pow-
22 ered aircraft carriers in the fleet; and

23 (ii) restrictions imposed by foreign nations
24 on utilizing installations located in such nations
25 as homeports for nuclear-powered aircraft car-

1 *riers, and on the operation of such carriers in*
2 *the waters of such nations;*

3 *(E) an assessment of the number of aircraft car-*
4 *riers required by the Navy in order to meet oper-*
5 *ational requirements for a continuous presence of air-*
6 *craft carriers in three overseas regions simultaneously*
7 *in the event that foreign nations prohibit the utiliza-*
8 *tion of locations in such nations as homeports for nu-*
9 *clear-powered aircraft carriers;*

10 *(F) an assessment of the refueling (including any*
11 *complex overhaul of the fueling system and nuclear*
12 *propulsion system) required for the nuclear-powered*
13 *aircraft carriers of the fleet through 2010, includ-*
14 *ing—*

15 *(i) a schedule for such refueling;*

16 *(ii) the cost of such refueling; and*

17 *(iii) the cost of disposing of the waste gen-*
18 *erated by such refueling;*

19 *(G) a detailed description of all programs of the*
20 *Department of Defense and of the Department of En-*
21 *ergy relating to nuclear propulsion systems for naval*
22 *ships (including surface ships and submarines) that*
23 *utilize such systems; and*

24 *(H) a detailed estimate of the costs associated*
25 *with processing or otherwise disposing of nuclear fuel*

1 *and other nuclear material (including nuclear waste)*
2 *from the existing nuclear-powered fleet of ships (in-*
3 *cluding surface ships and submarines) of the Navy.*

4 *(3) In determining the life-cycle costs associated with*
5 *nuclear-powered aircraft carriers and nuclear-powered sub-*
6 *marines for the purposes of the study under this subsection,*
7 *the Comptroller General shall take into account the cost of*
8 *processing or otherwise disposing of nuclear fuel and other*
9 *nuclear material (including nuclear waste) removed from*
10 *such aircraft carriers and submarines.*

11 *(b) The Comptroller General shall submit to the Com-*
12 *mittees on Armed Services and the Committees on Appro-*
13 *priations of the Senate and House of Representatives a re-*
14 *port on a study carried out under subsection (a) not later*
15 *than 6 months after the date of the enactment of this Act.*

16 **(208)**Page 123, after line 17 insert:

17 *SEC. 8146. (a) It is the sense of Congress that—*

18 *(1) the Secretary of Defense should not prohibit*
19 *any military installation described in subsection (b)*
20 *from bidding on or performing Department of Defense*
21 *contracts for overhaul services or for depot-level main-*
22 *tenance of material for the Armed Forces that are*
23 *awarded using competitive procedures;*

1 (2) performance of such a contract by such a
2 military installation should not affect the schedule for
3 closure of the installation;

4 (3) such a contract should not be entered into for
5 the performance of work at such an installation if the
6 time necessary for performance of the contract extends
7 beyond the date established for closure of the installa-
8 tion or if the performance of the contract at the in-
9 stallation would otherwise affect the schedule for clo-
10 sure of the installation; and

11 (4) such a contract awarded to a military instal-
12 lation should be terminated for default if the contract
13 is not completed on or before the completion date pro-
14 vided in the contract.

15 (b) A military installation referred to in subsection (a)
16 is a military installation that (1) has been approved for
17 closure subject to the provisions of the Defense Base Closure
18 and Realignment Act of 1990 (part A of title XXIX of Pub-
19 lic Law 101-510), (2) is in the process of implementing
20 a conversion or reuse strategy for the installation to take
21 effect upon closure, and (3) has received some funds from
22 the Department of Defense for the purpose of implementing
23 the conversion or reuse strategy.

24 **(209)**Page 123, after line 17 insert:

1 *SEC. 8147. It is the sense of the Congress that operators*
2 *of industrial facilities at military installations closed after*
3 *the date of the enactment of this Act should be permitted*
4 *to qualify as offerors for (1) proposed Department of De-*
5 *fense contracts for overhaul services for the Armed Forces,*
6 *and (2) proposed Department of Defense contracts for*
7 *depot-level maintenance of material for the Armed Forces.*

8 **(210)**Page 123, after line 17 insert:

9 *SEC. 8148. (a) Notwithstanding any other provision*
10 *of law, none of the funds appropriated by this Act or any*
11 *other Act, or otherwise made available, to the Department*
12 *of Defense may be obligated to carry out a test program*
13 *for determining the cost effectiveness of transferring to the*
14 *private sector the mission of operating one or more pre-*
15 *paratory schools for the United States Military Academy,*
16 *the United States Naval Academy, and the United States*
17 *Air Force Academy.*

18 **(211)**Page 123, after line 17 insert:

19 *SEC. 8149. It is the sense of the Senate that the Gov-*
20 *ernment of the United States and the Government of Saudi*
21 *Arabia should work diligently and without delay to resolve*
22 *satisfactorily the outstanding commercial disputes identi-*
23 *fied in the Department of Commerce letter; date May 27,*
24 *1992: Provided, That not later than February 1, 1994, the*
25 *Secretary of Defense, after consultation with the Secretary*

1 *of State and the Secretary of Commerce, shall submit a re-*
2 *port to the Congress on the status of the process for the reso-*
3 *lution of commercial disputes in Saudi Arabia and the*
4 *prognosis for any of the disputes which remain unresolved.*

5 **(212)**Page 123, after line 17 insert:

6 *SEC. 8150. It is the sense of the Senate that—*

7 *(a) the Secretary of the Air Force consider the*
8 *comments of the appropriate representatives of the*
9 *Duck Valley Reservation of the Shoshone-Paiute*
10 *Tribes in making decisions on use of airspace above*
11 *such reservation,*

12 *(b) the interests of the Duck Valley Reservation*
13 *of the Shoshone-Paiute Tribes receive the appropriate*
14 *consideration under any pending or future National*
15 *Environmental Policy Act process involving airspace*
16 *over Duck Valley Reservation, and*

17 *(c) to the extent practicable, airspace used for*
18 *military training flights below 15,000 feet above*
19 *ground level over the Duck Valley Reservation shall be*
20 *over uninhabited areas of the Reservation.*

21 **(213)**Page 123, after line 17 insert:

22 *SEC. 8151. Notwithstanding any other provision of*
23 *law (including any regulation), with respect to the public*
24 *sponsor of a primary levee located in the area that was*
25 *affected by major, widespread flooding in the Midwest dur-*

1 *ing 1993 and that was designed for a 5-year flood or a*
2 *higher level flood, the eligibility of the public sponsor of the*
3 *levee to receive assistance through the levee rehabilitation*
4 *assistance program of the Army Corps of Engineers shall*
5 *not be affected by the status of participation (or lack of*
6 *participation) of the public sponsor in the program. A pub-*
7 *lic sponsor of a levee who becomes eligible to receive assist-*
8 *ance under the program pursuant to the preceding sentence*
9 *may, not later than September 30, 1994, submit an appli-*
10 *cation to participate in the program.*

11 **(214)**Page 123, after line 17 insert:

12 *SEC. 8152. (a) It is the sense of the Congress that, for*
13 *purposes of section 112 of the Internal Revenue Code of*
14 *1986, the President should declare that service in Somalia*
15 *during the period described in subsection (b) should be*
16 *treated as service in a combat zone.*

17 *(b) The period referred to in subsection (a) is the pe-*
18 *riod beginning on December 10, 1992, and ending on the*
19 *date on which withdrawal from Somalia of all forces of the*
20 *Armed Forces of the United States in Somalia has been*
21 *completed, as declared in a proclamation issued by the*
22 *President.*

23 **(215)**Page 123, after line 17 insert:

1 *SEC. 8153. CONGRESSIONAL HEARINGS ON THE COM-*
2 *MITMENT OF UNITED STATES TROOPS IN SOMALIA AND*
3 *HAITI.—(a) FINDINGS.—*

4 *(1) Public hearings are essential in ensuring*
5 *broadbased understanding of and support for United*
6 *States policies;*

7 *(2) Since United States troops were committed*
8 *in Somalia, the original humanitarian mission has*
9 *been significantly expanded to include nation-build-*
10 *ing, as evidenced in United Nations Security Council*
11 *Resolution 814;*

12 *(3) Since the commitment of United States*
13 *troops in Somalia, the Senate of the United States*
14 *has received only update briefings or has held closed*
15 *hearings on United States actions there and has held*
16 *only one public hearing;*

17 *(4) To date, thirty United States troops have lost*
18 *their lives since United States troops were committed*
19 *in Somalia;*

20 *(5) Since the most recent disaster where eighteen*
21 *Americans lost their lives, seventy-six were wounded*
22 *and one was captured, the President has announced*
23 *his intention to commit several thousand additional*
24 *United States troops;*

1 (6) *Six American warships sit off the coast of*
2 *Haiti and six hundred Americans wait to be deployed*
3 *as part of a United Nations peacekeeping force.*

4 (b) *SENSE OF SENATE.—It is the sense of the Senate*
5 *that—*

6 (1) *the appropriate committees of the Senate*
7 *should hold public hearings at the earliest practicable*
8 *date with the Secretaries of State and Defense as wit-*
9 *nesses on the commitment of United States troops in*
10 *Somalia and Haiti as members of the United Nations*
11 *peacekeeping force; and*

12 (2) *the appropriate committees should promptly*
13 *hold investigative, public hearings on the October 3,*
14 *1993 incident in Mogadishu, Somalia in which seven-*
15 *teen American soldiers were killed and at least sev-*
16 *enty-six were wounded as part of the United Nations*
17 *peacekeeping operation.*

18 **(216)**Page 123, after line 17 insert:

19 *SEC. 8154. Notwithstanding any other provision of*
20 *law, the Secretary of the Navy shall obligate the funds ap-*
21 *propriated for fiscal years 1992 and 1993 for the USH-*
22 *42 Mission Recorder program within the A-6 aircraft pro-*
23 *gram: Provided, That the Secretary of the Navy verifies that*
24 *a mission recorder is required in the future for Navy attack*
25 *aircraft for peacetime training and bomb damage assess-*

1 *ment in combat: Provided further, That the Secretary shall*
2 *make this verification within sixty days of this Act becom-*
3 *ing law: Provided further, That the Secretary shall obligate*
4 *such funds within sixty days of this verification that a mis-*
5 *sion recorder is required in Navy attack aircraft for peace-*
6 *time training and bomb damage assessment in combat.*

7 **(217)**Page 123, after line 17 insert:

8 *SEC. 8155. The Secretary of Defense shall submit to*
9 *Congress an annual report containing information on the*
10 *cost to the United States of transporting supplies for the*
11 *Army, Navy, Air Force, or Marine Corps by sea on United*
12 *States-flag commercial vessels pursuant to the cargo pref-*
13 *erence laws of the United States, including the amount of*
14 *the cost savings that could have been realized if such sup-*
15 *plies had been transported at competitive international*
16 *shipping rates available from non-cargo preference vessels,*
17 *the subsidization of foreign-flag vessels, and the impact on*
18 *the viability of the United States merchant marine if the*
19 *cargo preference requirements were ended. The annual re-*
20 *port shall cover a cargo preference year which shall be a*
21 *12-month period defined by the Secretary.*

22 **(218)**Page 123, after line 17 insert:

23 *SEC. 8156. None of the funds appropriated for the De-*
24 *partment of Defense for fiscal year 1994 by this Act may*
25 *be used for making any progress payment under the C-17*

1 *aircraft program that is not consistent with the require-*
2 *ments of section 2307(d)(1) of title 10, United States Code.*

3 **(219)**Page 123, after line 17 insert:

4 *SEC. 8157. No provision of this Act or any other Act*
5 *concerning Department of Defense programs, projects, or*
6 *activities involving community adjustment assistance, re-*
7 *search or development at colleges or universities, strategic*
8 *environmental research, or environmental restoration may*
9 *be construed as requiring a contract to be awarded, or as*
10 *requiring a grant to be made, to a specific non-Federal Gov-*
11 *ernment entity for a new program, project, or activity.*

12 **(220)**Page 123, after line 17 insert:

13 *SEC. 8158. (a) It is the sense of Congress that none*
14 *of the funds appropriated or otherwise made available by*
15 *this Act should be available for the purposes of deploying*
16 *United States Armed Forces to participate in the imple-*
17 *mentation of a peace settlement in Bosnia-Herzegovina, un-*
18 *less previously authorized by the Congress.*

19 *(b) It is the sense of Congress that the limitation set*
20 *forth in subsection (a) should not preclude missions and*
21 *operations initiated on or before October 20, 1993, includ-*
22 *ing the provision of any humanitarian assistance by the*
23 *Department of Defense.*

24 **(221)**Page 123, after line 17 insert:

1 *SEC. 8159. SENSE OF CONGRESS ON THE USE OF*
2 *FUNDS FOR UNITED STATES MILITARY OPERATIONS IN*
3 *HAITI.—(a) STATEMENT OF POLICY.—It is the sense of the*
4 *Congress that—*

5 *(1) all parties should honor their obligations*
6 *under the Governors Island Accord of July 3, 1993*
7 *and the New York Pact of July 16, 1993;*

8 *(2) the United States has a national interest in*
9 *preventing uncontrolled emigration from Haiti; and*

10 *(3) the United States should remain engaged in*
11 *Haiti to support national reconciliation and further*
12 *its interest in preventing uncontrolled emigration.*

13 *(b) LIMITATION.—It is the sense of Congress that funds*
14 *appropriated by this Act should not be obligated or ex-*
15 *pended for United States military operations in Haiti un-*
16 *less—*

17 *(1) authorized in advance by the Congress; or*

18 *(2) the temporary deployment of United States*
19 *Armed Forces into Haiti is necessary in order to pro-*
20 *tect or evacuate United States citizens from a situa-*
21 *tion of imminent danger and the President reports as*
22 *soon as practicable to Congress after the initiation of*
23 *the temporary deployment, but in no case later than*
24 *forty eight hours after the initiation of the temporary*
25 *deployment; or*

1 (3) *the deployment of United States Armed*
2 *Forces into Haiti is vital to the national security in-*
3 *terests of the United States, including but not limited*
4 *to the protection of American citizens in Haiti, there*
5 *is not sufficient time to seek and receive Congres-*
6 *sional authorization, and the President reports as*
7 *soon as practicable to Congress after the initiation of*
8 *the deployment, but in no case later than forty eight*
9 *hours after the initiation of the deployment; or*

10 (4) *the President transmits to the Congress a*
11 *written report pursuant to subsection (c).*

12 (c) *REPORT.—It is the sense of Congress that the limi-*
13 *tation in subsection (b) should not apply if the President*
14 *reports in advance to Congress that the intended deploy-*
15 *ment of United States Armed Forces into Haiti—*

16 (1) *is justified by United States national secu-*
17 *rity interests;*

18 (2) *will be undertaken only after necessary steps*
19 *have been taken to ensure the safety and security of*
20 *United States Armed Forces, including steps to ensure*
21 *that United States Armed Forces will not become tar-*
22 *gets due to the nature of their rules of engagement;*

23 (3) *will be undertaken only after an assessment*
24 *that—*

1 (A) *the proposed mission and objectives are*
2 *most appropriate for the United States Armed*
3 *Forces rather than civilian personnel or armed*
4 *forces from other nations, and*

5 (B) *that the United States Armed Forces*
6 *proposed for deployment are necessary and suffi-*
7 *cient to accomplish the objectives of the proposed*
8 *mission;*

9 (4) *will be undertaken only after clear objectives*
10 *for the deployment are established;*

11 (5) *will be undertaken only after an exit strategy*
12 *for ending the deployment has been identified; and*

13 (6) *will be undertaken only after the financial*
14 *costs of the deployment are estimated.*

15 (d) *DEFINITION.—As used in this section, the term*
16 *“United States military operations in Haiti” means the*
17 *continued deployment, introduction or reintroduction of*
18 *United States Armed Forces into the land territory of*
19 *Haiti, irrespective of whether those Armed Forces are under*
20 *United States or United Nations command, but does not*
21 *include activities for the collection of foreign intelligence,*
22 *activities directly related to the operations of United States*
23 *diplomatic or other United States Government facilities, or*
24 *operations to counter emigration from Haiti.*

25 **(222)**Page 123, after line 17 insert:

1 *control of foreign commanders on numerous occasions,*
2 *including during two World Wars.*

3 (2) *Regional security organizations, such as the*
4 *North Atlantic Treaty Organization, are premised on*
5 *military operations by the forces of a number of na-*
6 *tions under an integrated chain of command consist-*
7 *ing of officers from member nations.*

8 (3) *The end of the Cold War has seen a substan-*
9 *tial increase in the conduct of international “peace-*
10 *keeping” and “peace enforcement” operations pursu-*
11 *ant to decisions of the United Nations Security Coun-*
12 *cil under Chapters VI and VII of the United Nations*
13 *Charter.*

14 (4) *The United Nations has conducted tradi-*
15 *tional “peacekeeping” operations successfully over the*
16 *years, but the number and size of such operations has*
17 *stretched the Organization’s management and over-*
18 *sight capabilities thin.*

19 (5) *The United Nations has not yet acquired the*
20 *expertise or infrastructure to enable it to effectively*
21 *manage “peace enforcement” operations.*

22 (6) *Any special agreement negotiated by the*
23 *President with the United Nations Security Council*
24 *to make units of the United States Armed Forces*
25 *available on call to the United Nations must be ap-*

1 *proved by the Congress pursuant to the United Na-*
2 *tions Participation Act, enacted into law in 1945.*

3 *(7) Any decision by the President to place com-*
4 *bat forces of the Armed Forces of the United States*
5 *under the operational control of foreign commanders,*
6 *other than pursuant to the North Atlantic Treaty and*
7 *other arrangements in effect at the time of the enact-*
8 *ment of this Act, has significant consequences for such*
9 *forces, the Congress, and the American people.*

10 *SEC. 9002. It is the sense of the Congress that—*

11 *(1) the Armed Forces of the United States must*
12 *be under the operational control of qualified com-*
13 *manders; and must have clear and effective command*
14 *and control arrangements; appropriate rules of en-*
15 *gagement; and clear and unambiguous mission state-*
16 *ments;*

17 *(2) the President should consult with Congress*
18 *before placing combat forces of the Armed Forces of*
19 *the United States under the operational control of for-*
20 *oreign commanders, other than pursuant to the North*
21 *Atlantic Treaty and other arrangements in effect at*
22 *the time of the enactment of this Act; and*

23 *(3) the President should submit a report to Con-*
24 *gress within 48 hours after placing combat forces of*
25 *the Armed Forces of the United States under the oper-*

1 *ational control of foreign commanders, other than*
2 *pursuant to the North Atlantic Treaty and other ar-*
3 *rangements in effect at the time of the enactment of*
4 *this Act, setting forth—*

5 *(A) the mission of such forces and a clear*
6 *explanation of the difference, if any, between the*
7 *mission of such forces and the mission of the*
8 *forces of other nations participating in the same*
9 *military operations;*

10 *(B) in a case in which the operation is con-*
11 *ducted under the auspices of the United Nations,*
12 *an assessment of the United Nations capability*
13 *to effectively manage the operation;*

14 *(C) an explanation of the United States in-*
15 *terest that would be served by and the justifica-*
16 *tion for placing such forces under the operational*
17 *control of a foreign commander in this instance;*

18 *(D) the command and control arrangements*
19 *for the operation of which the forces of the Armed*
20 *Forces of the United States are a part;*

21 *(E) the number, type and general descrip-*
22 *tion of equipment of such forces;*

23 *(F) the estimated cost to the United States*
24 *of the participation of such forces;*

1 *Order 10436 (1953), to recognize the cultural and humani-*
2 *tarian value of assuring meaningful, safe use of the Island*
3 *for appropriate cultural, historical, archaeological and edu-*
4 *cational purposes as determined by the State of Hawaii and*
5 *to provide for the clearance or removal of unexploded ord-*
6 *nance and for the environmental restoration of the Island*
7 *for such purposes. Congress also finds it is in the national*
8 *interest and an essential element in the Federal Govern-*
9 *ment's relationship with the State of Hawaii to ensure that*
10 *the conveyance, clearance or removal of unexploded ord-*
11 *nance, environmental restoration, control of access to the*
12 *Island and future use of the Island be undertaken in a man-*
13 *ner consistent with the enhancement of that relationship,*
14 *the Department of Defense's military mission and the Fed-*
15 *eral interest.*

16 *(b) MODEL DEMONSTRATION PROJECT.—It is in the*
17 *national interest that the clearance or removal of*
18 *unexploded ordnance and the environmental restoration of*
19 *Kaho'olawe serve as a model demonstration project that in-*
20 *corporates the use of innovative technologies and a remedy*
21 *selection process that will expedite and economize such*
22 *clearance or removal and environmental restoration while*
23 *maintaining meaningful participation by affected parties*
24 *and assuring the protection of human health and the envi-*
25 *ronment.*

1 (c) *CONVEYANCE.*—Subject to section 10001(d) and
2 section 10008(b) of this Act, the United States, through the
3 Secretary of the Navy (also, hereinafter, “the Secretary”),
4 shall convey and return, without consideration and without
5 conditions other than those set forth in this title, to the State
6 of Hawaii all right, title and interest of the United States,
7 except that interest set forth in section 10002(a)(4) and sec-
8 tion 10004 of this Act, in and to that parcel of property
9 consisting of approximately 28,776 acres of land known as
10 Kaho’olawe Island, Hawaii and its surrounding waters.
11 Such conveyance of title shall occur no later than 180 days
12 from the date of enactment of this Act and the appropria-
13 tion of funds for such purposes described in this title.

14 (d) *DESCRIPTION OF PROPERTY.*—The exact acreage
15 and legal description of the parcel of property to be con-
16 veyed under section 10001(c) shall be determined by a sur-
17 vey that is deemed satisfactory by the State of Hawaii in
18 consultation with the Secretary. The cost of the survey shall
19 be borne by the Secretary, making use of funds provided
20 pursuant to this title.

21 **SEC. 10002. ORDNANCE CLEARANCE OR REMOVAL ON**
22 **KAHO’OLAWA ISLAND, HAWAII.**

23 (a) *ORDNANCE CLEARANCE OR REMOVAL.*—(1) Subject
24 to section 10008(b) of this Act, the Secretary of the Navy
25 shall, in compliance with the two-tiered standard of ord-

1 nance clearance, removal, restoration and safety contained
2 in subsection (a)(2) of this section—

3 (A) detect and clear or remove from Kaho'olawe
4 Island and its adjacent waters, all unexploded ord-
5 nance, the remains of exploded ordnance, and solid
6 waste associated with such ordnance or with the use
7 of Kaho'olawe Island by the United States for bomb-
8 ing training, gunnery training, or other munitions
9 training.

10 (2) Kaho'olawe Island shall be restored for use in ac-
11 cordance with the following requirements:

12 (A) TIER ONE RESTORATION AREA.—The entire
13 Island shall, in a manner consistent with the pur-
14 poses of this title and with the protection of surface
15 and below surface historical and cultural sites and
16 artifacts, be restored to a condition that is reasonably
17 safe for human access and visitation and in accord-
18 ance with standard methodologies for such restoration
19 as determined by the Secretary in accordance with
20 the purposes of this title. Subsequent to the transfer
21 to the State of Hawaii of responsibility for the control
22 of access, as provided in section 10006 of this Act, the
23 Navy shall continue to undertake, upon the reasonable
24 request of the State, and at regular intervals, reason-
25 able and prudent clean-up measures using standard

1 *methodologies. Within such Tier One Restoration*
2 *Area, and in accordance with sections 10005 and*
3 *10006 of this Act, approximately 22,600 acres of the*
4 *approximately 28,776 acres on the Island and sub-*
5 *merged land in the surrounding waters to a depth of*
6 *120 feet shall be subjected to surface clearance only.*

7 *(B) TIER TWO RESTORATION ENCLAVES.—En-*
8 *claves within the Island, as identified in clauses (i),*
9 *(ii), (iii) and (iv) below and not exceeding approxi-*
10 *mately 6,200 acres, shall be restored to a condition*
11 *that is reasonably safe for the human habitation nec-*
12 *essary to accomplish the cultural, historical, archae-*
13 *ological and educational purposes of this title, to as-*
14 *sure the uses set forth in clauses (i), (ii), (iii) and*
15 *(iv) below and in accordance with the best available*
16 *technology and methodology for such restoration:*

17 *(i)(a) not more than approximately 4,700*
18 *acres for the purpose of grasslands and related*
19 *uses; and (b) those locations, including trails,*
20 *roads and historical, cultural and archaeological*
21 *enclaves identified by the State under section*
22 *10002(C), that shall not exceed an additional*
23 *1,400 acres;*

1 (ii) no more than three specially designated
2 navigational channels to the Island suitable for
3 visitation, including the adjacent shoreline area;

4 (iii)(a) not more than approximately 10
5 acres for reasonably safe, human habitation sites,
6 as defined in subparagraph (B) of this section,
7 that shall include but not be limited to the sites
8 designated as Hanakanaia to Lae Paki, Kuheia/
9 Kaulana, Ahupu, Hakioawa, Pu'u Moaulanui,
10 Seagull Station, Kamohio Station, Halona Sta-
11 tion, Honokoa, and Kanapou; and (b) approxi-
12 mately 47 acres of reservoirs designated as Lua
13 Kealialalo, Lua Kealialuna and Lua Makika;
14 and

15 (iv) approximately 5 acres on not more
16 than three locations to be used as heliports.

17 (C) DESCRIPTION OF TIER TWO RESTORATION
18 ENCLAVES.—The precise description for the Tier Two
19 Restoration Enclaves, prepared through standard
20 methodologies, shall be submitted to the Navy by the
21 State of Hawaii within 180 days of the enactment of
22 this Act. Any reasonable enlargement to the size or
23 modification to the location of the Tier Two Restora-
24 tion Enclaves shall be agreed to by the Secretary of
25 the Navy. Such reasonable enlargement or modifica-

1 *tion shall be determined and undertaken within the*
2 *time period identified in section 10002(a)(3). The cost*
3 *of such enlargement or modification shall be borne by*
4 *the Secretary, making use only of funds provided pur-*
5 *suant to this title.*

6 *(3) The Secretary shall commence the activities de-*
7 *scribed in sections 10002(a) (1) and (2) as soon as possible*
8 *but not later than 180 days after the enactment of this Act*
9 *and continue such activities in accordance with reasonable*
10 *expedition until completed. Such activities required in sec-*
11 *tion 10002 shall be completed within 10 years of the enact-*
12 *ment of this Act and the appropriation of funds for such*
13 *activities.*

14 *(4) Notwithstanding any other provision of section*
15 *10002, the Secretary shall retain the control of access to*
16 *the Island, in consultation with the State of Hawaii and*
17 *prior to and following the entering into force of the Memo-*
18 *randum of Understanding contained in section 10006 of*
19 *this Act, until clearance and restoration is completed and*
20 *control of access is transferred to the State of Hawaii.*

21 *(5) The Secretary shall carry out the requirements of*
22 *section 10002 following consultation with the State of Ha-*
23 *waii as required by section 10006 of this Act and with the*
24 *technical and logistical support, as needed, of the United*
25 *States Army Corps of Engineers and other Federal agencies.*

1 (6) *No Federal permit shall be required by the United*
2 *States, its departments, agencies or instrumentalities for*
3 *any portion of the removal, restoration and clean-up work*
4 *pursuant to the Act and conducted entirely on Kaho'olawe*
5 *Island or in its adjacent waters.*

6 (7) *Except as provided in section 10004 regarding li-*
7 *ability and in section 10003 regarding the completion of*
8 *activities and in section 10002(a)(2)(A) regarding regular*
9 *interval clean-ups and new discoveries of previously unde-*
10 *tected ordnance, the Secretary's obligations and responsibil-*
11 *ities under this title shall terminate 10 years after the en-*
12 *actment of this Act.*

13 **SEC. 10003. ENVIRONMENTAL REMEDIATION OF**
14 **KAHO'OLAWA ISLAND, HAWAII AND ADJACENT**
15 **WATERS.**

16 (a) *ASSESSMENT OF ADDITIONAL ENVIRONMENTAL*
17 *CLEAN-UP FOR HAZARDOUS AND OTHER SUBSTANCES.—*

18 (1)(A) *Not later than 365 days after the date of the enact-*
19 *ment of this Act, the Secretary of the Navy shall complete,*
20 *in cooperation with the State of Hawaii, such studies and*
21 *appraisals as are necessary to identify the type, quantity,*
22 *and estimated costs of response, remediation and removal*
23 *of the hazardous substances other than exploded and*
24 *unexploded ordnance and other substances, refuse and*
25 *waste, if any, that are located—*

1 (i) on Kaho'olawe Island; and

2 (ii) in the waters adjacent to Kaho'olawe Island.

3 (B) The cost of the studies and appraisals referred to
4 in section 10003(a)(1)(A) shall be borne by the Secretary,
5 making use of funds provided pursuant to this title.

6 (b) REMEDIATION OF HAZARDOUS AND ENVIRON-
7 MENTAL SUBSTANCES.—(1)(A) In furtherance of the pur-
8 poses of this title and in recognition of the clearance, re-
9 moval and environmental remediation obligations imposed
10 by this title, and that the aforementioned activities are con-
11 sidered a model demonstration project, Kaho'olawe Island
12 is exempt from placement on the National Priorities List.
13 Notwithstanding that conveyance of title to Kaho'olawe Is-
14 land to the State of Hawaii shall precede clearance or re-
15 moval and environmental remediation, upon the completion
16 of the studies and appraisals referred to in section
17 10003(a)(1)(A), the Navy shall carry out remediation,
18 clean-up and responses to the hazardous substances and
19 other substances, refuse and waste located on Kaho'olawe
20 Island and in the waters adjacent to Kaho'olawe Island (as
21 identified in such studies and appraisals) that are nec-
22 essary to protect human health and the environment. The
23 remedies for such clean-up, remediation and responses shall
24 be selected by the Secretary in consultation with the State
25 and in accordance with the purposes of this title and shall

1 *be commenced and completed within the time period identi-*
2 *fied in section 10002(a)(3) of this Act for the removal of*
3 *ordnance. The cost of such clean-up, remediation and re-*
4 *sponses shall be borne by the Secretary, making use of funds*
5 *provided pursuant to this title.*

6 (2) *In this title, the terms “response”, “removal”, “re-*
7 *mediation” and “hazardous substance” have the meanings*
8 *given such terms in 42 U.S.C. 9601 (14), (23), (24) and*
9 *(25).*

10 (c) *RESPONSIBILITY AND LIABILITY TO CONDUCT RE-*
11 *SPONSE, CLEAN-UP AND REMEDIATION ACTIVITIES.—(1)*
12 *Notwithstanding the duties and obligations set forth in this*
13 *title and notwithstanding the conveyance required under*
14 *section 10001, the State of Hawaii shall not be liable and*
15 *responsible for the conduct of any clean-up and response*
16 *actions arising from and relating to the use and environ-*
17 *mental remediation of Kaho’olawe Island and its adjacent*
18 *waters by the United States that, through Federal court*
19 *order, may be held applicable to Kaho’olawe Island.*

20 **SEC. 10004. INDEMNIFICATION AND THE CONTROL OF AC-**
21 **CESS.**

22 (a) *The Navy shall retain control of the access to the*
23 *Island during the time period set forth in section*
24 *10002(a)(3) that it is undertaking unexploded ordnance re-*

1 *moval and hazardous materials removal activities required*
2 *in section 10002 of this Act.*

3 **(b)** *During the time period the United States retains*
4 *control of access to the Island, the United States shall hold*
5 *harmless, defend and indemnify the State of Hawaii or its*
6 *political subdivisions from and against all claims, de-*
7 *mands, losses, damages, liens, liabilities, injuries, deaths,*
8 *penalties, fines, lawsuits and other proceedings, judgments,*
9 *awards and reasonable costs and expenses arising out of,*
10 *or in any manner predicated upon, the presence, release*
11 *or threatened release of any munitions, exploded or*
12 *unexploded ordnance, solid waste associated with such ord-*
13 *nance or hazardous substance, pollutant or contaminant re-*
14 *sulting from the activities of the Department of Defense, in-*
15 *cluding the activities of the Department of the Navy and*
16 *the Department of the Army and any agent, employee, les-*
17 *see, licensee, independent contractor or other person on the*
18 *property during such time that the property was and re-*
19 *mains under the control of the Department of Defense,*
20 *Navy, Army or other agencies of the United States Govern-*
21 *ment.*

22 **(c)** *Nothing in this title is intended to alter or affect*
23 *the Federal or State requirements of law governing liability*
24 *following the transfer of control of access to the State of*
25 *Hawaii, except that the United States shall remain liable*

1 *for the acts or omissions of its contractors in carrying out*
2 *the activities required under this title in the same manner*
3 *as if the United States engaged in the performance of the*
4 *tasks delegated to its contractors.*

5 **SEC. 10005. LONG TERM PLANNING AND ENVIRONMENTAL**
6 **RESTORATION ACTIVITIES OF THE STATE OF**
7 **HAWAII.**

8 *(a)(1) Subject to section 10008(b) of this Act, the Sec-*
9 *retary is authorized to provide \$45,000,000 to the State of*
10 *Hawaii for the purpose of implementation by the State of*
11 *(i) long term planning (ii) environmental restoration ac-*
12 *tivities and (iii) the terms and conditions set forth in the*
13 *Memorandum of Understanding required by section 10006*
14 *of this Act, concerning Kaho'olawe Island and its adjacent*
15 *waters. Such funds as are provided by the Secretary for*
16 *the purpose of carrying out this section shall be made avail-*
17 *able to the State by the Secretary from funds made avail-*
18 *able pursuant to this title and shall be provided to the State*
19 *of Hawaii following the submission of a plan containing*
20 *the elements identified in subsection (a)(2) of this section.*

21 *(2) The State of Hawaii shall use the funds made*
22 *available pursuant to this section for the purposes of carry-*
23 *ing out long term planning and environmental restoration*
24 *activities, consistent with the purposes of this title, on*
25 *Kaho'olawe Island, including—*

1 (A) soil conservation and water resource develop-
2 ment;

3 (B) erosion abatement (including reforestation
4 and revegetation);

5 (C) stabilization, restoration and securing sites
6 of archaeological or historical significance;

7 (D) removal or destruction of non-native plants
8 and animals; and

9 (E) precise identification of those areas subject to
10 clean-up and removal of ordnance described in section
11 10002 of this Act.

12 (3) Funds in addition to those provided pursuant to
13 subsection (a)(1) of this section may be provided to the
14 State of Hawaii upon the submission of an acceptable plan
15 containing the elements identified in subsection (a)(2) of
16 this section and demonstrating, to the satisfaction of the
17 Secretary, that such funds are necessary to the proper ful-
18 fillment of such elements and the purposes of this title. The
19 Secretary shall have sole discretion to award such addi-
20 tional funds, however, the award of such funds shall not
21 be unreasonably withheld.

1 **SEC. 10006. COOPERATION OF FEDERAL DEPARTMENTS**
2 **AND THE STATE OF HAWAII AND TRANSFER**
3 **OF CONTROL OF ACCESS.**

4 *(a)(1) Upon the request of the Secretary or the State*
5 *of Hawaii, and in accordance with existing laws and re-*
6 *quirements, any department or agency of the Federal Gov-*
7 *ernment may provide assistance to the Secretary or the*
8 *State of Hawaii, as the case may be, in carrying out their*
9 *respective duties under this title.*

10 *(2) Within 180 days following passage of this Act the*
11 *Secretary shall consult with and enter into a Memorandum*
12 *of Understanding with the State of Hawaii governing the*
13 *terms and conditions of (i) access to the Island for those*
14 *purposes set forth in section 10005 of this Act and any other*
15 *cultural, archeological, educational and planning purposes*
16 *provided for in this title, giving due regard to the risk of*
17 *harm to health and safety involved in providing such access*
18 *and the need to avoid interference with or disruption of*
19 *the Navy's clearance, removal and remediation activities;*
20 *(ii) the timing, planning and methodology of ordnance*
21 *clearance or removal and hazardous substance clearance*
22 *and other waste removal and the protection of historical,*
23 *cultural and religious sites and artifacts: Provided, That*
24 *all reasonable effort should be made to avoid harm to such*
25 *sites and artifacts from the detonation of unexploded ord-*
26 *nance, clearance or removal and hazardous substance clear-*

1 *ance; (iii) a model clean-up program emphasizing the use*
2 *of innovative technology, integrative planning and expedi-*
3 *tious implementation of remediation; (iv) the means for*
4 *protecting historical, cultural and religious sites and arti-*
5 *facts from intentional destruction, harm and vandalism;*
6 *and (v) public participation, as appropriate, including the*
7 *opportunity for public comment and hearing. Under any*
8 *such terms and conditions, the Secretary shall be assured*
9 *full and necessary access to carry out the obligations of the*
10 *Secretary arising out of the responsibilities and liabilities*
11 *of this title. Such terms and conditions shall remain in ex-*
12 *istence until the completion of the restoration and remedi-*
13 *ation activities required by section 10002 of this Act and*
14 *be revised periodically by mutual consent and giving due*
15 *regard to the importance of access to the Island as the level*
16 *of clean-up, restoration and remediation moves toward at-*
17 *tainment. Nothing in this title is intended to diminish or*
18 *alter the rights and responsibilities of the Navy to allow*
19 *access to the Island that existed prior to the enactment of*
20 *this Act.*

21 *(3) The United States, through the Secretary of the*
22 *Navy, shall transfer the control of access to the State of Ha-*
23 *waii within no more than 10 years from the date of enact-*
24 *ment of this Act or when the activities required by this title,*
25 *including ordnance clearance or removal activities in sec-*

1 *tion 10002 and the environmental remediation activities in*
2 *section 10003 are completed, whichever comes first.*

3 **SEC. 10007. KAHO'OLAWE ISLAND CONVEYANCE, REMEDI-**
4 **ATION, AND ENVIRONMENTAL RESTORATION**
5 **TRUST FUND.**

6 *(a) There is established on the books of the Treasury*
7 *of the United States a fund to be known as the "Kaho'olawe*
8 *Island Conveyance, Remediation, and Environmental Res-*
9 *toration Fund" (hereinafter in this subsection referred to*
10 *as the "Fund"). The Fund shall be administered by the Sec-*
11 *retary of the Treasury. The Fund shall be used for the accu-*
12 *mulation of funds in order to pay the obligations incurred*
13 *by the Secretary of the Navy or the Department of Defense*
14 *in carrying out the purposes of this title and for properly*
15 *allocable costs of the Federal Government in the administra-*
16 *tion of the Fund.*

17 *(b) There shall be deposited into the Fund the follow-*
18 *ing, which shall constitute the assets of the Fund:*

19 *(1) Amounts paid into the Fund from any*
20 *source.*

21 *(2) Any amount appropriated to the Fund.*

22 *(3) Any return on investment of the assets of the*
23 *Fund.*

1 (c) To the extent provided in appropriation Acts, the
2 assets of the Fund shall be available for obligation by the
3 Secretary of the Navy to carry out the purposes of this title.

4 (d) There is authorized to be appropriated into the
5 Fund \$400,000,000, which may be appropriated as a lump
6 sum or in annual increments. Of the amounts deposited
7 into the Fund, not less than eleven percent shall be made
8 available to the State of Hawaii to carry out the provisions
9 of section 10005(a)(1) of this Act.

10 (e) Amounts appropriated to the Fund shall remain
11 available until obligated or until the Fund is terminated.

12 (f) Upon payment of all incremental costs associated
13 with the purposes for which the Fund is established, the
14 Fund shall be terminated.

15 **SEC. 10008. APPLICABLE LAW AND JUDICIAL REVIEW.**

16 (a) Federal Courts shall have jurisdiction only to en-
17 force the terms, conditions and provisions of this title, re-
18 garding the activities, duties, and responsibilities in this
19 title occurring on the Island of Kaho'olawe and in its adja-
20 cent waters. Only such terms, conditions and provisions
21 shall govern judicial review of the conduct of the United
22 States, its departments, agencies and instrumentalities with
23 regard to any actions arising from or related to the convey-
24 ance of Kaho'olawe Island to the State of Hawaii and the
25 clearance or removal and remediation of unexploded and

1 *exploded ordnance and the remediation of hazardous sub-*
2 *stances and other wastes on the Island and its adjacent wa-*
3 *ters and for the other obligations, duties and purposes set*
4 *forth in this title.*

5 *(b) The provisions of this title shall be carried out not-*
6 *withstanding any other provision of law.*

7 *(c) Any person, as defined in 42 U.S.C. 9601(21), may*
8 *bring an action against the United States, its departments,*
9 *agencies and instrumentalities to require compliance with*
10 *the terms of this title and the obligations of the United*
11 *States, its departments, agencies and instrumentalities*
12 *under the Memorandum of Understanding required by sec-*
13 *tion 10006 of this Act. Such action shall be commenced no*
14 *earlier than the 60th day following the date on which the*
15 *plaintiff gives notice in writing to the Attorney General,*
16 *the Secretary and other department, agency or instrumen-*
17 *tality that the plaintiff will commence such action. Such*
18 *action shall be brought in the district court for the district*
19 *in which the alleged violation occurred. In any action under*
20 *this section, the United States or the State, or both, if not*
21 *a party may intervene as a matter of right. The United*
22 *States, its departments, agencies and instrumentalities*
23 *shall be subject to only such injunctive relief as may be im-*
24 *posed by the court to enforce compliance with the terms of*
25 *this title and the Memorandum of Understanding. Such*

1 *compliance shall be enforced giving due regard to the need*
2 *for expeditious clean-up under the terms and conditions of*
3 *this title.*

4 ***SEC. 10009. ANNUAL REPORT TO CONGRESS.***

5 *The Secretary shall submit annually a report, in de-*
6 *tail, describing compliance with the provisions of this title.*
7 *Such report shall include the comments of the State of Ha-*
8 *waii and be submitted to the Defense Committees of Con-*
9 *gress.*

Attest:

Secretary.

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