

104TH CONGRESS
2^D SESSION

H. R. 3610

AN ACT

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

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

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 That the following sums are appropriated, out of any

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

5 TITLE I

6 MILITARY PERSONNEL

7 MILITARY PERSONNEL, ARMY

8 For pay, allowances, individual clothing, subsistence,
9 interest on deposits, gratuities, permanent change of sta-
10 tion travel (including all expenses thereof for organiza-
11 tional movements), and expenses of temporary duty travel
12 between permanent duty stations, for members of the
13 Army on active duty (except members of reserve compo-
14 nents provided for elsewhere), cadets, and aviation cadets;
15 and for payments pursuant to section 156 of Public Law
16 97-377, as amended (42 U.S.C. 402 note), to section
17 229(b) of the Social Security Act (42 U.S.C. 429(b)), and
18 to the Department of Defense Military Retirement Fund;
19 \$20,692,838,000.

20 MILITARY PERSONNEL, NAVY

21 For pay, allowances, individual clothing, subsistence,
22 interest on deposits, gratuities, permanent change of sta-
23 tion travel (including all expenses thereof for organiza-
24 tional movements), and expenses of temporary duty travel
25 between permanent duty stations, for members of the

1 Navy on active duty (except members of the Reserve pro-
2 vided for elsewhere), midshipmen, and aviation cadets; and
3 for payments pursuant to section 156 of Public Law 97-
4 377, as amended (42 U.S.C. 402 note), to section 229(b)
5 of the Social Security Act (42 U.S.C. 429(b)), and to the
6 Department of Defense Military Retirement Fund;
7 \$17,000,856,000.

8 MILITARY PERSONNEL, MARINE CORPS

9 For pay, allowances, individual clothing, subsistence,
10 interest on deposits, gratuities, permanent change of sta-
11 tion travel (including all expenses thereof for organiza-
12 tional movements), and expenses of temporary duty travel
13 between permanent duty stations, for members of the Ma-
14 rine Corps on active duty (except members of the Reserve
15 provided for elsewhere); and for payments pursuant to sec-
16 tion 156 of Public Law 97-377, as amended (42 U.S.C.
17 402 note), to section 229(b) of the Social Security Act
18 (42 U.S.C. 429(b)), and to the Department of Defense
19 Military Retirement Fund; \$6,103,808,000.

20 MILITARY PERSONNEL, AIR FORCE

21 For pay, allowances, individual clothing, subsistence,
22 interest on deposits, gratuities, permanent change of sta-
23 tion travel (including all expenses thereof for organiza-
24 tional movements), and expenses of temporary duty travel
25 between permanent duty stations, for members of the Air

1 Force on active duty (except members of reserve compo-
2 nents provided for elsewhere), cadets, and aviation cadets;
3 and for payments pursuant to section 156 of Public Law
4 97-377, as amended (42 U.S.C. 402 note), to section
5 229(b) of the Social Security Act (42 U.S.C. 429(b)), and
6 to the Department of Defense Military Retirement Fund;
7 \$17,099,550,000.

8 RESERVE PERSONNEL, ARMY

9 For pay, allowances, clothing, subsistence, gratuities,
10 travel, and related expenses for personnel of the Army Re-
11 serve on active duty under sections 10211, 10302, and
12 3038 of title 10, United States Code, or while serving on
13 active duty under section 12301(d) of title 10, United
14 States Code, in connection with performing duty specified
15 in section 12310(a) of title 10, United States Code, or
16 while undergoing reserve training, or while performing
17 drills or equivalent duty or other duty, and for members
18 of the Reserve Officers' Training Corps, and expenses au-
19 thorized by section 16131 of title 10, United States Code;
20 and for payments to the Department of Defense Military
21 Retirement Fund; \$2,083,379,000.

22 RESERVE PERSONNEL, NAVY

23 For pay, allowances, clothing, subsistence, gratuities,
24 travel, and related expenses for personnel of the Navy Re-
25 serve on active duty under section 10211 of title 10, Unit-

1 ed States Code, or while serving on active duty under sec-
2 tion 12301(d) of title 10, United States Code, in connec-
3 tion with performing duty specified in section 12310(a)
4 of title 10, United States Code, or while undergoing re-
5 serve training, or while performing drills or equivalent
6 duty, and for members of the Reserve Officers' Training
7 Corps, and expenses authorized by section 16131 of title
8 10, United States Code; and for payments to the Depart-
9 ment of Defense Military Retirement Fund;
10 \$1,392,406,000.

11 RESERVE PERSONNEL, MARINE CORPS

12 For pay, allowances, clothing, subsistence, gratuities,
13 travel, and related expenses for personnel of the Marine
14 Corps Reserve on active duty under section 10211 of title
15 10, United States Code, or while serving on active duty
16 under section 12301(d) of title 10, United States Code,
17 in connection with performing duty specified in section
18 12310(a) of title 10, United States Code, or while under-
19 going reserve training, or while performing drills or equiv-
20 alent duty, and for members of the Marine Corps platoon
21 leaders class, and expenses authorized by section 16131
22 of title 10, United States Code; and for payments to the
23 Department of Defense Military Retirement Fund;
24 \$387,943,000.

1 RESERVE PERSONNEL, AIR FORCE

2 For pay, allowances, clothing, subsistence, gratuities,
3 travel, and related expenses for personnel of the Air Force
4 Reserve on active duty under sections 10211, 10305, and
5 8038 of title 10, United States Code, or while serving on
6 active duty under section 12301(d) of title 10, United
7 States Code, in connection with performing duty specified
8 in section 12310(a) of title 10, United States Code, or
9 while undergoing reserve training, or while performing
10 drills or equivalent duty or other duty, and for members
11 of the Air Reserve Officers' Training Corps, and expenses
12 authorized by section 16131 of title 10, United States
13 Code; and for payments to the Department of Defense
14 Military Retirement Fund; \$780,497,000.

15 NATIONAL GUARD PERSONNEL, ARMY

16 For pay, allowances, clothing, subsistence, gratuities,
17 travel, and related expenses for personnel of the Army Na-
18 tional Guard while on duty under section 10211, 10302,
19 or 12402 of title 10 or section 708 of title 32, United
20 States Code, or while serving on duty under section
21 12301(d) of title 10 or section 502(f) of title 32, United
22 States Code, in connection with performing duty specified
23 in section 12310(a) of title 10, United States Code, or
24 while undergoing training, or while performing drills or
25 equivalent duty or other duty, and expenses authorized by

1 section 16131 of title 10, United States Code; and for pay-
2 ments to the Department of Defense Military Retirement
3 Fund; \$3,279,393,000.

4 NATIONAL GUARD PERSONNEL, AIR FORCE

5 For pay, allowances, clothing, subsistence, gratuities,
6 travel, and related expenses for personnel of the Air Na-
7 tional Guard on duty under section 10211, 10305, or
8 12402 of title 10 or section 708 of title 32, United States
9 Code, or while serving on duty under section 12301(d) of
10 title 10 or section 502(f) of title 32, United States Code,
11 in connection with performing duty specified in section
12 12310(a) of title 10, United States Code, or while under-
13 going training, or while performing drills or equivalent
14 duty or other duty, and expenses authorized by section
15 16131 of title 10, United States Code; and for payments
16 to the Department of Defense Military Retirement Fund;
17 \$1,294,490,000.

18 TITLE II

19 OPERATION AND MAINTENANCE

20 OPERATION AND MAINTENANCE, ARMY

21 (INCLUDING TRANSFER OF FUNDS)

22 For expenses, not otherwise provided for, necessary
23 for the operation and maintenance of the Army, as author-
24 ized by law; and not to exceed \$11,437,000 can be used
25 for emergencies and extraordinary expenses, to be ex-

1 pended on the approval or authority of the Secretary of
2 the Army, and payments may be made on his certificate
3 of necessity for confidential military purposes;
4 \$18,365,679,000 and, in addition, \$50,000,000 shall be
5 derived by transfer from the National Defense Stockpile
6 Transaction Fund: *Provided*, That of the funds appro-
7 priated in this paragraph, not less than \$300,000,000
8 shall be made available only for conventional ammunition
9 care and maintenance: *Provided further*, That of the funds
10 appropriated in this paragraph, \$12,084,000 shall not be
11 obligated or expended until authorized by law.

12 OPERATION AND MAINTENANCE, NAVY

13 (INCLUDING TRANSFER OF FUNDS)

14 For expenses, not otherwise provided for, necessary
15 for the operation and maintenance of the Navy and the
16 Marine Corps, as authorized by law; and not to exceed
17 \$3,995,000, can be used for emergencies and extraor-
18 dinary expenses, to be expended on the approval or author-
19 ity of the Secretary of the Navy, and payments may be
20 made on his certificate of necessity for confidential mili-
21 tary purposes; \$20,390,397,000 and, in addition,
22 \$50,000,000 shall be derived by transfer from the Na-
23 tional Defense Stockpile Transaction Fund: *Provided*,
24 That of the funds appropriated in this paragraph,

1 \$39,933,000 shall not be obligated or expended until au-
2 thorized by law.

3 OPERATION AND MAINTENANCE, MARINE CORPS

4 For expenses, not otherwise provided for, necessary
5 for the operation and maintenance of the Marine Corps,
6 as authorized by law; \$2,465,077,000.

7 OPERATION AND MAINTENANCE, AIR FORCE

8 (INCLUDING TRANSFER OF FUNDS)

9 For expenses, not otherwise provided for, necessary
10 for the operation and maintenance of the Air Force, as
11 authorized by law; and not to exceed \$8,362,000 can be
12 used for emergencies and extraordinary expenses, to be ex-
13 pended on the approval or authority of the Secretary of
14 the Air Force, and payments may be made on his certifi-
15 cate of necessity for confidential military purposes;
16 \$17,938,755,000 and, in addition, \$50,000,000 shall be
17 derived by transfer from the National Defense Stockpile
18 Transaction Fund: *Provided*, That of the funds appro-
19 priated in this paragraph, \$39,133,000 shall not be obli-
20 gated or expended until authorized by law.

21 OPERATION AND MAINTENANCE, DEFENSE-WIDE

22 For expenses, not otherwise provided for, necessary
23 for the operation and maintenance of activities and agen-
24 cies of the Department of Defense (other than the military
25 departments), as authorized by law; \$10,212,985,000, of

1 which not to exceed \$25,000,000 may be available for the
2 CINC initiative fund account; and of which not to exceed
3 \$28,500,000 can be used for emergencies and extraor-
4 dinary expenses, to be expended on the approval or author-
5 ity of the Secretary of Defense, and payments may be
6 made on his certificate of necessity for confidential mili-
7 tary purposes.

8 OPERATION AND MAINTENANCE, ARMY RESERVE

9 For expenses, not otherwise provided for, necessary
10 for the operation and maintenance, including training, or-
11 ganization, and administration, of the Army Reserve; re-
12 pair of facilities and equipment; hire of passenger motor
13 vehicles; travel and transportation; care of the dead; re-
14 cruiting; procurement of services, supplies, and equip-
15 ment; and communications; \$1,116,436,000.

16 OPERATION AND MAINTENANCE, NAVY RESERVE

17 For expenses, not otherwise provided for, necessary
18 for the operation and maintenance, including training, or-
19 ganization, and administration, of the Navy Reserve; re-
20 pair of facilities and equipment; hire of passenger motor
21 vehicles; travel and transportation; care of the dead; re-
22 cruiting; procurement of services, supplies, and equip-
23 ment; and communications; \$882,927,000: *Provided*, That
24 of the funds appropriated in this paragraph, \$24,000,000
25 shall not be obligated or expended until authorized by law.

1 OPERATION AND MAINTENANCE, MARINE CORPS

2 RESERVE

3 For expenses, not otherwise provided for, necessary
4 for the operation and maintenance, including training, or-
5 ganization, and administration, of the Marine Corps Re-
6 serve; repair of facilities and equipment; hire of passenger
7 motor vehicles; travel and transportation; care of the dead;
8 recruiting; procurement of services, supplies, and equip-
9 ment; and communications; \$108,467,000: *Provided*, That
10 of the funds appropriated in this paragraph, \$2,000,000
11 shall not be obligated or expended until authorized by law.

12 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

13 For expenses, not otherwise provided for, necessary
14 for the operation and maintenance, including training, or-
15 ganization, and administration, of the Air Force Reserve;
16 repair of facilities and equipment; hire of passenger motor
17 vehicles; travel and transportation; care of the dead; re-
18 cruiting; procurement of services, supplies, and equip-
19 ment; and communications; \$1,491,553,000.

20 OPERATION AND MAINTENANCE, ARMY NATIONAL

21 GUARD

22 For expenses of training, organizing, and administer-
23 ing the Army National Guard, including medical and hos-
24 pital treatment and related expenses in non-Federal hos-
25 pitals; maintenance, operation, and repairs to structures

1 and facilities; hire of passenger motor vehicles; personnel
2 services in the National Guard Bureau; travel expenses
3 (other than mileage), as authorized by law for Army per-
4 sonnel on active duty, for Army National Guard division,
5 regimental, and battalion commanders while inspecting
6 units in compliance with National Guard Bureau regula-
7 tions when specifically authorized by the Chief, National
8 Guard Bureau; supplying and equipping the Army Na-
9 tional Guard as authorized by law; and expenses of repair,
10 modification, maintenance, and issue of supplies and
11 equipment (including aircraft); \$2,268,477,000.

12 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

13 For operation and maintenance of the Air National
14 Guard, including medical and hospital treatment and re-
15 lated expenses in non-Federal hospitals; maintenance, op-
16 eration, repair, and other necessary expenses of facilities
17 for the training and administration of the Air National
18 Guard, including repair of facilities, maintenance, oper-
19 ation, and modification of aircraft; transportation of
20 things; hire of passenger motor vehicles; supplies, mate-
21 rials, and equipment, as authorized by law for the Air Na-
22 tional Guard; and expenses incident to the maintenance
23 and use of supplies, materials, and equipment, including
24 such as may be furnished from stocks under the control
25 of agencies of the Department of Defense; travel expenses

1 (other than mileage) on the same basis as authorized by
2 law for Air National Guard personnel on active Federal
3 duty, for Air National Guard commanders while inspecting
4 units in compliance with National Guard Bureau regula-
5 tions when specifically authorized by the Chief, National
6 Guard Bureau; \$2,671,373,000.

7 UNITED STATES COURT OF APPEALS FOR THE ARMED
8 FORCES

9 For salaries and expenses necessary for the United
10 States Court of Appeals for the Armed Forces;
11 \$6,797,000, of which not to exceed \$2,500 can be used
12 for official representation purposes.

13 ENVIRONMENTAL RESTORATION, DEFENSE
14 (INCLUDING TRANSFER OF FUNDS)

15 For the Department of Defense; \$1,333,016,000, to
16 remain available until transferred: *Provided*, That the Sec-
17 retary of Defense shall, upon determining that such funds
18 are required for environmental restoration, reduction and
19 recycling of hazardous waste, removal of unsafe buildings
20 and debris of the Department of Defense, or for similar
21 purposes (including programs and operations at sites for-
22 merly used by the Department of Defense), transfer the
23 funds made available by this appropriation to other appro-
24 priations made available to the Department of Defense,
25 as the Secretary may designate, to be merged with and

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

7 OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

8 For expenses relating to the Overseas Humanitarian,
9 Disaster, and Civic Aid programs of the Department of
10 Defense (consisting of the programs provided under sec-
11 tions 401, 402, 404, 2547, and 2551 of title 10, United
12 States Code); \$60,544,000, to remain available until Sep-
13 tember 30, 1998.

14 FORMER SOVIET UNION THREAT REDUCTION

15 For assistance to the republics of the former Soviet
16 Union, including assistance provided by contract or by
17 grants, for facilitating the elimination and the safe and
18 secure transportation and storage of nuclear, chemical and
19 other weapons; for establishing programs to prevent the
20 proliferation of weapons, weapons components, and weap-
21 on-related technology and expertise; for programs relating
22 to the training and support of defense and military person-
23 nel for demilitarization and protection of weapons, weap-
24 ons components and weapons technology and expertise;

1 \$302,900,000, to remain available for obligation until Sep-
2 tember 30, 1999.

3 QUALITY OF LIFE ENHANCEMENTS, DEFENSE
4 (INCLUDING TRANSFER OF FUNDS)

5 For expenses, not otherwise provided for, resulting
6 from unfunded shortfalls in medical programs and the re-
7 pair and maintenance of real property of the Department
8 of Defense (including military housing and barracks);
9 \$975,000,000, of which—

10 (1) \$475,000,000 shall be transferred to funds
11 made available under the heading “Defense Health
12 Program” in title VI of this Act and be available for
13 Operation and maintenance; and

14 (2) \$500,000,000 shall be available for the
15 maintenance of real property of the Department of
16 Defense (including minor construction and major
17 maintenance and repair) and shall remain available
18 for obligation until September 30, 1998, as follows:

19 Army, \$165,000,000;

20 Navy, \$75,000,000;

21 Marine Corps, \$40,000,000;

22 Air Force, \$120,000,000;

23 Army Reserve, \$20,000,000;

24 Navy Reserve, \$20,000,000;

25 Marine Corps Reserve, \$2,000,000;

1 Air Force Reserve, \$16,000,000;
2 Army National Guard, \$29,000,000; and
3 Air National Guard, \$13,000,000.

4 REDUCTION OF FUNDS

5 Amounts appropriated in other paragraphs of this
6 title are hereby reduced as follows:

7 From OPERATION AND MAINTENANCE, ARMY,
8 \$12,950,000.

9 From OPERATION AND MAINTENANCE, NAVY,
10 \$3,500,000.

11 From OPERATION AND MAINTENANCE, MARINE
12 CORPS, \$1,750,000.

13 From OPERATION AND MAINTENANCE, AIR
14 FORCE, \$7,700,000.

15 From OPERATION AND MAINTENANCE, DE-
16 FENSE-WIDE, \$9,100,000.

17 TITLE III

18 PROCUREMENT

19 AIRCRAFT PROCUREMENT, ARMY

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

1 and such lands and interests therein, may be acquired,
2 and construction prosecuted thereon prior to approval of
3 title; and procurement and installation of equipment, ap-
4 pliances, and machine tools in public and private plants;
5 reserve plant and Government and contractor-owned
6 equipment layaway; and other expenses necessary for the
7 foregoing purposes; \$1,308,709,000, to remain available
8 for obligation until September 30, 1999.

9 MISSILE PROCUREMENT, ARMY

10 For construction, procurement, production, modifica-
11 tion, and modernization of missiles, equipment, including
12 ordnance, ground handling equipment, spare parts, and
13 accessories therefor; specialized equipment and training
14 devices; expansion of public and private plants, including
15 the land necessary therefor, for the foregoing purposes,
16 and such lands and interests therein, may be acquired,
17 and construction prosecuted thereon prior to approval of
18 title; and procurement and installation of equipment, ap-
19 pliances, and machine tools in public and private plants;
20 reserve plant and Government and contractor-owned
21 equipment layaway; and other expenses necessary for the
22 foregoing purposes; \$988,567,000, to remain available for
23 obligation until September 30, 1999.

1 PROCUREMENT OF WEAPONS AND TRACKED COMBAT
2 VEHICLES, ARMY

3 For construction, procurement, production, and
4 modification of weapons and tracked combat vehicles,
5 equipment, including ordnance, spare parts, and acces-
6 sories therefor; specialized equipment and training devices;
7 expansion of public and private plants, including the land
8 necessary therefor, for the foregoing purposes, and such
9 lands and interests therein, may be acquired, and con-
10 struction prosecuted thereon prior to approval of title; and
11 procurement and installation of equipment, appliances,
12 and machine tools in public and private plants; reserve
13 plant and Government and contractor-owned equipment
14 layaway; and other expenses necessary for the foregoing
15 purposes; \$1,500,414,000, to remain available for obliga-
16 tion until September 30, 1999: *Provided*, That of the
17 funds appropriated in this paragraph, \$175,600,000 shall
18 not be obligated or expended until authorized by law.

19 PROCUREMENT OF AMMUNITION, ARMY

20 For construction, procurement, production, and
21 modification of ammunition, and accessories therefor; spe-
22 cialized equipment and training devices; expansion of pub-
23 lic and private plants, including ammunition facilities au-
24 thorized by section 2854, title 10, United States Code, and
25 the land necessary therefor, for the foregoing purposes,

1 and such lands and interests therein, may be acquired,
2 and construction prosecuted thereon prior to approval of
3 title; and procurement and installation of equipment, ap-
4 pliances, and machine tools in public and private plants;
5 reserve plant and Government and contractor-owned
6 equipment layaway; and other expenses necessary for the
7 foregoing purposes; \$1,150,128,000, to remain available
8 for obligation until September 30, 1999.

9 OTHER PROCUREMENT, ARMY

10 For construction, procurement, production, and
11 modification of vehicles, including tactical, support, and
12 nontracked combat vehicles; the purchase of not to exceed
13 14 passenger motor vehicles for replacement only; commu-
14 nications and electronic equipment; other support equip-
15 ment; spare parts, ordnance, and accessories therefor; spe-
16 cialized equipment and training devices; expansion of pub-
17 lic and private plants, including the land necessary there-
18 for, for the foregoing purposes, and such lands and inter-
19 ests therein, may be acquired, and construction prosecuted
20 thereon prior to approval of title; and procurement and
21 installation of equipment, appliances, and machine tools
22 in public and private plants; reserve plant and Govern-
23 ment and contractor-owned equipment layaway; and other
24 expenses necessary for the foregoing purposes;
25 \$2,899,040,000, to remain available for obligation until

1 September 30, 1999: *Provided*, That of the funds appro-
2 priated in this paragraph, \$86,800,000 shall not be obli-
3 gated or expended until authorized by law.

4 AIRCRAFT PROCUREMENT, NAVY

5 For construction, procurement, production, modifica-
6 tion, and modernization of aircraft, equipment, including
7 ordnance, spare parts, and accessories therefor; specialized
8 equipment; expansion of public and private plants, includ-
9 ing the land necessary therefor, and such lands and inter-
10 ests therein, may be acquired, and construction prosecuted
11 thereon prior to approval of title; and procurement and
12 installation of equipment, appliances, and machine tools
13 in public and private plants; reserve plant and Govern-
14 ment and contractor-owned equipment layaway;
15 \$6,896,552,000, to remain available for obligation until
16 September 30, 1999: *Provided*, That of the funds appro-
17 priated in this paragraph, \$227,600,000 shall not be obli-
18 gated or expended until authorized by law.

19 WEAPONS PROCUREMENT, NAVY

20 For construction, procurement, production, modifica-
21 tion, and modernization of missiles, torpedoes, other weap-
22 ons, and related support equipment including spare parts,
23 and accessories therefor; expansion of public and private
24 plants, including the land necessary therefor, and such
25 lands and interests therein, may be acquired, and con-

1 construction prosecuted thereon prior to approval of title; and
2 procurement and installation of equipment, appliances,
3 and machine tools in public and private plants; reserve
4 plant and Government and contractor-owned equipment
5 layaway; \$1,384,408,000, to remain available for obliga-
6 tion until September 30, 1999: *Provided*, That in addition
7 to the foregoing purposes, the funds appropriated above
8 under this heading shall be available to liquidate reported
9 deficiencies in appropriations provided under this heading
10 in prior Department of Defense appropriations acts, to the
11 extent such deficiencies cannot otherwise be liquidated
12 pursuant to 31 U.S.C. 1553(b): *Provided further*, That of
13 the funds appropriated in this paragraph, \$79,100,000
14 shall not be obligated or expended until authorized by law.

15 PROCUREMENT OF AMMUNITION, NAVY AND MARINE

16 CORPS

17 For construction, procurement, production, and
18 modification of ammunition, and accessories therefor; spe-
19 cialized equipment and training devices; expansion of pub-
20 lic and private plants, including ammunition facilities au-
21 thorized by section 2854, title 10, United States Code, and
22 the land necessary therefor, for the foregoing purposes,
23 and such lands and interests therein, may be acquired,
24 and construction prosecuted thereon prior to approval of
25 title; and procurement and installation of equipment, ap-

1 pliances, and machine tools in public and private plants;
2 reserve plant and Government and contractor-owned
3 equipment layaway; and other expenses necessary for the
4 foregoing purposes; \$341,689,000, to remain available for
5 obligation until September 30, 1999.

6 SHIPBUILDING AND CONVERSION, NAVY

7 For expenses necessary for the construction, acquisi-
8 tion, or conversion of vessels as authorized by law, includ-
9 ing armor and armament thereof, plant equipment, appli-
10 ances, and machine tools and installation thereof in public
11 and private plants; reserve plant and Government and con-
12 tractor-owned equipment layaway; procurement of critical,
13 long leadtime components and designs for vessels to be
14 constructed or converted in the future; and expansion of
15 public and private plants, including land necessary there-
16 for, and such lands and interests therein, may be acquired,
17 and construction prosecuted thereon prior to approval of
18 title; \$4,469,930,000, to remain available for obligation
19 until September 30, 2001: *Provided*, That additional obli-
20 gations may be incurred after September 30, 2001, for
21 engineering services, tests, evaluations, and other such
22 budgeted work that must be performed in the final stage
23 of ship construction: *Provided further*, That none of the
24 funds herein provided for the construction or conversion
25 of any naval vessel to be constructed in shipyards in the

1 United States shall be expended in foreign facilities for
2 the construction of major components of such vessel: *Pro-*
3 *vided further*, That none of the funds herein provided shall
4 be used for the construction of any naval vessel in foreign
5 shipyards.

6 OTHER PROCUREMENT, NAVY

7 For procurement, production, and modernization of
8 support equipment and materials not otherwise provided
9 for, Navy ordnance (except ordnance for new aircraft, new
10 ships, and ships authorized for conversion); expansion of
11 public and private plants, including the land necessary
12 therefor, and such lands and interests therein, may be ac-
13 quired, and construction prosecuted thereon prior to ap-
14 proval of title; and procurement and installation of equip-
15 ment, appliances, and machine tools in public and private
16 plants; reserve plant and Government and contractor-
17 owned equipment layaway; \$2,889,591,000, to remain
18 available for obligation until September 30, 1999: *Pro-*
19 *vided*, That of the funds appropriated in this paragraph,
20 \$18,096,000 shall not be obligated or expended until au-
21 thorized by law.

22 PROCUREMENT, MARINE CORPS

23 For expenses necessary for the procurement, manu-
24 facture, and modification of missiles, armament, military
25 equipment, spare parts, and accessories therefor; plant

1 equipment, appliances, and machine tools, and installation
2 thereof in public and private plants; reserve plant and
3 Government and contractor-owned equipment layaway; ve-
4 hicles for the Marine Corps, including the purchase of not
5 to exceed 88 passenger motor vehicles for replacement
6 only; and expansion of public and private plants, including
7 land necessary therefor, and such lands and interests
8 therein, may be acquired and construction prosecuted
9 thereon prior to approval of title; \$623,973,000, to remain
10 available for obligation until September 30, 1999: *Pro-*
11 *vided*, That of the funds appropriated in this paragraph,
12 \$77,225,000 shall not be obligated or expended until au-
13 thorized by law.

14 AIRCRAFT PROCUREMENT, AIR FORCE

15 For construction, procurement, and modification of
16 aircraft and equipment, including armor and armament,
17 specialized ground handling equipment, and training de-
18 vices, spare parts, and accessories therefor; specialized
19 equipment; expansion of public and private plants, Gov-
20 ernment-owned equipment and installation thereof in such
21 plants, erection of structures, and acquisition of land, for
22 the foregoing purposes, and such lands and interests
23 therein, may be acquired, and construction prosecuted
24 thereon prior to approval of title; reserve plant and Gov-
25 ernment and contractor-owned equipment layaway; and

1 other expenses necessary for the foregoing purposes in-
2 cluding rents and transportation of things;
3 \$7,274,628,000, to remain available for obligation until
4 September 30, 1999: *Provided*, That of the funds appro-
5 priated in this paragraph, \$2,700,000 shall not be obli-
6 gated or expended until authorized by law.

7 MISSILE PROCUREMENT, AIR FORCE

8 For construction, procurement, and modification of
9 missiles, spacecraft, rockets, and related equipment, in-
10 cluding spare parts and accessories therefor, ground han-
11 dling equipment, and training devices; expansion of public
12 and private plants, Government-owned equipment and in-
13 stallation thereof in such plants, erection of structures,
14 and acquisition of land, for the foregoing purposes, and
15 such lands and interests therein, may be acquired, and
16 construction prosecuted thereon prior to approval of title;
17 reserve plant and Government and contractor-owned
18 equipment layaway; and other expenses necessary for the
19 foregoing purposes including rents and transportation of
20 things; \$2,279,500,000, to remain available for obligation
21 until September 30, 1999.

22 PROCUREMENT OF AMMUNITION, AIR FORCE

23 For construction, procurement, production, and
24 modification of ammunition, and accessories therefor; spe-
25 cialized equipment and training devices; expansion of pub-

1 lie and private plants, including ammunition facilities au-
2 thorized by section 2854, title 10, United States Code, and
3 the land necessary therefor, for the foregoing purposes,
4 and such lands and interests therein, may be acquired,
5 and construction prosecuted thereon prior to approval of
6 title; and procurement and installation of equipment, ap-
7 pliances, and machine tools in public and private plants;
8 reserve plant and Government and contractor-owned
9 equipment layaway; and other expenses necessary for the
10 foregoing purposes; \$272,177,000, to remain available for
11 obligation until September 30, 1999.

12 OTHER PROCUREMENT, AIR FORCE

13 For procurement and modification of equipment (in-
14 cluding ground guidance and electronic control equipment,
15 and ground electronic and communication equipment),
16 and supplies, materials, and spare parts therefor, not oth-
17 erwise provided for; the purchase of not to exceed 506 pas-
18 senger motor vehicles for replacement only; the purchase
19 of 1 vehicle required for physical security of personnel,
20 notwithstanding price limitations applicable to passenger
21 vehicles but not to exceed \$287,000 per vehicle; and ex-
22 pansion of public and private plants, Government-owned
23 equipment and installation thereof in such plants, erection
24 of structures, and acquisition of land, for the foregoing
25 purposes, and such lands and interests therein, may be

1 acquired, and construction prosecuted thereon, prior to
2 approval of title; reserve plant and Government and con-
3 tractor-owned equipment layaway; \$6,078,539,000, to re-
4 main available for obligation until September 30, 1999.

5 PROCUREMENT, DEFENSE-WIDE

6 For expenses of activities and agencies of the Depart-
7 ment of Defense (other than the military departments)
8 necessary for procurement, production, and modification
9 of equipment, supplies, materials, and spare parts there-
10 for, not otherwise provided for; the purchase of not to ex-
11 ceed 389 passenger motor vehicles for replacement only;
12 the purchase of 2 vehicles required for physical security
13 of personnel, notwithstanding price limitations applicable
14 to passenger vehicles, but not to exceed \$200,000 per vehi-
15 cle; expansion of public and private plants, equipment, and
16 installation thereof in such plants, erection of structures,
17 and acquisition of land for the foregoing purposes, and
18 such lands and interests therein, may be acquired, and
19 construction prosecuted thereon prior to approval of title;
20 reserve plant and Government and contractor-owned
21 equipment layaway; \$2,247,812,000, to remain available
22 for obligation until September 30, 1999: *Provided*, That
23 of the funds appropriated in this paragraph,
24 \$357,600,000 shall not be obligated or expended until au-
25 thorized by law.

1 NATIONAL GUARD AND RESERVE EQUIPMENT

2 For procurement of aircraft, missiles, tracked combat
3 vehicles, ammunition, other weapons, and other procure-
4 ment for the reserve components of the Armed Forces;
5 \$908,000,000, to remain available for obligation until Sep-
6 tember 30, 1999: *Provided*, That the Chiefs of the Reserve
7 and National Guard components shall, not later than 30
8 days after the enactment of this Act, individually submit
9 to the congressional defense committees the modernization
10 priority assessment for their respective Reserve or Na-
11 tional Guard component: *Provided further*, That of the
12 funds appropriated in this paragraph, \$103,000,000 shall
13 not be obligated or expended until authorized by law.

14 TITLE IV

15 RESEARCH, DEVELOPMENT, TEST, AND

16 EVALUATION

17 RESEARCH, DEVELOPMENT, TEST, AND EVALUATION,

18 ARMY

19 For expenses necessary for basic and applied sci-
20 entific research, development, test and evaluation, includ-
21 ing maintenance, rehabilitation, lease, and operation of fa-
22 cilities and equipment, as authorized by law;
23 \$4,874,537,000, to remain available for obligation until
24 September 30, 1998: *Provided*, That of the funds appro-

1 priated in this paragraph, \$194,558,000 shall not be obli-
2 gated or expended until authorized by law.

3 RESEARCH, DEVELOPMENT, TEST, AND EVALUATION,
4 NAVY

5 For expenses necessary for basic and applied sci-
6 entific research, development, test and evaluation, includ-
7 ing maintenance, rehabilitation, lease, and operation of fa-
8 cilities and equipment, as authorized by law;
9 \$8,399,357,000, to remain available for obligation until
10 September 30, 1998: *Provided*, That funds appropriated
11 in this paragraph which are available for the V-22 may
12 be used to meet unique requirements of the Special Oper-
13 ations Forces: *Provided further*, That of the funds appro-
14 priated in this paragraph, \$209,400,000 shall not be obli-
15 gated or expended until authorized by law.

16 RESEARCH, DEVELOPMENT, TEST, AND EVALUATION,
17 AIR FORCE

18 For expenses necessary for basic and applied sci-
19 entific research, development, test and evaluation, includ-
20 ing maintenance, rehabilitation, lease, and operation of fa-
21 cilities and equipment, as authorized by law;
22 \$14,869,573,000, to remain available for obligation until
23 September 30, 1998: *Provided*, That of the funds made
24 available in this paragraph, \$25,000,000 shall be only for
25 development of reusable launch vehicle technologies: *Pro-*

1 *vided further*, That of the funds appropriated in this para-
2 graph, \$1,598,486,000 shall not be obligated or expended
3 until authorized by law.

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

6 For expenses of activities and agencies of the Depart-
7 ment of Defense (other than the military departments),
8 necessary for basic and applied scientific research, devel-
9 opment, test and evaluation; advanced research projects
10 as may be designated and determined by the Secretary
11 of Defense, pursuant to law; maintenance, rehabilitation,
12 lease, and operation of facilities and equipment, as author-
13 ized by law; \$9,068,558,000, to remain available for obli-
14 gation until September 30, 1998: *Provided*, That not less
15 than \$304,171,000 of the funds appropriated in this para-
16 graph shall be made available only for the Sea-Based Wide
17 Area Defense (Navy Upper-Tier) program.

18 DEVELOPMENTAL TEST AND EVALUATION, DEFENSE

19 For expenses, not otherwise provided for, of inde-
20 pendent activities of the Director, Test and Evaluation in
21 the direction and supervision of developmental test and
22 evaluation, including performance and joint developmental
23 testing and evaluation; and administrative expenses in
24 connection therewith; \$272,038,000, to remain available
25 for obligation until September 30, 1998: *Provided*, That

1 of the funds appropriated in this paragraph, \$20,000,000
2 shall not be obligated or expended until authorized by law.

3 OPERATIONAL TEST AND EVALUATION, DEFENSE

4 For expenses, not otherwise provided for, necessary
5 for the independent activities of the Director, Operational
6 Test and Evaluation in the direction and supervision of
7 operational test and evaluation, including initial oper-
8 ational test and evaluation which is conducted prior to,
9 and in support of, production decisions; joint operational
10 testing and evaluation; and administrative expenses in
11 connection therewith; \$26,968,000, to remain available for
12 obligation until September 30, 1998: *Provided*, That of the
13 funds appropriated in this paragraph, \$5,000,000 shall
14 not be obligated or expended until authorized by law.

15 TITLE V

16 REVOLVING AND MANAGEMENT FUNDS

17 DEFENSE BUSINESS OPERATIONS FUND

18 For the Defense Business Operations Fund;
19 \$947,900,000.

20 NATIONAL DEFENSE SEALIFT FUND

21 For National Defense Sealift Fund programs (includ-
22 ing the development and acquisition of lighterage),
23 projects, and activities, and for expenses of the National
24 Defense Reserve Fleet, as established by section 11 of the
25 Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744);

1 \$1,904,002,000, to remain available until expended: *Pro-*
2 *vided*, That none of the funds provided in this paragraph
3 shall be used to award a new contract that provides for
4 the acquisition of any of the following major components
5 unless such components are manufactured in the United
6 States: auxiliary equipment, including pumps, for all ship-
7 board services; propulsion system components (that is; en-
8 gines, reduction gears, and propellers); shipboard cranes;
9 and spreaders for shipboard cranes: *Provided further*, That
10 the exercise of an option in a contract awarded through
11 the obligation of previously appropriated funds shall not
12 be considered to be the award of a new contract: *Provided*
13 *further*, That the Secretary of the military department re-
14 sponsible for such procurement may waive these restric-
15 tions on a case-by-case basis by certifying in writing to
16 the Committees on Appropriations of the House of Rep-
17 resentatives and the Senate, that adequate domestic sup-
18 plies are not available to meet Department of Defense re-
19 quirements on a timely basis and that such an acquisition
20 must be made in order to acquire capability for national
21 security purposes: *Provided further*, That of the funds ap-
22 propriated in this paragraph, \$781,000,000 shall not be
23 obligated or expended until authorized by law.

1 TITLE VI
2 OTHER DEPARTMENT OF DEFENSE PROGRAMS
3 DEFENSE HEALTH PROGRAM

4 For expenses, not otherwise provided for, for medical
5 and health care programs of the Department of Defense,
6 as authorized by law; \$9,667,658,000, of which
7 \$9,398,188,000 shall be for Operation and maintenance,
8 of which not to exceed three percent shall remain available
9 until September 30, 1998; and of which \$269,470,000, to
10 remain available for obligation until September 30, 1999,
11 shall be for Procurement: *Provided*, That notwithstanding
12 any other provision of law, of the funds provided under
13 this heading, the Secretary of Defense is directed to use
14 and obligate, within thirty days of enactment of this Act,
15 not less than \$3,400,000 only to permit private sector or
16 non-Federal physicians who have used and will use the
17 antibacterial treatment method based upon the excretion
18 of dead and decaying spherical bacteria to work in con-
19 junction with the Walter Reed Army Medical Center on
20 a treatment protocol and related studies for Desert Storm
21 Syndrome affected veterans.

22 CHEMICAL AGENTS AND MUNITIONS DESTRUCTION,
23 DEFENSE

24 For expenses, not otherwise provided for, necessary
25 for the destruction of the United States stockpile of lethal

1 chemical agents and munitions in accordance with the pro-
2 visions of section 1412 of the Department of Defense Au-
3 thorization Act, 1986 (50 U.S.C. 1521), and for the de-
4 struction of other chemical warfare materials that are not
5 in the chemical weapon stockpile, \$799,847,000, of which
6 \$477,947,000 shall be for Operation and maintenance,
7 \$273,600,000 shall be for Procurement to remain avail-
8 able until September 30, 1999, and \$48,300,000 shall be
9 for Research, development, test and evaluation to remain
10 available until September 30, 1998.

11 DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,

12 DEFENSE

13 (INCLUDING TRANSFER OF FUNDS)

14 For drug interdiction and counter-drug activities of
15 the Department of Defense, for transfer to appropriations
16 available to the Department of Defense for military per-
17 sonnel of the reserve components serving under the provi-
18 sions of title 10 and title 32, United States Code; for Op-
19 eration and maintenance; for Procurement; and for Re-
20 search, development, test and evaluation; \$774,724,000:
21 *Provided*, That the funds appropriated by this paragraph
22 shall be available for obligation for the same time period
23 and for the same purpose as the appropriation to which
24 transferred: *Provided further*, That the transfer authority
25 provided in this paragraph is in addition to any transfer

1 authority contained elsewhere in this Act: *Provided fur-*
2 *ther*, That of the funds appropriated in this paragraph,
3 \$92,000,000 shall not be obligated or expended until au-
4 thorized by law.

5 OFFICE OF THE INSPECTOR GENERAL

6 For expenses and activities of the Office of the In-
7 spector General in carrying out the provisions of the In-
8 spector General Act of 1978, as amended; \$138,501,000,
9 of which \$136,501,000 shall be for Operation and mainte-
10 nance, of which not to exceed \$400,000 is available for
11 emergencies and extraordinary expenses to be expended on
12 the approval or authority of the Inspector General, and
13 payments may be made on his certificate of necessity for
14 confidential military purposes; and of which \$2,000,000,
15 to remain available until September 30, 1999, shall be for
16 Procurement.

17 TITLE VII

18 RELATED AGENCIES

19 CENTRAL INTELLIGENCE AGENCY RETIREMENT AND
20 DISABILITY SYSTEM FUND

21 For payment to the Central Intelligence Agency Re-
22 tirement and Disability System Fund, to maintain proper
23 funding level for continuing the operation of the Central
24 Intelligence Agency Retirement and Disability System;
25 \$196,400,000.

1 INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

2 For necessary expenses of the Intelligence Commu-
3 nity Management Account; \$149,555,000.

4 PAYMENT TO KAHO'OLAWA ISLAND CONVEYANCE, RE-
5 MEDIATION, AND ENVIRONMENTAL RESTORATION
6 FUND

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

11 TITLE VIII

12 GENERAL PROVISIONS

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

16 SEC. 8002. During the current fiscal year, provisions
17 of law prohibiting the payment of compensation to, or em-
18 ployment of, any person not a citizen of the United States
19 shall not apply to personnel of the Department of Defense:
20 *Provided*, That salary increases granted to direct and indi-
21 rect hire foreign national employees of the Department of
22 Defense funded by this Act shall not be at a rate in excess
23 of the percentage increase authorized by law for civilian
24 employees of the Department of Defense whose pay is
25 computed under the provisions of section 5332 of title 5,

1 United States Code, or at a rate in excess of the percent-
2 age increase provided by the appropriate host nation to
3 its own employees, whichever is higher: *Provided further*,
4 That this section shall not apply to Department of De-
5 fense foreign service national employees serving at United
6 States diplomatic missions whose pay is set by the Depart-
7 ment of State under the Foreign Service Act of 1980: *Pro-*
8 *vided further*, That the limitations of this provision shall
9 not apply to foreign national employees of the Department
10 of Defense in the Republic of Turkey.

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

14 SEC. 8004. No more than 20 per centum of the ap-
15 propriations in this Act which are limited for obligation
16 during the current fiscal year shall be obligated during
17 the last two months of the fiscal year: *Provided*, That this
18 section shall not apply to obligations for support of active
19 duty training of reserve components or summer camp
20 training of the Reserve Officers' Training Corps.

21 (TRANSFER OF FUNDS)

22 SEC. 8005. Upon determination by the Secretary of
23 Defense that such action is necessary in the national inter-
24 est, he may, with the approval of the Office of Manage-
25 ment and Budget, transfer not to exceed \$2,000,000,000

1 of working capital funds of the Department of Defense
2 or funds made available in this Act to the Department
3 of Defense for military functions (except military con-
4 struction) between such appropriations or funds or any
5 subdivision thereof, to be merged with and to be available
6 for the same purposes, and for the same time period, as
7 the appropriation or fund to which transferred: *Provided*,
8 That such authority to transfer may not be used unless
9 for higher priority items, based on unforeseen military re-
10 quirements, than those for which originally appropriated
11 and in no case where the item for which funds are re-
12 quested has been denied by Congress: *Provided further*,
13 That the Secretary of Defense shall notify the Congress
14 promptly of all transfers made pursuant to this authority
15 or any other authority in this Act: *Provided further*, That
16 no part of the funds in this Act shall be available to pre-
17 pare or present a request to the Committees on Appropria-
18 tions for reprogramming of funds, unless for higher prior-
19 ity items, based on unforeseen military requirements, than
20 those for which originally appropriated and in no case
21 where the item for which reprogramming is requested has
22 been denied by the Congress.

23 (TRANSFER OF FUNDS)

24 SEC. 8006. During the current fiscal year, cash bal-
25 ances in working capital funds of the Department of De-

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

18 SEC. 8007. Funds appropriated by this Act may not
19 be used to initiate a special access program without prior
20 notification 30 calendar days in session in advance to the
21 congressional defense committees.

22 SEC. 8008. None of the funds contained in this Act
23 available for the Civilian Health and Medical Program of
24 the Uniformed Services shall be available for payments to
25 physicians and other non-institutional health care provid-

1 ers in excess of the amounts allowed in fiscal year 1996
2 for similar services, except that: (a) for services for which
3 the Secretary of Defense determines an increase is justi-
4 fied by economic circumstances, the allowable amounts
5 may be increased in accordance with appropriate economic
6 index data similar to that used pursuant to title XVIII
7 of the Social Security Act; and (b) for services the Sec-
8 retary determines are overpriced based on allowable pay-
9 ments under title XVIII of the Social Security Act, the
10 allowable amounts shall be reduced by not more than 15
11 percent (except that the reduction may be waived if the
12 Secretary determines that it would impair adequate access
13 to health care services for beneficiaries). The Secretary
14 shall solicit public comment prior to promulgating regula-
15 tions to implement this section. Such regulations shall in-
16 clude a limitation, similar to that used under title XVIII
17 of the Social Security Act, on the extent to which a pro-
18 vider may bill a beneficiary an actual charge in excess of
19 the allowable amount.

20 SEC. 8009. None of the funds provided in this Act
21 shall be available to initiate (1) a multiyear contract that
22 employs economic order quantity procurement in excess of
23 \$20,000,000 in any one year of the contract or that in-
24 cludes an unfunded contingent liability in excess of
25 \$20,000,000, or (2) a contract for advance procurement

1 leading to a multiyear contract that employs economic
2 order quantity procurement in excess of \$20,000,000 in
3 any one year, unless the congressional defense committees
4 have been notified at least thirty days in advance of the
5 proposed contract award: *Provided*, That no part of any
6 appropriation contained in this Act shall be available to
7 initiate a multiyear contract for which the economic order
8 quantity advance procurement is not funded at least to
9 the limits of the Government's liability: *Provided further*,
10 That no part of any appropriation contained in this Act
11 shall be available to initiate multiyear procurement con-
12 tracts for any systems or component thereof if the value
13 of the multiyear contract would exceed \$500,000,000 un-
14 less specifically provided in this Act: *Provided further*,
15 That no multiyear procurement contract can be termi-
16 nated without 10-day prior notification to the congres-
17 sional defense committees: *Provided further*, That the exe-
18 cution of multiyear authority shall require the use of a
19 present value analysis to determine lowest cost compared
20 to an annual procurement.

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

- 23 Javelin missiles;
- 24 Army Tactical Missile System (ATACMS);
- 25 MK19-3 grenade machine guns;

1 M16A2 rifles;
2 M249 Squad Automatic Weapons;
3 M4 carbine rifles; and
4 M240B machine guns.

5 SEC. 8010. Within the funds appropriated for the op-
6 eration and maintenance of the Armed Forces, funds are
7 hereby appropriated pursuant to section 401 of title 10,
8 United States Code, for humanitarian and civic assistance
9 costs under chapter 20 of title 10, United States Code.
10 Such funds may also be obligated for humanitarian and
11 civic assistance costs incidental to authorized operations
12 and pursuant to authority granted in section 401 of chap-
13 ter 20 of title 10, United States Code, and these obliga-
14 tions shall be reported to Congress on September 30 of
15 each year: *Provided*, That funds available for operation
16 and maintenance shall be available for providing humani-
17 tarian and similar assistance by using Civic Action Teams
18 in the Trust Territories of the Pacific Islands and freely
19 associated states of Micronesia, pursuant to the Compact
20 of Free Association as authorized by Public Law 99-239:
21 *Provided further*, That upon a determination by the Sec-
22 retary of the Army that such action is beneficial for grad-
23 uate medical education programs conducted at Army med-
24 ical facilities located in Hawaii, the Secretary of the Army
25 may authorize the provision of medical services at such

1 facilities and transportation to such facilities, on a non-
2 reimbursable basis, for civilian patients from American
3 Samoa, the Commonwealth of the Northern Mariana Is-
4 lands, the Marshall Islands, the Federated States of Mi-
5 cronesia, Palau, and Guam.

6 SEC. 8011. (a) During fiscal year 1997, the civilian
7 personnel of the Department of Defense may not be man-
8 aged on the basis of any end-strength, and the manage-
9 ment of such personnel during that fiscal year shall not
10 be subject to any constraint or limitation (known as an
11 end-strength) on the number of such personnel who may
12 be employed on the last day of such fiscal year.

13 (b) The fiscal year 1998 budget request for the De-
14 partment of Defense as well as all justification material
15 and other documentation supporting the fiscal year 1998
16 Department of Defense budget request shall be prepared
17 and submitted to the Congress as if subsections (a) and
18 (b) of this provision were effective with regard to fiscal
19 year 1998.

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

22 SEC. 8012. Notwithstanding any other provision of
23 law, none of the funds made available by this Act shall
24 be used by the Department of Defense to exceed, outside
25 the fifty United States, its territories, and the District of

1 Columbia, 125,000 civilian workyears: *Provided*, That
2 workyears shall be applied as defined in the Federal Per-
3 sonnel Manual: *Provided further*, That workyears ex-
4 pended in dependent student hiring programs for dis-
5 advantaged youths shall not be included in this workyear
6 limitation.

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

11 SEC. 8014. (a) None of the funds appropriated by
12 this Act shall be used to make contributions to the Depart-
13 ment of Defense Education Benefits Fund pursuant to
14 section 2006(g) of title 10, United States Code, represent-
15 ing the normal cost for future benefits under section
16 3015(c) of title 38, United States Code, for any member
17 of the armed services who, on or after the date of enact-
18 ment of this Act—

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

21 (2) receives an enlistment bonus under section
22 308a or 308f of title 37, United States Code,

23 nor shall any amounts representing the normal cost of
24 such future benefits be transferred from the Fund by the
25 Secretary of the Treasury to the Secretary of Veterans

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

14 (b) None of the funds appropriated by this Act shall
15 be available for the basic pay and allowances of any mem-
16 ber of the Army participating as a full-time student and
17 receiving benefits paid by the Secretary of Veterans Af-
18 fairs from the Department of Defense Education Benefits
19 Fund when time spent as a full-time student is credited
20 toward completion of a service commitment: *Provided*,
21 That this subsection shall not apply to those members who
22 have reenlisted with this option prior to October 1, 1987:
23 *Provided further*, That this subsection applies only to ac-
24 tive components of the Army.

1 SEC. 8015. None of the funds appropriated by this
 2 Act shall be available to convert to contractor performance
 3 an activity or function of the Department of Defense that,
 4 on or after the date of enactment of this Act, is performed
 5 by more than ten Department of Defense civilian employ-
 6 ees until a most efficient and cost-effective organization
 7 analysis is completed on such activity or function and cer-
 8 tification of the analysis is made to the Committees on
 9 Appropriations of the House of Representatives and the
 10 Senate: *Provided*, That this section shall not apply to a
 11 commercial or industrial type function of the Department
 12 of Defense that: (1) is included on the procurement list
 13 established pursuant to section 2 of the Act of June 25,
 14 1938 (41 U.S.C. 47), popularly referred to as the Javits-
 15 Wagner-O'Day Act; (2) is planned to be converted to per-
 16 formance by a qualified nonprofit agency for the blind or
 17 by a qualified nonprofit agency for other severely handi-
 18 capped individuals in accordance with that Act; or (3) is
 19 planned to be converted to performance by a qualified firm
 20 under 51 percent Native American ownership.

21 (TRANSFER OF FUNDS)

22 SEC. 8016. Funds appropriated in title III of this Act
 23 for the Department of Defense Pilot Mentor-Protege Pro-
 24 gram may be transferred to any other appropriation con-
 25 tained in this Act solely for the purpose of implementing

1 a Mentor-Protege Program developmental assistance
2 agreement pursuant to section 831 of the National De-
3 fense Authorization Act for Fiscal Year 1991 (Public Law
4 101-510; 10 U.S.C. 2301 note), as amended, under the
5 authority of this provision or any other transfer authority
6 contained in this Act.

7 SEC. 8017. None of the funds in this Act may be
8 available for the purchase by the Department of Defense
9 (and its departments and agencies) of welded shipboard
10 anchor and mooring chain 4 inches in diameter and under
11 unless the anchor and mooring chain are manufactured
12 in the United States from components which are substan-
13 tially manufactured in the United States: *Provided*, That
14 for the purpose of this section manufactured will include
15 cutting, heat treating, quality control, testing of chain and
16 welding (including the forging and shot blasting process):
17 *Provided further*, That for the purpose of this section sub-
18 stantially all of the components of anchor and mooring
19 chain shall be considered to be produced or manufactured
20 in the United States if the aggregate cost of the compo-
21 nents produced or manufactured in the United States ex-
22 ceeds the aggregate cost of the components produced or
23 manufactured outside the United States: *Provided further*,
24 That when adequate domestic supplies are not available
25 to meet Department of Defense requirements on a timely

1 basis, the Secretary of the service responsible for the pro-
2 curement may waive this restriction on a case-by-case
3 basis by certifying in writing to the Committees on Appro-
4 priations that such an acquisition must be made in order
5 to acquire capability for national security purposes.

6 SEC. 8018. None of the funds appropriated by this
7 Act available for the Civilian Health and Medical Program
8 of the Uniformed Services (CHAMPUS) shall be available
9 for the reimbursement of any health care provider for in-
10 patient mental health service for care received when a pa-
11 tient is referred to a provider of inpatient mental health
12 care or residential treatment care by a medical or health
13 care professional having an economic interest in the facil-
14 ity to which the patient is referred: *Provided*, That this
15 limitation does not apply in the case of inpatient mental
16 health services provided under the program for the handi-
17 capped under subsection (d) of section 1079 of title 10,
18 United States Code, provided as partial hospital care, or
19 provided pursuant to a waiver authorized by the Secretary
20 of Defense because of medical or psychological cir-
21 cumstances of the patient that are confirmed by a health
22 professional who is not a Federal employee after a review,
23 pursuant to rules prescribed by the Secretary, which takes
24 into account the appropriate level of care for the patient,

1 the intensity of services required by the patient, and the
2 availability of that care.

3 SEC. 8019. Funds available in this Act may be used
4 to provide transportation for the next-of-kin of individuals
5 who have been prisoners of war or missing in action from
6 the Vietnam era to an annual meeting in the United
7 States, under such regulations as the Secretary of Defense
8 may prescribe.

9 SEC. 8020. Notwithstanding any other provision of
10 law, during the current fiscal year, the Secretary of De-
11 fense may, by Executive Agreement, establish with host
12 nation governments in NATO member states a separate
13 account into which such residual value amounts negotiated
14 in the return of United States military installations in
15 NATO member states may be deposited, in the currency
16 of the host nation, in lieu of direct monetary transfers to
17 the United States Treasury: *Provided*, That such credits
18 may be utilized only for the construction of facilities to
19 support United States military forces in that host nation,
20 or such real property maintenance and base operating
21 costs that are currently executed through monetary trans-
22 fers to such host nations: *Provided further*, That the De-
23 partment of Defense's budget submission for fiscal year
24 1998 shall identify such sums anticipated in residual value
25 settlements, and identify such construction, real property

1 maintenance or base operating costs that shall be funded
2 by the host nation through such credits: *Provided further*,
3 That all military construction projects to be executed from
4 such accounts must be previously approved in a prior Act
5 of Congress: *Provided further*, That each such Executive
6 Agreement with a NATO member host nation shall be re-
7 ported to the congressional defense committees, the Com-
8 mittee on International Relations of the House of Rep-
9 resentatives and the Committee on Foreign Relations of
10 the Senate thirty days prior to the conclusion and endorse-
11 ment of any such agreement established under this provi-
12 sion.

13 SEC. 8021. None of the funds available to the De-
14 partment of Defense may be used to demilitarize or dis-
15 pose of M-1 Carbines, M-1 Garand rifles, M-14 rifles,
16 .22 caliber rifles, or M-1911 pistols.

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

22 SEC. 8023. None of the funds appropriated by this
23 Act shall be available for payments under the Department
24 of Defense contract with the Louisiana State University
25 Medical Center involving the use of cats for Brain Missile

1 Wound Research, and the Department of Defense shall
2 not make payments under such contract from funds obli-
3 gated prior to the date of the enactment of this Act, except
4 as necessary for costs incurred by the contractor prior to
5 the enactment of this Act: *Provided*, That funds necessary
6 for the care of animals covered by this contract are al-
7 lowed.

8 SEC. 8024. None of the funds provided in this Act
9 or any other Act shall be available to conduct bone trauma
10 research at any Army Research Laboratory until the Sec-
11 retary of the Army certifies that the synthetic compound
12 to be used in the experiments is of such a type that its
13 use will result in a significant medical finding, the re-
14 search has military application, the research will be con-
15 ducted in accordance with the standards set by an animal
16 care and use committee, and the research does not dupli-
17 cate research already conducted by a manufacturer or any
18 other research organization.

19 SEC. 8025. No more than \$500,000 of the funds ap-
20 propriated or made available in this Act shall be used for
21 any single relocation of an organization, unit, activity or
22 function of the Department of Defense into or within the
23 National Capital Region: *Provided*, That the Secretary of
24 Defense may waive this restriction on a case-by-case basis
25 by certifying in writing to the Committees on Appropria-

1 tions of the House of Representatives and Senate that
2 such a relocation is required in the best interest of the
3 Government.

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

11 (1) is a member of a Reserve component of the
12 Armed Forces, as described in section 261 of title
13 10, or the National Guard, as described in section
14 101 of title 32;

15 (2) performs, for the purpose of providing mili-
16 tary aid to enforce the law or providing assistance
17 to civil authorities in the protection or saving of life
18 or property or prevention of injury—

19 (A) Federal service under section 331,
20 332, 333, or 12406 of title 10, or other provi-
21 sion of law, as applicable, or

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

1 (3) requests and is granted—

2 (A) leave under the authority of this sec-
3 tion; or

4 (B) annual leave, which may be granted
5 without regard to the provisions of sections
6 5519 and 6323(b) of title 5, if such employee
7 is otherwise entitled to such annual leave:

8 *Provided*, That any employee who requests leave under
9 subsection (3)(A) for service described in subsection (2)
10 of this section is entitled to such leave, subject to the pro-
11 visions of this section and of the last sentence of section
12 6323(b) of title 5, and such leave shall be considered leave
13 under section 6323(b) of title 5.

14 SEC. 8027. None of the funds appropriated by this
15 Act shall be available to perform any cost study pursuant
16 to the provisions of OMB Circular A-76 if the study being
17 performed exceeds a period of twenty-four months after
18 initiation of such study with respect to a single function
19 activity or forty-eight months after initiation of such study
20 for a multi-function activity.

21 SEC. 8028. Funds appropriated by this Act for the
22 American Forces Information Service shall not be used for
23 any national or international political or psychological ac-
24 tivities.

1 SEC. 8029. Notwithstanding any other provision of
2 law or regulation, the Secretary of Defense may adjust
3 wage rates for civilian employees hired for certain health
4 care occupations as authorized for the Secretary of Veter-
5 ans Affairs by section 7455 of title 38, United States
6 Code.

7 SEC. 8030. None of the funds appropriated or made
8 available in this Act shall be used to reduce or disestablish
9 the operation of the 53rd Weather Reconnaissance Squad-
10 ron of the Air Force Reserve, if such action would reduce
11 the WC-130 Weather Reconnaissance mission below the
12 levels funded in this Act.

13 SEC. 8031. (a) Of the funds for the procurement of
14 supplies or services appropriated by this Act, qualified
15 nonprofit agencies for the blind or other severely handi-
16 capped shall be afforded the maximum practicable oppor-
17 tunity to participate as subcontractors and suppliers in the
18 performance of contracts let by the Department of De-
19 fense.

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

1 purchases made from qualified nonprofit agencies for the
2 blind or other severely handicapped.

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

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

16 SEC. 8033. During the current fiscal year, the De-
17 partment of Defense is authorized to incur obligations of
18 not to exceed \$350,000,000 for purposes specified in sec-
19 tion 2350j(c) of title 10, United States Code, in anticipa-
20 tion of receipt of contributions, only from the Government
21 of Kuwait, under that section: *Provided*, That, upon re-
22 ceipt, such contributions from the Government of Kuwait
23 shall be credited to the appropriation or fund which in-
24 curred such obligations.

1 SEC. 8034. Of the funds made available in this Act,
2 not less than \$22,700,000 shall be available for the Civil
3 Air Patrol, of which \$15,426,000 shall be available for Op-
4 eration and Maintenance.

5 SEC. 8035. (a) None of the funds appropriated in this
6 Act are available to establish a new Department of De-
7 fense Federally Funded Research and Development Cen-
8 ter (FFRDC), either as a new entity, or as a separate
9 entity administered by an organization managing another
10 FFRDC, or as a nonprofit membership corporation con-
11 sisting of a consortium of other FFRDCs and other non-
12 profit entities.

13 (b) LIMITATION ON COMPENSATION.—No member of
14 a Board of Directors, Trustees, Overseers, Advisory
15 Group, Special Issues Panel, Visiting Committee, or any
16 similar entity of a defense FFRDC, and no paid consult-
17 ant to any defense FFRDC, may be compensated for his
18 or her services as a member of such entity, or as a paid
19 consultant, except under the same conditions, and to the
20 same extent, as members of the Defense Science Board:
21 *Provided*, That a member of any such entity referred to
22 previously in this subsection shall be allowed travel ex-
23 penses and per diem as authorized under the Federal
24 Joint Travel Regulations, when engaged in the perform-
25 ance of membership duties.

1 (c) Notwithstanding any other provision of law, none
2 of the funds available to the Department of Defense from
3 any source during fiscal year 1997 may be used by a de-
4 fense FFRDC, through a fee or other payment mecha-
5 nism, for charitable contributions, for construction of new
6 buildings, for payment of cost sharing for projects funded
7 by government grants, or for absorption of contract over-
8 runs.

9 SEC. 8036. None of the funds appropriated or made
10 available in this Act shall be used to procure carbon, alloy
11 or armor steel plate for use in any Government-owned fa-
12 cility or property under the control of the Department of
13 Defense which were not melted and rolled in the United
14 States or Canada: *Provided*, That these procurement re-
15 strictions shall apply to any and all Federal Supply Class
16 9515, American Society of Testing and Materials (ASTM)
17 or American Iron and Steel Institute (AISI) specifications
18 of carbon, alloy or armor steel plate: *Provided further*,
19 That the Secretary of the military department responsible
20 for the procurement may waive this restriction on a case-
21 by-case basis by certifying in writing to the Committees
22 on Appropriations of the House of Representatives and the
23 Senate that adequate domestic supplies are not available
24 to meet Department of Defense requirements on a timely
25 basis and that such an acquisition must be made in order

1 to acquire capability for national security purposes: *Pro-*
2 *vided further*, That these restrictions shall not apply to
3 contracts which are in being as of the date of enactment
4 of this Act.

5 SEC. 8037. For the purposes of this Act, the term
6 “congressional defense committees” means the National
7 Security Committee of the House of Representatives, the
8 Armed Services Committee of the Senate, the subcommit-
9 tee on Defense of the Committee on Appropriations of the
10 Senate, and the subcommittee on National Security of the
11 Committee on Appropriations of the House of Representa-
12 tives.

13 SEC. 8038. Notwithstanding any other provision of
14 law, during the current fiscal year, the Department of De-
15 fense may acquire the modification, depot maintenance
16 and repair of aircraft, vehicles and vessels as well as the
17 production of components and other Defense-related arti-
18 cles, through competition between Department of Defense
19 depot maintenance activities and private firms: *Provided*,
20 That the Senior Acquisition Executive of the military de-
21 partment or defense agency concerned, with power of dele-
22 gation, shall certify that successful bids include com-
23 parable estimates of all direct and indirect costs for both
24 public and private bids: *Provided further*, That Office of

1 Management and Budget Circular A-76 shall not apply
2 to competitions conducted under this section.

3 SEC. 8039. (a)(1) If the Secretary of Defense, after
4 consultation with the United States Trade Representative,
5 determines that a foreign country which is party to an
6 agreement described in paragraph (2) has violated the
7 terms of the agreement by discriminating against certain
8 types of products produced in the United States that are
9 covered by the agreement, the Secretary of Defense shall
10 rescind the Secretary's blanket waiver of the Buy Amer-
11 ican Act with respect to such types of products produced
12 in that foreign country.

13 (2) An agreement referred to in paragraph (1) is any
14 reciprocal defense procurement memorandum of under-
15 standing, between the United States and a foreign country
16 pursuant to which the Secretary of Defense has prospec-
17 tively waived the Buy American Act for certain products
18 in that country.

19 (b) The Secretary of Defense shall submit to Con-
20 gress a report on the amount of Department of Defense
21 purchases from foreign entities in fiscal year 1997. Such
22 report shall separately indicate the dollar value of items
23 for which the Buy American Act was waived pursuant to
24 any agreement described in subsection (a)(2), the Trade
25 Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any

1 international agreement to which the United States is a
2 party.

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

9 SEC. 8040. Appropriations contained in this Act that
10 remain available at the end of the current fiscal year as
11 a result of energy cost savings realized by the Department
12 of Defense shall remain available for obligation for the
13 next fiscal year to the extent, and for the purposes, pro-
14 vided in section 2865 of title 10, United States Code.

15 SEC. 8041. During the current fiscal year and here-
16 after, voluntary separation incentives payable under 10
17 U.S.C. 1175 may be paid in such amounts as are nec-
18 essary from the assets of the Voluntary Separation Incen-
19 tive Fund established by section 1175(h)(1).

20 (INCLUDING TRANSFER OF FUNDS)

21 SEC. 8042. Amounts deposited during the current fis-
22 cal year to the special account established under 40 U.S.C.
23 485(h)(2) and to the special account established under 10
24 U.S.C. 2667(d)(1) are appropriated and shall be available
25 until transferred by the Secretary of Defense to current

1 applicable appropriations or funds of the Department of
2 Defense under the terms and conditions specified by 40
3 U.S.C. 485(h)(2) (A) and (B) and 10 U.S.C.
4 2667(d)(1)(B), to be merged with and to be available for
5 the same time period and the same purposes as the appro-
6 priation to which transferred.

7 SEC. 8043. During the current fiscal year, appropria-
8 tions available to the Department of Defense may be used
9 to reimburse a member of a reserve component of the
10 Armed Forces who is not otherwise entitled to travel and
11 transportation allowances and who occupies transient gov-
12 ernment housing while performing active duty for training
13 or inactive duty training: *Provided*, That such members
14 may be provided lodging in kind if transient government
15 quarters are unavailable as if the member was entitled to
16 such allowances under subsection (a) of section 404 of title
17 37, United States Code: *Provided further*, That if lodging
18 in kind is provided, any authorized service charge or cost
19 of such lodging may be paid directly from funds appro-
20 priated for operation and maintenance of the reserve com-
21 ponent of the member concerned.

22 SEC. 8044. The President shall include with each
23 budget for a fiscal year submitted to the Congress under
24 section 1105 of title 31, United States Code, materials
25 that shall identify clearly and separately the amounts re-

1 requested in the budget for appropriation for that fiscal year
2 for salaries and expenses related to administrative activi-
3 ties of the Department of Defense, the military depart-
4 ments, and the Defense Agencies.

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

12 SEC. 8046. During the current fiscal year and here-
13 after, annual payments granted under the provisions of
14 section 4416 of the National Defense Authorization Act
15 for Fiscal Year 1993 (Public Law 102–428; 106 Stat.
16 2714) shall be made from appropriations in this Act which
17 are available for the pay of reserve component personnel.

18 SEC. 8047. Of the funds appropriated or otherwise
19 made available by this Act, not more than \$119,200,000
20 shall be available for payment of the operating costs of
21 NATO Headquarters: *Provided*, That the Secretary of De-
22 fense may waive this section for Department of Defense
23 support provided to NATO forces in and around the
24 former Yugoslavia.

1 SEC. 8048. During the current fiscal year, appropria-
2 tions which are available to the Department of Defense
3 for operation and maintenance may be used to purchase
4 items having an investment item unit cost of not more
5 than \$100,000.

6 SEC. 8049. During the current fiscal year and here-
7 after, appropriations available for the pay and allowances
8 of active duty members of the Armed Forces shall be avail-
9 able to pay the retired pay which is payable pursuant to
10 section 4403 of Public Law 102-484 (10 U.S.C. 1293
11 note) under the terms and conditions provided in section
12 4403.

13 SEC. 8050. (a) During the current fiscal year, none
14 of the appropriations or funds available to the Defense
15 Business Operations Fund shall be used for the purchase
16 of an investment item for the purpose of acquiring a new
17 inventory item for sale or anticipated sale during the cur-
18 rent fiscal year or a subsequent fiscal year to customers
19 of the Defense Business Operations Fund if such an item
20 would not have been chargeable to the Defense Business
21 Operations Fund during fiscal year 1994 and if the pur-
22 chase of such an investment item would be chargeable dur-
23 ing the current fiscal year to appropriations made to the
24 Department of Defense for procurement.

1 (b) The fiscal year 1998 budget request for the De-
2 partment of Defense as well as all justification material
3 and other documentation supporting the fiscal year 1998
4 Department of Defense budget shall be prepared and sub-
5 mitted to the Congress on the basis that any equipment
6 which was classified as an end item and funded in a pro-
7 curement appropriation contained in this Act shall be
8 budgeted for in a proposed fiscal year 1998 procurement
9 appropriation and not in the supply management business
10 area or any other area or category of the Defense Business
11 Operations Fund.

12 SEC. 8051. None of the funds provided in this Act
13 shall be available for use by a Military Department to
14 modify an aircraft, weapon, ship or other item of equip-
15 ment, that the Military Department concerned plans to
16 retire or otherwise dispose of within five years after com-
17 pletion of the modification: *Provided*, That this prohibition
18 shall not apply to safety modifications: *Provided further*,
19 That this prohibition may be waived by the Secretary of
20 a Military Department if the Secretary determines it is
21 in the best national security interest of the United States
22 to provide such waiver and so notifies the congressional
23 defense committees in writing.

24 SEC. 8052. None of the funds appropriated by this
25 Act for programs of the Central Intelligence Agency shall

1 remain available for obligation beyond the current fiscal
2 year, except for funds appropriated for the Reserve for
3 Contingencies, which shall remain available until Septem-
4 ber 30, 1998.

5 SEC. 8053. Notwithstanding any other provision of
6 law, funds made available in this Act for the Defense In-
7 telligence Agency may be used for the design, develop-
8 ment, and deployment of General Defense Intelligence
9 Program intelligence communications and intelligence in-
10 formation systems for the Services, the Unified and Speci-
11 fied Commands, and the component commands.

12 SEC. 8054. (a) HIGH PERFORMANCE COMPUTING
13 MODERNIZATION PROGRAM.—Of the funds appropriated
14 in this Act under the heading “Procurement, Defense-
15 Wide”, \$143,235,000 shall be made available for the High
16 Performance Computing Modernization Program (referred
17 to in this section as the “program”). Of the funds appro-
18 priated in this Act under the heading “Research, Develop-
19 ment, Test and Evaluation, Defense-Wide”, \$61,380,000
20 shall be made available for the program. Of the total funds
21 made available for the program pursuant to this sub-
22 section, \$20,000,000 shall be for the Army High Perform-
23 ance Computing Research Center.

24 (b) IMPLEMENTATION OF PROGRAM.—The procure-
25 ment funds made available for the program pursuant to

1 subsection (a) shall be used only for the procurement of
2 computer hardware and ancillary equipment for the high
3 performance computing facilities of the Department of De-
4 fense.

5 (c) ANNUAL PUBLICATION OF PROGRAM PLANS.—
6 Hereafter, the Secretary of Defense shall annually pre-
7 pare, and make available to the public, an updated and
8 unclassified program plan and program implementation
9 plan.

10 (d) REDUCTION OF ACQUISITION DELAYS.—Here-
11 after, the Secretary of Defense shall take such actions as
12 may be necessary to minimize delays in the acquisition of
13 computer hardware under the program.

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

23 SEC. 8056. None of the funds appropriated in this
24 Act may be used to fill the commander's position at any
25 military medical facility with a health care professional

1 unless the prospective candidate can demonstrate profes-
2 sional administrative skills.

3 SEC. 8057. (a) None of the funds appropriated in this
4 Act may be expended by an entity of the Department of
5 Defense unless the entity, in expending the funds, com-
6 plies with the Buy American Act. For purposes of this
7 subsection, the term “Buy American Act” means title III
8 of the Act entitled “An Act making appropriations for the
9 Treasury and Post Office Departments for the fiscal year
10 ending June 30, 1934, and for other purposes”, approved
11 March 3, 1933 (41 U.S.C. 10a et seq.).

12 (b) If the Secretary of Defense determines that a per-
13 son has been convicted of intentionally affixing a label
14 bearing a “Made in America” inscription to any product
15 sold in or shipped to the United States that is not made
16 in America, the Secretary shall determine, in accordance
17 with section 2410f of title 10, United States Code, wheth-
18 er the person should be debarred from contracting with
19 the Department of Defense.

20 (c) In the case of any equipment or products pur-
21 chased with appropriations provided under this Act, it is
22 the sense of the Congress that any entity of the Depart-
23 ment of Defense, in expending the appropriation, purchase
24 only American-made equipment and products, provided
25 that American-made equipment and products are cost-

1 competitive, quality-competitive, and available in a timely
2 fashion.

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

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

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

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

21 *Provided*, That this limitation shall not apply to contracts
22 in an amount of less than \$25,000, contracts related to
23 improvements of equipment that is in development or pro-
24 duction, or contracts as to which a civilian official of the
25 Department of Defense, who has been confirmed by the

1 Senate, determines that the award of such contract is in
2 the interest of the national defense.

3 SEC. 8059. Funds appropriated by this Act for intel-
4 ligence activities are deemed to be specifically authorized
5 by the Congress for purposes of section 504 of the Na-
6 tional Security Act of 1947 (50 U.S.C. 414) during fiscal
7 year 1997 until the enactment of the Intelligence Author-
8 ization Act for fiscal year 1997.

9 SEC. 8060. (a) None of the funds made available by
10 this Act may be obligated for design, development, acquisi-
11 tion, or operation of more than 47 Titan IV expendable
12 launch vehicles, or for satellite mission-model planning for
13 a Titan IV requirement beyond 47 vehicles.

14 (b) \$59,600,000 made available in this Act for Re-
15 search, Development, Test and Evaluation, Air Force,
16 may only be obligated for development of a new family
17 of medium-lift and heavy-lift expendable launch vehicles
18 evolved from existing technologies.

19 SEC. 8061. None of the funds available to the De-
20 partment of Defense in this Act may be used to establish
21 additional field operating agencies of any element of the
22 Department during fiscal year 1997, except for field oper-
23 ating agencies funded within the National Foreign Intel-
24 ligence Program: *Provided*, That the Secretary of Defense
25 may waive this section by certifying to the House and Sen-

1 ate Committees on Appropriations that the creation of
2 such field operating agencies will reduce either the person-
3 nel and/or financial requirements of the Department of
4 Defense.

5 SEC. 8062. Notwithstanding any other provision of
6 law, for resident classes entering the war colleges after
7 September 30, 1997, the Department of Defense shall re-
8 quire that not less than 20 percent of the total of United
9 States military students at each war college shall be from
10 military departments other than the hosting military de-
11 partment: *Provided*, That each military department will
12 recognize the attendance at a sister military department
13 war college as the equivalent of attendance at its own war
14 college for promotion and advancement of personnel.

15 SEC. 8063. None of the funds provided in this Act
16 may be obligated for payment on new contracts on which
17 allowable costs charged to the government include pay-
18 ments for individual compensation at a rate in excess of
19 \$250,000 per year.

20 SEC. 8064. None of the funds available in this Act
21 may be used to reduce the authorized positions for mili-
22 tary (civilian) technicians of the Army National Guard,
23 the Air National Guard, Army Reserve and Air Force Re-
24 serve for the purpose of applying any administratively im-
25 posed civilian personnel ceiling, freeze, or reduction on

1 military (civilian) technicians, unless such reductions are
2 a direct result of a reduction in military force structure.

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

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

19 SEC. 8067. Funds appropriated in this Act for oper-
20 ation and maintenance of the Military Departments, Uni-
21 fied and Specified Commands and Defense Agencies shall
22 be available for reimbursement of pay, allowances and
23 other expenses which would otherwise be incurred against
24 appropriations for the National Guard and Reserve when
25 members of the National Guard and Reserve provide intel-

1 ligence support to Unified Commands, Defense Agencies
2 and Joint Intelligence Activities, including the activities
3 and programs included within the General Defense Intel-
4 ligence Program and the Consolidated Cryptologic Pro-
5 gram: *Provided*, That nothing in this section authorizes
6 deviation from established Reserve and National Guard
7 personnel and training procedures.

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

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

17 (INCLUDING TRANSFER OF FUNDS)

18 SEC. 8070. None of the funds appropriated in this
19 Act may be transferred to or obligated from the Pentagon
20 Reservation Maintenance Revolving Fund, unless the Sec-
21 retary of Defense certifies that the total cost for the plan-
22 ning, design, construction and installation of equipment
23 for the renovation of the Pentagon Reservation will not
24 exceed \$1,218,000,000.

25 SEC. 8071. (a) None of the funds available to the
26 Department of Defense for any fiscal year for drug inter-

1 diction or counter-drug activities may be transferred to
2 any other department or agency of the United States ex-
3 cept as specifically provided in an appropriations law.

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

9 (TRANSFER OF FUNDS)

10 SEC. 8072. Appropriations available in this Act under
11 the heading “Operation and Maintenance, Defense-Wide”
12 for increasing energy and water efficiency in Federal
13 buildings may, during their period of availability, be trans-
14 ferred to other appropriations or funds of the Department
15 of Defense for projects related to increasing energy and
16 water efficiency, to be merged with and to be available
17 for the same general purposes, and for the same time pe-
18 riod, as the appropriation or fund to which transferred.

19 SEC. 8073. None of the funds appropriated by this
20 Act may be used for the procurement of ball and roller
21 bearings other than those produced by a domestic source
22 and of domestic origin: *Provided*, That the Secretary of
23 the military department responsible for such procurement
24 may waive this restriction on a case-by-case basis by cer-
25 tifying in writing to the Committees on Appropriations of

1 the House of Representatives and the Senate, that ade-
2 quate domestic supplies are not available to meet Depart-
3 ment of Defense requirements on a timely basis and that
4 such an acquisition must be made in order to acquire ca-
5 pability for national security purposes.

6 SEC. 8074. None of the funds in this Act may be
7 used to purchase any supercomputer which is not manu-
8 factured in the United States, unless the Secretary of De-
9 fense certifies to the congressional defense committees
10 that such an acquisition must be made in order to acquire
11 capability for national security purposes that is not avail-
12 able from United States manufacturers.

13 SEC. 8075. None of the funds appropriated by this
14 Act shall be available to lease or charter a vessel in excess
15 of seventeen months (inclusive of any option periods) to
16 transport fuel or oil for the Department of Defense if the
17 vessel was constructed after October 1, 1995 unless the
18 Secretary of Defense requires that the vessel be con-
19 structed in the United States with a double hull under
20 the long-term lease or charter authority provided in sec-
21 tion 2401 note of title 10, United States Code: *Provided*,
22 That this limitation shall not apply to contracts in force
23 on the date of enactment of this Act: *Provided further*,
24 That by 1997 at least 20 percent of annual leases and
25 charters must be for ships of double hull design con-

1 structured after October 1, 1995 if available in numbers suf-
2 ficient to satisfy this requirement: *Provided further*, That
3 the Military Sealift Command shall plan to achieve the
4 goal of eliminating single hull ship leases by the year
5 2015.

6 SEC. 8076. Notwithstanding any other provision in
7 this Act, the total amount appropriated in this Act is here-
8 by reduced by \$500,000,000 to reflect savings from re-
9 duced carryover of activities funded through the Defense
10 Business Operations Fund, to be distributed as follows:
11 “Operation and Maintenance, Army”, \$60,000,000; and
12 “Operation and Maintenance, Navy”, \$440,000,000.

13 SEC. 8077. During the current fiscal year, the Army
14 shall use the former George Air Force Base as the airhead
15 for the National Training Center at Fort Irwin: *Provided*,
16 That none of the funds in this Act shall be obligated or
17 expended to transport Army personnel into Edwards Air
18 Force Base for training rotations at the National Training
19 Center.

20 SEC. 8078. (a) The Secretary of Defense shall sub-
21 mit, on a quarterly basis, a report to the congressional
22 defense committees, the Committee on International Rela-
23 tions of the House of Representatives and the Committee
24 on Foreign Relations of the Senate setting forth all costs
25 (including incremental costs) incurred by the Department

1 of Defense during the preceding quarter in implementing
2 or supporting resolutions of the United Nations Security
3 Council, including any such resolution calling for inter-
4 national sanctions, international peacekeeping operations,
5 and humanitarian missions undertaken by the Depart-
6 ment of Defense. The quarterly report shall include an ag-
7 gregate of all such Department of Defense costs by oper-
8 ation or mission.

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

15 SEC. 8079. (a) LIMITATION ON TRANSFER OF DE-
16 FENSE ARTICLES AND SERVICES.—Notwithstanding any
17 other provision of law, none of the funds available to the
18 Department of Defense for the current fiscal year may be
19 obligated or expended to transfer to another nation or an
20 international organization any defense articles or services
21 (other than intelligence services) for use in the activities
22 described in subsection (b) unless the congressional de-
23 fense committees, the Committee on International Rela-
24 tions of the House of Representatives, and the Committee

1 on Foreign Relations of the Senate are notified 15 days
2 in advance of such transfer.

3 (b) COVERED ACTIVITIES.—(1) This section applies
4 to—

5 (A) any international peacekeeping or peace-en-
6 forcement operation under the authority of chapter
7 VI or chapter VII of the United Nations Charter
8 under the authority of a United Nations Security
9 Council resolution; and

10 (B) any other international peacekeeping,
11 peace-enforcement, or humanitarian assistance oper-
12 ation.

13 (c) REQUIRED NOTICE.—A notice under subsection
14 (a) shall include the following:

15 (1) A description of the equipment, supplies, or
16 services to be transferred.

17 (2) A statement of the value of the equipment,
18 supplies, or services to be transferred.

19 (3) In the case of a proposed transfer of equip-
20 ment or supplies—

21 (A) a statement of whether the inventory
22 requirements of all elements of the Armed
23 Forces (including the reserve components) for
24 the type of equipment or supplies to be trans-
25 ferred have been met; and

1 (B) a statement of whether the items pro-
2 posed to be transferred will have to be replaced
3 and, if so, how the President proposes to pro-
4 vide funds for such replacement.

5 SEC. 8080. None of the funds available to the De-
6 partment of Defense shall be obligated or expended to
7 make a financial contribution to the United Nations for
8 the cost of an United Nations peacekeeping activity
9 (whether pursuant to assessment or a voluntary contribu-
10 tion) or for payment of any United States arrearage to
11 the United Nations.

12 SEC. 8081. None of the funds available to the De-
13 partment of Defense under this Act shall be obligated or
14 expended to pay a contractor under a contract with the
15 Department of Defense for costs of any amount paid by
16 the contractor to an employee when—

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

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

22 SEC. 8082. The amount otherwise provided by this
23 Act for “Operation and Maintenance, Air Force” is hereby
24 reduced by \$195,000,000, to reflect a reduction in the

1 passthrough to the Air Force business areas of the De-
2 fense Business Operations Fund.

3 SEC. 8083. None of the funds provided in title II of
4 this Act for “Former Soviet Union Threat Reduction”
5 may be obligated or expended to finance housing for any
6 individual who was a member of the military forces of the
7 Soviet Union or for any individual who is or was a member
8 of the military forces of the Russian Federation.

9 SEC. 8084. Beginning in fiscal year 1997 and there-
10 after, and notwithstanding any other provision of law,
11 fixed and mobile telecommunications support shall be pro-
12 vided by the White House Communications Agency
13 (WHCA) to the United States Secret Service (USSS),
14 without reimbursement, in connection with the Secret
15 Service’s duties directly related to the protection of the
16 President or the Vice President or other officer imme-
17 diately next in order of succession to the office of the
18 President at the White House Security Complex in the
19 Washington, D.C. Metropolitan Area and Camp David,
20 Maryland. For these purposes, the White House Security
21 Complex includes the White House, the White House
22 grounds, the Old Executive Office Building, the New Ex-
23 ecutive Office Building, the Blair House, the Treasury
24 Building, and the Vice President’s Residence at the Naval
25 Observatory: *Provided*, That funds made available to the

1 WHCA (or any successor agency) for support services for
2 the President from funds appropriated for the Department
3 of Defense for any fiscal year (beginning with fiscal year
4 1997) may be used only for the provision of telecommuni-
5 cations support to the President and Vice President and
6 related elements (as defined in regulations of that agency
7 and specified by the President with respect to particular
8 individuals within those related elements).

9 SEC. 8085. For purposes of section 1553(b) of title
10 31, United States Code, any subdivision of appropriations
11 made in this Act under the heading “Shipbuilding and
12 Conversion, Navy” shall be considered to be for the same
13 purpose as any subdivision under the heading “Shipbuild-
14 ing and Conversion, Navy” appropriations in any prior
15 year, and the one percent limitation shall apply to the total
16 amount of the appropriation.

17 SEC. 8086. During the current fiscal year, and not-
18 withstanding 31 U.S.C. 1552(a), funds appropriated
19 under the heading “Aircraft Procurement, Air Force” in
20 Public Laws 102–172 and 102–396 which were available
21 and obligated for the B–2 aircraft program shall remain
22 available for expenditure and for adjusting obligations for
23 such program until September 30, 2002.

24 SEC. 8087. During the current fiscal year, in the case
25 of an appropriation account of the Department of Defense

1 for which the period of availability for obligation has ex-
2 pired or which has closed under the provisions of section
3 1552 of title 31, United States Code, and which has a
4 negative unliquidated or unexpended balance, an obliga-
5 tion or an adjustment of an obligation may be charged
6 to any current appropriation account for the same purpose
7 as the expired or closed account if—

8 (1) the obligation would have been properly
9 chargeable (except as to amount) to the expired or
10 closed account before the end of the period of avail-
11 ability or closing of that account;

12 (2) the obligation is not otherwise properly
13 chargeable to any current appropriation account of
14 the Department of Defense; and

15 (3) in the case of an expired account, the obli-
16 gation is not chargeable to a current appropriation
17 of the Department of Defense under the provisions
18 of section 1405(b)(8) of the National Defense Au-
19 thorization Act for Fiscal Year 1991, Public Law
20 101–510, as amended (31 U.S.C. 1551 note): *Pro-*
21 *vided*, That in the case of an expired account, if sub-
22 sequent review or investigation discloses that there
23 was not in fact a negative unliquidated or unex-
24 pended balance in the account, any charge to a cur-
25 rent account under the authority of this section shall

1 be reversed and recorded against the expired ac-
2 count: *Provided further*, That the total amount
3 charged to a current appropriation under this sec-
4 tion may not exceed an amount equal to one percent
5 of the total appropriation for that account.

6 SEC. 8088. During the current fiscal year the Marine
7 Security Guard Program shall be administered under the
8 terms and conditions of the March 29, 1994 Memorandum
9 of Understanding between the Department of Defense and
10 the Department of State concerning such program and the
11 Department of State shall continue to pay, or provide re-
12 imbursement for, Marine Security Guard costs which are
13 the responsibility of the State Department under the pro-
14 visions of such Memorandum.

15 SEC. 8089. Notwithstanding any other provision in
16 this Act, the total amount appropriated in this Act is here-
17 by reduced by \$400,000,000 to reflect savings from im-
18 proved management of spare and repair parts inventories
19 of the Department of Defense, to be distributed as follows:
20 “Operation and Maintenance, Army”, \$91,000,000; “Op-
21 eration and Maintenance, Navy”, \$32,600,000; and “Op-
22 eration and Maintenance, Air Force”, \$276,400,000.

23 SEC. 8090. Notwithstanding any other provision of
24 law, the Air Force shall not introduce any new supplier

1 for the remaining production units for the AN/ALE-47
2 Countermeasure Dispenser System.

3 SEC. 8091. In applying section 9005 of the Depart-
4 ment of Defense Appropriations Act, 1993 (Public Law
5 102-396)—

6 (1) synthetic fabric and coated synthetic fabric
7 shall be deemed to include synthetic fiber and yarn
8 and their products; and

9 (2) such section shall (notwithstanding section
10 34 of Public Law 93-400) be treated as being appli-
11 cable to contracts and subcontracts for the procure-
12 ment of commercial items that are articles or items,
13 specialty metals, or tools covered by that section
14 9005.

15 SEC. 8092. TRADE-OFF STUDY OF CURRENT AND
16 FUTURE DEEP-STRIKE CAPABILITIES.—

17 (1) The Secretary of Defense shall carry out
18 the deep-strike tradeoff study announced by the
19 President to study tradeoffs between bombers, land
20 and sea-based tactical aircraft, and missiles capable
21 of striking targets in an enemy's rear area.

22 (2) The Secretary of Defense shall establish an
23 ad hoc review committee under the auspices of the
24 Defense Science Board to establish the methodologi-
25 cal approach to the tradeoff study, to establish a

1 broad range of stressing scenarios of interest, and to
2 review assumptions regarding the analyses to be con-
3 ducted.

4 (3) The ad hoc review committee to be estab-
5 lished under paragraph (2) shall include among its
6 members analysts who have performed or partici-
7 pated in bomber trade-off analysis, retired military
8 personnel with broad experience in recent conven-
9 tional warfare operations, and experts on the logis-
10 tics of both initial deployment and sustaining sup-
11 port. These members shall be selected without re-
12 gard for current service on the Defense Science
13 Board.

14 (4) After submitting its recommendations for
15 the conduct of the deep-strike tradeoff study to the
16 Secretary of Defense, the ad hoc review committee
17 shall continue to meet regularly to review prelimi-
18 nary results of the analysis and to recommend addi-
19 tional variations in assumptions that may be re-
20 quired to illuminate particular force trade-off issues.

21 SEC. 8093. TACTICAL AIRCRAFT REQUIREMENT
22 STUDY.—The Secretary of Defense and the Chairman of
23 the Joint Chiefs of Staff shall carry out a joint study
24 under the direct supervision of the Joint Requirements
25 Oversight Council (JROC) assessing future tactical air-

1 craft requirements across service jurisdictions. This study
2 shall determine the best and most affordable mix of weap-
3 on systems to carry out different mission areas and shall
4 include recommendations for changes to the planned num-
5 bers and types of tactical aircraft to be developed and pro-
6 cured over the next ten years if appropriate. Such report
7 shall be submitted to the Congressional defense commit-
8 tees no later than March 30, 1997.

9 SEC. 8094. (a) CONSIDERATION OF PERCENTAGE OF
10 WORK PERFORMED IN THE UNITED STATES.—None of
11 the funds available to the Department of Defense under
12 this Act may be obligated or expended to evaluate sealed
13 bids and competitive proposals for a contract for the pro-
14 curement of property or services except when it is made
15 known to the Federal official having authority to obligate
16 or expend such funds that—

17 (1) a factor in such evaluation is the percentage
18 of work under the contract that the bidder or offeror
19 plans to perform in the United States; and

20 (2) a high importance is assigned to such fac-
21 tor.

22 (b) BREACH OF CONTRACT FOR TRANSFERRING
23 WORK OUTSIDE THE UNITED STATES.—None of the
24 funds available to the Department of Defense under this
25 Act may be obligated or expended to procure property or

1 services except when it is made known to the Federal offi-
2 cial having authority to obligate or expend such funds that
3 each contract for the procurement of property or services
4 includes a clause providing that the contractor is deemed
5 to have breached the contract if the contractor performs
6 less work in the United States than the contractor stated,
7 in its response to the solicitation for the contract, that
8 it planned to perform in the United States.

9 (c) INELIGIBILITY FOR CONTRACT RENEWAL.—(1)
10 None of the funds available to the Department of Defense
11 under this Act may be obligated or expended to renew a
12 covered contract when it is made known to the Federal
13 official having authority to obligate or expend such funds
14 that the amount of work performed outside the United
15 States under the covered contract exceeded the maximum
16 amount of work that the contractor was expected to per-
17 form outside the United States, based on the amount of
18 work that the contractor stated, in its response to the so-
19 licitation for the contract, that it planned to perform in-
20 side the United States.

21 (2) For purposes of this section, a covered contract
22 is a contract for the procurement of property or services
23 that is made pursuant to a solicitation described in sub-
24 section (a).

1 (d) WAIVER.—Subsections (a), (b), and (c) shall not
2 apply with respect to funds available to the Department
3 of Defense under this Act when it is made known to the
4 Federal official having authority to obligate or expend
5 such funds that an emergency situation or the national
6 security interests of the United States requires the obliga-
7 tion or expenditure of such funds.

8 (e) EXCEPTION FOR CONTRACTS BELOW SIMPLIFIED
9 ACQUISITION THRESHOLD.—This section does not apply
10 to contracts for amounts not greater than the simplified
11 acquisition threshold (as specified in section 2302(7) of
12 title 10, United States Code).

13 (f) EFFECTIVE DATE.—This section shall apply with
14 respect to contracts entered into more than 60 days after
15 the date of the enactment of this Act.

16 SEC. 8095. None of the funds available to the De-
17 partment of Defense under this Act may be obligated or
18 expended to pay a contractor under a contract with the
19 Department of Defense for any costs incurred by the con-
20 tractor when it is made known to the Federal official hav-
21 ing authority to obligate or expend such funds that such
22 costs are restructuring costs associated with a business
23 combination that were incurred on or after August 15,
24 1994.

1 SEC. 8096. None of the funds available to the De-
2 partment of Defense under this Act may be obligated or
3 expended to procure landing gear for aircraft except when
4 it is made known to the Federal official having authority
5 to obligate or expend such funds that—

6 (1) the manufacturer of the item is part of the
7 national technology and industrial base;

8 (2) the landing gear is manufactured and as-
9 sembled in the United States; and

10 (3) the contract through which the procurement
11 is made is entered into more than 30 days after the
12 date of the enactment of this Act: *Provided*, That
13 contracts existing on the date of enactment of this
14 Act and existing or subsequent options in such con-
15 tracts through January 1, 2000, are not covered by
16 this section if the Secretary of the military depart-
17 ment which issued the aircraft production contract
18 certifies to the Appropriations Committees of the
19 House and Senate that purchasing landing gear
20 under the terms of this section will create a signifi-
21 cant adverse technical, cost, or schedule impact on
22 the aircraft production program.

23 SEC. 8097. (a) None of the funds appropriated or
24 otherwise made available by this Act for the Department
25 of Defense specimen repository described in subsection (b)

1 may be used for any purpose except in accordance with
2 the requirement in paragraph numbered 3 of the covered
3 Department of Defense policy memorandum that specifi-
4 cally provides that permissible uses of specimen samples
5 in the repository are limited to the following purposes:

6 (1) Identification of human remains.

7 (2) Internal quality assurance activities to vali-
8 date processes for collection, maintenance and analy-
9 sis of samples.

10 (3) A purpose for which the donor of the sam-
11 ple (or surviving next-of-kin) provides consent.

12 (4) As compelled by other applicable law in a
13 case in which all of the following conditions are
14 present:

15 (A) The responsible Department of De-
16 fense official has received a proper judicial
17 order or judicial authorization.

18 (B) The specimen sample is needed for the
19 investigation or prosecution of a crime punish-
20 able by one year or more of confinement.

21 (C) No reasonable alternative means for
22 obtaining a specimen for DNA profile analysis
23 is available.

24 (b) The specimen repository referred to in subsection
25 (a) is the repository that was established pursuant to Dep-

1 uty Secretary of Defense Memorandum 47803, dated De-
2 cember 16, 1991, and designated as the “Armed Forces
3 Repository of Specimen Samples for the Identification of
4 Remains” by paragraph numbered 4 in the covered De-
5 partment of Defense policy memorandum.

6 (c) For purposes of this section, the covered Depart-
7 ment of Defense policy memorandum is the memorandum
8 of the Assistant Secretary of Defense (Health Affairs) for
9 the Secretary of the Army, dated April 2, 1996, issued
10 pursuant to law which states as its subject “Policy Refine-
11 ments for the Armed Forces Repository of Specimen Sam-
12 ples for the Identification of Remains”.

13 SEC. 8098. Hereafter, the Air National Guard may
14 assume responsibility for providing firefighting and rescue
15 services in response to all aircraft-related emergencies at
16 the Lincoln Municipal Airport in Lincoln, Nebraska.

17 SEC. 8099. None of the funds made available to the
18 Department of Defense under this Act may be obligated
19 or expended to enter into or renew a contract with an en-
20 tity when it is made known to the Federal official having
21 authority to obligate or expend such funds that—

22 (1) such entity is otherwise a contractor with
23 the United States and is subject to the requirement
24 in section 4212(d) of title 38, United States Code,
25 regarding submission of an annual report to the Sec-

1 retary of Labor concerning employment of certain
2 veterans; and

3 (2) such entity has not submitted a report as
4 required by that section for the most recent year for
5 which such requirement was applicable to such en-
6 tity.

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

 Passed the House of Representatives June 13, 1996.

Attest:

Clerk.