

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

# H. R. 3610

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IN THE SENATE OF THE UNITED STATES

JUNE 14, 1996

Received; read twice and referred to the Committee on Appropriations

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## AN ACT

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 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 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 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 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-

