

Union Calendar No. 305

104TH CONGRESS
2^D SESSION

H. R. 3610

[Report No. 104-617]

A BILL

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

JUNE 11, 1996

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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

IN THE HOUSE OF REPRESENTATIVES

JUNE 11, 1996

Mr. YOUNG of Florida, from the Committee on Appropriations, reported the following bill; which was committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

Making appropriations for the Department of Defense for the fiscal year ending September 30, 1997, and for other purposes.³

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

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TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; \$20,692,838,000.

MILITARY PERSONNEL, NAVY

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

1 of the Social Security Act (42 U.S.C. 429(b)), and to the
2 Department of Defense Military Retirement Fund;
3 \$17,000,856,000.

4 MILITARY PERSONNEL, MARINE CORPS

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

16 MILITARY PERSONNEL, AIR FORCE

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

1 229(b) of the Social Security Act (42 U.S.C. 429(b)), and
2 to the Department of Defense Military Retirement Fund;
3 \$17,099,550,000.

4 RESERVE PERSONNEL, ARMY

5 For pay, allowances, clothing, subsistence, gratuities,
6 travel, and related expenses for personnel of the Army Re-
7 serve on active duty under sections 10211, 10302, and
8 3038 of title 10, United States Code, or while serving on
9 active duty under section 12301(d) of title 10, United
10 States Code, in connection with performing duty specified
11 in section 12310(a) of title 10, United States Code, or
12 while undergoing reserve training, or while performing
13 drills or equivalent duty or other duty, and for members
14 of the Reserve Officers' Training Corps, and expenses au-
15 thorized by section 16131 of title 10, United States Code;
16 and for payments to the Department of Defense Military
17 Retirement Fund; \$2,083,379,000.

18 RESERVE PERSONNEL, NAVY

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

1 serve training, or while performing drills or equivalent
2 duty, and for members of the Reserve Officers' Training
3 Corps, and expenses authorized by section 16131 of title
4 10, United States Code; and for payments to the Depart-
5 ment of Defense Military Retirement Fund;
6 \$1,392,406,000.

7 RESERVE PERSONNEL, MARINE CORPS

8 For pay, allowances, clothing, subsistence, gratuities,
9 travel, and related expenses for personnel of the Marine
10 Corps Reserve on active duty under section 10211 of title
11 10, United States Code, or while serving on active duty
12 under section 12301(d) of title 10, United States Code,
13 in connection with performing duty specified in section
14 12310(a) of title 10, United States Code, or while under-
15 going reserve training, or while performing drills or equiv-
16 alent duty, and for members of the Marine Corps platoon
17 leaders class, and expenses authorized by section 16131
18 of title 10, United States Code; and for payments to the
19 Department of Defense Military Retirement Fund;
20 \$387,943,000.

21 RESERVE PERSONNEL, AIR FORCE

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

1 active duty under section 12301(d) of title 10, United
2 States Code, in connection with performing duty specified
3 in section 12310(a) of title 10, United States Code, or
4 while undergoing reserve training, or while performing
5 drills or equivalent duty or other duty, and for members
6 of the Air Reserve Officers' Training Corps, and expenses
7 authorized by section 16131 of title 10, United States
8 Code; and for payments to the Department of Defense
9 Military Retirement Fund; \$780,497,000.

10 NATIONAL GUARD PERSONNEL, ARMY

11 For pay, allowances, clothing, subsistence, gratuities,
12 travel, and related expenses for personnel of the Army Na-
13 tional Guard while on duty under section 10211, 10302,
14 or 12402 of title 10 or section 708 of title 32, United
15 States Code, or while serving on duty under section
16 12301(d) of title 10 or section 502(f) of title 32, United
17 States Code, in connection with performing duty specified
18 in section 12310(a) of title 10, United States Code, or
19 while undergoing training, or while performing drills or
20 equivalent duty or other duty, and expenses authorized by
21 section 16131 of title 10, United States Code; and for pay-
22 ments to the Department of Defense Military Retirement
23 Fund; \$3,279,393,000.

1 NATIONAL GUARD PERSONNEL, AIR FORCE

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

15 TITLE II

16 OPERATION AND MAINTENANCE

17 OPERATION AND MAINTENANCE, ARMY

18 (INCLUDING TRANSFER OF FUNDS)

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

1 \$18,365,679,000 and, in addition, \$50,000,000 shall be
2 derived by transfer from the National Defense Stockpile
3 Transaction Fund: *Provided*, That of the funds appro-
4 priated in this paragraph, not less than \$300,000,000
5 shall be made available only for conventional ammunition
6 care and maintenance: *Provided further*, That of the funds
7 appropriated in this paragraph, \$12,084,000 shall not be
8 obligated or expended until authorized by law.

9 OPERATION AND MAINTENANCE, NAVY

10 (INCLUDING TRANSFER OF FUNDS)

11 For expenses, not otherwise provided for, necessary
12 for the operation and maintenance of the Navy and the
13 Marine Corps, as authorized by law; and not to exceed
14 \$3,995,000, can be used for emergencies and extraor-
15 dinary expenses, to be expended on the approval or author-
16 ity of the Secretary of the Navy, and payments may be
17 made on his certificate of necessity for confidential mili-
18 tary purposes; \$20,390,397,000 and, in addition,
19 \$50,000,000 shall be derived by transfer from the Na-
20 tional Defense Stockpile Transaction Fund: *Provided*,
21 That of the funds appropriated in this paragraph,
22 \$39,933,000 shall not be obligated or expended until au-
23 thorized by law.

1 OPERATION AND MAINTENANCE, MARINE CORPS

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

5 OPERATION AND MAINTENANCE, AIR FORCE

6 (INCLUDING TRANSFER OF FUNDS)

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

19 OPERATION AND MAINTENANCE, DEFENSE-WIDE

20 For expenses, not otherwise provided for, necessary
21 for the operation and maintenance of activities and agen-
22 cies of the Department of Defense (other than the military
23 departments), as authorized by law; \$10,212,985,000, of
24 which not to exceed \$25,000,000 may be available for the
25 CINC initiative fund account; and of which not to exceed

1 \$28,500,000 can be used for emergencies and extraor-
2 dinary expenses, to be expended on the approval or author-
3 ity of the Secretary of Defense, and payments may be
4 made on his certificate of necessity for confidential mili-
5 tary purposes.

6 OPERATION AND MAINTENANCE, ARMY RESERVE

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

14 OPERATION AND MAINTENANCE, NAVY RESERVE

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

5 PROCUREMENT

6 AIRCRAFT PROCUREMENT, ARMY

7 For construction, procurement, production, modifica-
8 tion, and modernization of aircraft, equipment, including
9 ordnance, ground handling equipment, spare parts, and
10 accessories therefor; specialized equipment and training
11 devices; expansion of public and private plants, including
12 the land necessary therefor, for the foregoing purposes,
13 and such lands and interests therein, may be acquired,
14 and construction prosecuted thereon prior to approval of
15 title; and procurement and installation of equipment, ap-
16 pliances, and machine tools in public and private plants;
17 reserve plant and Government and contractor-owned
18 equipment layaway; and other expenses necessary for the
19 foregoing purposes; \$1,308,709,000, to remain available
20 for obligation until September 30, 1999.

21 MISSILE PROCUREMENT, ARMY

22 For construction, procurement, production, modifica-
23 tion, and modernization of missiles, equipment, including
24 ordnance, ground handling equipment, spare parts, and
25 accessories therefor; specialized equipment and training

1 layaway; and other expenses necessary for the foregoing
2 purposes; \$1,500,414,000, to remain available for obliga-
3 tion until September 30, 1999: *Provided*, That of the
4 funds appropriated in this paragraph, \$175,600,000 shall
5 not be obligated or expended until authorized by law.

6 PROCUREMENT OF AMMUNITION, ARMY

7 For construction, procurement, production, and
8 modification of ammunition, and accessories therefor; spe-
9 cialized equipment and training devices; expansion of pub-
10 lic and private plants, including ammunition facilities au-
11 thorized by section 2854, title 10, United States Code, and
12 the land necessary therefor, for the foregoing purposes,
13 and such lands and interests therein, may be acquired,
14 and construction prosecuted thereon prior to approval of
15 title; and procurement and installation of equipment, ap-
16 pliances, and machine tools in public and private plants;
17 reserve plant and Government and contractor-owned
18 equipment layaway; and other expenses necessary for the
19 foregoing purposes; \$1,150,128,000, to remain available
20 for obligation until September 30, 1999.

21 OTHER PROCUREMENT, ARMY

22 For construction, procurement, production, and
23 modification of vehicles, including tactical, support, and
24 nontracked combat vehicles; the purchase of not to exceed
25 14 passenger motor vehicles for replacement only; commu-

1 nications and electronic equipment; other support equip-
2 ment; spare parts, ordnance, and accessories therefor; spe-
3 cialized equipment and training devices; expansion of pub-
4 lic and private plants, including the land necessary there-
5 for, for the foregoing purposes, and such lands and inter-
6 ests therein, may be acquired, and construction prosecuted
7 thereon prior to approval of title; and procurement and
8 installation of equipment, appliances, and machine tools
9 in public and private plants; reserve plant and Govern-
10 ment and contractor-owned equipment layaway; and other
11 expenses necessary for the foregoing purposes;
12 \$2,899,040,000, to remain available for obligation until
13 September 30, 1999: *Provided*, That of the funds appro-
14 priated in this paragraph, \$86,800,000 shall not be obli-
15 gated or expended until authorized by law.

16 AIRCRAFT PROCUREMENT, NAVY

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

1 ment and contractor-owned equipment layaway;
2 \$6,896,552,000, to remain available for obligation until
3 September 30, 1999: *Provided*, That of the funds appro-
4 priated in this paragraph, \$227,600,000 shall not be obli-
5 gated or expended until authorized by law.

6 WEAPONS PROCUREMENT, NAVY

7 For construction, procurement, production, modifica-
8 tion, and modernization of missiles, torpedoes, other weap-
9 ons, and related support equipment including spare parts,
10 and accessories therefor; expansion of public and private
11 plants, including the land necessary therefor, and such
12 lands and interests therein, may be acquired, and con-
13 struction prosecuted thereon prior to approval of title; and
14 procurement and installation of equipment, appliances,
15 and machine tools in public and private plants; reserve
16 plant and Government and contractor-owned equipment
17 layaway; \$1,384,408,000, to remain available for obliga-
18 tion until September 30, 1999: *Provided*, That in addition
19 to the foregoing purposes, the funds appropriated above
20 under this heading shall be available to liquidate reported
21 deficiencies in appropriations provided under this heading
22 in prior Department of Defense appropriations acts, to the
23 extent such deficiencies cannot otherwise be liquidated
24 pursuant to 31 U.S.C. 1553(b): *Provided further*, That of

1 long leadtime components and designs for vessels to be
2 constructed or converted in the future; and expansion of
3 public and private plants, including land necessary there-
4 for, and such lands and interests therein, may be acquired,
5 and construction prosecuted thereon prior to approval of
6 title; \$4,719,930,000, to remain available for obligation
7 until September 30, 2001: *Provided*, That additional obli-
8 gations may be incurred after September 30, 2001, for
9 engineering services, tests, evaluations, and other such
10 budgeted work that must be performed in the final stage
11 of ship construction: *Provided further*, That none of the
12 funds herein provided for the construction or conversion
13 of any naval vessel to be constructed in shipyards in the
14 United States shall be expended in foreign facilities for
15 the construction of major components of such vessel: *Pro-*
16 *vided further*, That none of the funds herein provided shall
17 be used for the construction of any naval vessel in foreign
18 shipyards.

19 OTHER PROCUREMENT, NAVY

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

1 \$77,225,000 shall not be obligated or expended until au-
2 thorized by law.

3 AIRCRAFT PROCUREMENT, AIR FORCE

4 For construction, procurement, and modification of
5 aircraft and equipment, including armor and armament,
6 specialized ground handling equipment, and training de-
7 vices, spare parts, and accessories therefor; specialized
8 equipment; expansion of public and private plants, Gov-
9 ernment-owned equipment and installation thereof in such
10 plants, erection of structures, and acquisition of land, for
11 the foregoing purposes, and such lands and interests
12 therein, may be acquired, and construction prosecuted
13 thereon prior to approval of title; reserve plant and Gov-
14 ernment and contractor-owned equipment layaway; and
15 other expenses necessary for the foregoing purposes in-
16 cluding rents and transportation of things;
17 \$7,326,628,000, to remain available for obligation until
18 September 30, 1999: *Provided*, That of the funds appro-
19 priated in this paragraph, \$54,700,000 shall not be obli-
20 gated or expended until authorized by law.

21 MISSILE PROCUREMENT, AIR FORCE

22 For construction, procurement, and modification of
23 missiles, spacecraft, rockets, and related equipment, in-
24 cluding spare parts and accessories therefor, ground han-
25 dling equipment, and training devices; expansion of public

1 and private plants, Government-owned equipment and in-
2 stallation thereof in such plants, erection of structures,
3 and acquisition of land, for the foregoing purposes, and
4 such lands and interests therein, may be acquired, and
5 construction prosecuted thereon prior to approval of title;
6 reserve plant and Government and contractor-owned
7 equipment layaway; and other expenses necessary for the
8 foregoing purposes including rents and transportation of
9 things; \$2,279,500,000, to remain available for obligation
10 until September 30, 1999.

11 PROCUREMENT OF AMMUNITION, AIR FORCE

12 For construction, procurement, production, and
13 modification of ammunition, and accessories therefor; spe-
14 cialized equipment and training devices; expansion of pub-
15 lic and private plants, including ammunition facilities au-
16 thorized by section 2854, title 10, United States Code, and
17 the land necessary therefor, for the foregoing purposes,
18 and such lands and interests therein, may be acquired,
19 and construction prosecuted thereon prior to approval of
20 title; and procurement and installation of equipment, ap-
21 pliances, and machine tools in public and private plants;
22 reserve plant and Government and contractor-owned
23 equipment layaway; and other expenses necessary for the
24 foregoing purposes; \$272,177,000, to remain available for
25 obligation until September 30, 1999.

1 OTHER PROCUREMENT, AIR FORCE

2 For procurement and modification of equipment (in-
3 cluding ground guidance and electronic control equipment,
4 and ground electronic and communication equipment),
5 and supplies, materials, and spare parts therefor, not oth-
6 erwise provided for; the purchase of not to exceed 506 pas-
7 senger motor vehicles for replacement only; the purchase
8 of 1 vehicle required for physical security of personnel,
9 notwithstanding price limitations applicable to passenger
10 vehicles but not to exceed \$287,000 per vehicle; and ex-
11 pansion of public and private plants, Government-owned
12 equipment and installation thereof in such plants, erection
13 of structures, and acquisition of land, for the foregoing
14 purposes, and such lands and interests therein, may be
15 acquired, and construction prosecuted thereon, prior to
16 approval of title; reserve plant and Government and con-
17 tractor-owned equipment layaway; \$6,078,539,000, to re-
18 main available for obligation until September 30, 1999.

19 PROCUREMENT, DEFENSE-WIDE

20 For expenses of activities and agencies of the Depart-
21 ment of Defense (other than the military departments)
22 necessary for procurement, production, and modification
23 of equipment, supplies, materials, and spare parts there-
24 for, not otherwise provided for; the purchase of not to ex-
25 ceed 389 passenger motor vehicles for replacement only;

1 the purchase of 2 vehicles required for physical security
2 of personnel, notwithstanding price limitations applicable
3 to passenger vehicles, but not to exceed \$200,000 per vehi-
4 cle; expansion of public and private plants, equipment, and
5 installation thereof in such plants, erection of structures,
6 and acquisition of land for the foregoing purposes, and
7 such lands and interests therein, may be acquired, and
8 construction prosecuted thereon prior to approval of title;
9 reserve plant and Government and contractor-owned
10 equipment layaway; \$2,247,812,000, to remain available
11 for obligation until September 30, 1999: *Provided*, That
12 of the funds appropriated in this paragraph,
13 \$357,600,000 shall not be obligated or expended until au-
14 thorized by law.

15 NATIONAL GUARD AND RESERVE EQUIPMENT

16 For procurement of aircraft, missiles, tracked combat
17 vehicles, ammunition, other weapons, and other procure-
18 ment for the reserve components of the Armed Forces;
19 \$908,000,000, to remain available for obligation until Sep-
20 tember 30, 1999: *Provided*, That the Chiefs of the Reserve
21 and National Guard components shall, not later than 30
22 days after the enactment of this Act, individually submit
23 to the congressional defense committees the modernization
24 priority assessment for their respective Reserve or Na-
25 tional Guard component: *Provided further*, That of the

1 funds appropriated in this paragraph, \$103,000,000 shall
2 not be obligated or expended until authorized by law.

3 TITLE IV

4 RESEARCH, DEVELOPMENT, TEST, AND
5 EVALUATION

6 RESEARCH, DEVELOPMENT, TEST, AND EVALUATION,

7 ARMY

8 For expenses necessary for basic and applied sci-
9 entific research, development, test and evaluation, includ-
10 ing maintenance, rehabilitation, lease, and operation of fa-
11 cilities and equipment, as authorized by law;
12 \$4,874,537,000, to remain available for obligation until
13 September 30, 1998: *Provided*, That of the funds appro-
14 priated in this paragraph, \$194,558,000 shall not be obli-
15 gated or expended until authorized by law.

16 RESEARCH, DEVELOPMENT, TEST, AND EVALUATION,

17 NAVY

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 \$8,399,357,000, to remain available for obligation until
23 September 30, 1998: *Provided*, That funds appropriated
24 in this paragraph which are available for the V-22 may
25 be used to meet unique requirements of the Special Oper-

1 ations Forces: *Provided further*, That of the funds appro-
2 priated in this paragraph, \$209,400,000 shall not be obli-
3 gated or expended until authorized by law.

4 RESEARCH, DEVELOPMENT, TEST, AND EVALUATION,
5 AIR FORCE

6 For expenses necessary for basic and applied sci-
7 entific research, development, test and evaluation, includ-
8 ing maintenance, rehabilitation, lease, and operation of fa-
9 cilities and equipment, as authorized by law;
10 \$14,969,573,000, to remain available for obligation until
11 September 30, 1998: *Provided*, That of the funds made
12 available in this paragraph, \$25,000,000 shall be only for
13 development of reusable launch vehicle technologies: *Pro-*
14 *vided further*, That of the funds appropriated in this para-
15 graph, \$1,698,486,000 shall not be obligated or expended
16 until authorized by law.

17 RESEARCH, DEVELOPMENT, TEST, AND EVALUATION,
18 DEFENSE-WIDE

19 For expenses of activities and agencies of the Depart-
20 ment of Defense (other than the military departments),
21 necessary for basic and applied scientific research, devel-
22 opment, test and evaluation; advanced research projects
23 as may be designated and determined by the Secretary
24 of Defense, pursuant to law; maintenance, rehabilitation,
25 lease, and operation of facilities and equipment, as author-

1 ized by law; \$9,068,558,000, to remain available for obli-
2 gation until September 30, 1998: *Provided*, That not less
3 than \$304,171,000 of the funds appropriated in this para-
4 graph shall be made available only for the Sea-Based Wide
5 Area Defense (Navy Upper-Tier) program.

6 DEVELOPMENTAL TEST AND EVALUATION, DEFENSE

7 For expenses, not otherwise provided for, of inde-
8 pendent activities of the Director, Test and Evaluation in
9 the direction and supervision of developmental test and
10 evaluation, including performance and joint developmental
11 testing and evaluation; and administrative expenses in
12 connection therewith; \$272,038,000, to remain available
13 for obligation until September 30, 1998: *Provided*, That
14 of the funds appropriated in this paragraph, \$20,000,000
15 shall not be obligated or expended until authorized by law.

16 OPERATIONAL TEST AND EVALUATION, DEFENSE

17 For expenses, not otherwise provided for, necessary
18 for the independent activities of the Director, Operational
19 Test and Evaluation in the direction and supervision of
20 operational test and evaluation, including initial oper-
21 ational test and evaluation which is conducted prior to,
22 and in support of, production decisions; joint operational
23 testing and evaluation; and administrative expenses in
24 connection therewith; \$26,968,000, to remain available for
25 obligation until September 30, 1998: *Provided*, That of the

1 funds appropriated in this paragraph, \$5,000,000 shall
2 not be obligated or expended until authorized by law.

3 TITLE V

4 REVOLVING AND MANAGEMENT FUNDS

5 DEFENSE BUSINESS OPERATIONS FUND

6 For the Defense Business Operations Fund;
7 \$947,900,000.

8 NATIONAL DEFENSE SEALIFT FUND

9 For National Defense Sealift Fund programs (includ-
10 ing the development and acquisition of lighterage),
11 projects, and activities, and for expenses of the National
12 Defense Reserve Fleet, as established by section 11 of the
13 Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744);
14 \$1,904,002,000, to remain available until expended: *Pro-*
15 *vided*, That none of the funds provided in this paragraph
16 shall be used to award a new contract that provides for
17 the acquisition of any of the following major components
18 unless such components are manufactured in the United
19 States: auxiliary equipment, including pumps, for all ship-
20 board services; propulsion system components (that is; en-
21 gines, reduction gears, and propellers); shipboard cranes;
22 and spreaders for shipboard cranes: *Provided further*, That
23 the exercise of an option in a contract awarded through
24 the obligation of previously appropriated funds shall not
25 be considered to be the award of a new contract: *Provided*

1 *further*, That the Secretary of the military department re-
2 sponsible for such procurement may waive these restric-
3 tions on a case-by-case basis by certifying in writing to
4 the Committees on Appropriations of the House of Rep-
5 resentatives and the Senate, that adequate domestic sup-
6 plies are not available to meet Department of Defense re-
7 quirements on a timely basis and that such an acquisition
8 must be made in order to acquire capability for national
9 security purposes: *Provided further*, That of the funds ap-
10 propriated in this paragraph, \$781,000,000 shall not be
11 obligated or expended until authorized by law.

12 TITLE VI

13 OTHER DEPARTMENT OF DEFENSE PROGRAMS

14 DEFENSE HEALTH PROGRAM

15 For expenses, not otherwise provided for, for medical
16 and health care programs of the Department of Defense,
17 as authorized by law; \$9,667,658,000, of which
18 \$9,398,188,000 shall be for Operation and maintenance,
19 of which not to exceed three percent shall remain available
20 until September 30, 1998; and of which \$269,470,000, to
21 remain available for obligation until September 30, 1999,
22 shall be for Procurement: *Provided*, That notwithstanding
23 any other provision of law, of the funds provided under
24 this heading, the Secretary of Defense is directed to use
25 and obligate, within thirty days of enactment of this Act,

1 DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,
2 DEFENSE
3 (INCLUDING TRANSFER OF FUNDS)

4 For drug interdiction and counter-drug activities of
5 the Department of Defense, for transfer to appropriations
6 available to the Department of Defense for military per-
7 sonnel of the reserve components serving under the provi-
8 sions of title 10 and title 32, United States Code; for Op-
9 eration and maintenance; for Procurement; and for Re-
10 search, development, test and evaluation; \$774,724,000:
11 *Provided*, That the funds appropriated by this paragraph
12 shall be available for obligation for the same time period
13 and for the same purpose as the appropriation to which
14 transferred: *Provided further*, That the transfer authority
15 provided in this paragraph is in addition to any transfer
16 authority contained elsewhere in this Act: *Provided fur-*
17 *ther*, That of the funds appropriated in this paragraph,
18 \$92,000,000 shall not be obligated or expended until au-
19 thorized by law.

20 OFFICE OF THE INSPECTOR GENERAL

21 For expenses and activities of the Office of the In-
22 spector General in carrying out the provisions of the In-
23 spector General Act of 1978, as amended; \$138,501,000,
24 of which \$136,501,000 shall be for Operation and mainte-
25 nance, of which not to exceed \$400,000 is available for

1 emergencies and extraordinary expenses to be expended on
2 the approval or authority of the Inspector General, and
3 payments may be made on his certificate of necessity for
4 confidential military purposes; and of which \$2,000,000,
5 to remain available until September 30, 1999, shall be for
6 Procurement.

7 TITLE VII

8 RELATED AGENCIES

9 CENTRAL INTELLIGENCE AGENCY RETIREMENT AND

10 DISABILITY SYSTEM FUND

11 For payment to the Central Intelligence Agency Re-
12 tirement and Disability System Fund, to maintain proper
13 funding level for continuing the operation of the Central
14 Intelligence Agency Retirement and Disability System;
15 \$196,400,000.

16 INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

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

19 PAYMENT TO KAHO'OLAWA ISLAND CONVEYANCE, RE-

20 MEDIATION, AND ENVIRONMENTAL RESTORATION

21 FUND

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

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TITLE VIII

GENERAL PROVISIONS

SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense:

Provided, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: *Provided further*, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: *Provided further*, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

1 and in no case where the item for which funds are re-
2 quested has been denied by Congress: *Provided further,*
3 That the Secretary of Defense shall notify the Congress
4 promptly of all transfers made pursuant to this authority
5 or any other authority in this Act: *Provided further,* That
6 no part of the funds in this Act shall be available to pre-
7 pare or present a request to the Committees on Appropria-
8 tions for reprogramming of funds, unless for higher prior-
9 ity items, based on unforeseen military requirements, than
10 those for which originally appropriated and in no case
11 where the item for which reprogramming is requested has
12 been denied by the Congress.

13 (TRANSFER OF FUNDS)

14 SEC. 8006. During the current fiscal year, cash bal-
15 ances in working capital funds of the Department of De-
16 fense established pursuant to section 2208 of title 10,
17 United States Code, may be maintained in only such
18 amounts as are necessary at any time for cash disburse-
19 ments to be made from such funds: *Provided,* That trans-
20 fers may be made between such funds and the “Foreign
21 Currency Fluctuations, Defense” and “Operation and
22 Maintenance” appropriation accounts in such amounts as
23 may be determined by the Secretary of Defense, with the
24 approval of the Office of Management and Budget, except
25 that such transfers may not be made unless the Secretary

1 of Defense has notified the Congress of the proposed
2 transfer. Except in amounts equal to the amounts appro-
3 priated to working capital funds in this Act, no obligations
4 may be made against a working capital fund to procure
5 or increase the value of war reserve material inventory,
6 unless the Secretary of Defense has notified the Congress
7 prior to any such obligation.

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

12 SEC. 8008. None of the funds contained in this Act
13 available for the Civilian Health and Medical Program of
14 the Uniformed Services shall be available for payments to
15 physicians and other non-institutional health care provid-
16 ers in excess of the amounts allowed in fiscal year 1996
17 for similar services, except that: (a) for services for which
18 the Secretary of Defense determines an increase is justi-
19 fied by economic circumstances, the allowable amounts
20 may be increased in accordance with appropriate economic
21 index data similar to that used pursuant to title XVIII
22 of the Social Security Act; and (b) for services the Sec-
23 retary determines are overpriced based on allowable pay-
24 ments under title XVIII of the Social Security Act, the
25 allowable amounts shall be reduced by not more than 15

1 percent (except that the reduction may be waived if the
2 Secretary determines that it would impair adequate access
3 to health care services for beneficiaries). The Secretary
4 shall solicit public comment prior to promulgating regula-
5 tions to implement this section. Such regulations shall in-
6 clude a limitation, similar to that used under title XVIII
7 of the Social Security Act, on the extent to which a pro-
8 vider may bill a beneficiary an actual charge in excess of
9 the allowable amount.

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

1 shall be available to initiate multiyear procurement con-
2 tracts for any systems or component thereof if the value
3 of the multiyear contract would exceed \$500,000,000 un-
4 less specifically provided in this Act: *Provided further*,
5 That no multiyear procurement contract can be termi-
6 nated without 10-day prior notification to the congres-
7 sional defense committees: *Provided further*, That the exe-
8 cution of multiyear authority shall require the use of a
9 present value analysis to determine lowest cost compared
10 to an annual procurement.

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

13 Javelin missiles;
14 Army Tactical Missile System (ATACMS);
15 MK19–3 grenade machine guns;
16 M16A2 rifles;
17 M249 Squad Automatic Weapons;
18 M4 carbine rifles; and
19 M240B machine guns.

20 SEC. 8010. Within the funds appropriated for the op-
21 eration and maintenance of the Armed Forces, funds are
22 hereby appropriated pursuant to section 401 of title 10,
23 United States Code, for humanitarian and civic assistance
24 costs under chapter 20 of title 10, United States Code.
25 Such funds may also be obligated for humanitarian and

1 civic assistance costs incidental to authorized operations
2 and pursuant to authority granted in section 401 of chap-
3 ter 20 of title 10, United States Code, and these obliga-
4 tions shall be reported to Congress on September 30 of
5 each year: *Provided*, That funds available for operation
6 and maintenance shall be available for providing humani-
7 tarian and similar assistance by using Civic Action Teams
8 in the Trust Territories of the Pacific Islands and freely
9 associated states of Micronesia, pursuant to the Compact
10 of Free Association as authorized by Public Law 99-239:
11 *Provided further*, That upon a determination by the Sec-
12 retary of the Army that such action is beneficial for grad-
13 uate medical education programs conducted at Army med-
14 ical facilities located in Hawaii, the Secretary of the Army
15 may authorize the provision of medical services at such
16 facilities and transportation to such facilities, on a non-
17 reimbursable basis, for civilian patients from American
18 Samoa, the Commonwealth of the Northern Mariana Is-
19 lands, the Marshall Islands, the Federated States of Mi-
20 cronesia, Palau, and Guam.

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

1 end-strength) on the number of such personnel who may
2 be employed on the last day of such fiscal year.

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

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

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

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

1 SEC. 8014. (a) None of the funds appropriated by
2 this Act shall be used to make contributions to the Depart-
3 ment of Defense Education Benefits Fund pursuant to
4 section 2006(g) of title 10, United States Code, represent-
5 ing the normal cost for future benefits under section
6 3015(c) of title 38, United States Code, for any member
7 of the armed services who, on or after the date of enact-
8 ment of this Act—

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

11 (2) receives an enlistment bonus under section
12 308a or 308f of title 37, United States Code,

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

1 proved in advance by the Secretary of Defense: *Provided*
2 *further*, That this subsection applies only to active compo-
3 nents of the Army.

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

15 SEC. 8015. None of the funds appropriated by this
16 Act shall be available to convert to contractor performance
17 an activity or function of the Department of Defense that,
18 on or after the date of enactment of this Act, is performed
19 by more than ten Department of Defense civilian employ-
20 ees until a most efficient and cost-effective organization
21 analysis is completed on such activity or function and cer-
22 tification of the analysis is made to the Committees on
23 Appropriations of the House of Representatives and the
24 Senate: *Provided*, That this section shall not apply to a
25 commercial or industrial type function of the Department

1 of Defense that: (1) is included on the procurement list
2 established pursuant to section 2 of the Act of June 25,
3 1938 (41 U.S.C. 47), popularly referred to as the Javits-
4 Wagner-O'Day Act; (2) is planned to be converted to per-
5 formance by a qualified nonprofit agency for the blind or
6 by a qualified nonprofit agency for other severely handi-
7 capped individuals in accordance with that Act; or (3) is
8 planned to be converted to performance by a qualified firm
9 under 51 percent Native American ownership.

10 (TRANSFER OF FUNDS)

11 SEC. 8016. Funds appropriated in title III of this Act
12 for the Department of Defense Pilot Mentor-Protege Pro-
13 gram may be transferred to any other appropriation con-
14 tained in this Act solely for the purpose of implementing
15 a Mentor-Protege Program developmental assistance
16 agreement pursuant to section 831 of the National De-
17 fense Authorization Act for Fiscal Year 1991 (Public Law
18 101-510; 10 U.S.C. 2301 note), as amended, under the
19 authority of this provision or any other transfer authority
20 contained in this Act.

21 SEC. 8017. None of the funds in this Act may be
22 available for the purchase by the Department of Defense
23 (and its departments and agencies) of welded shipboard
24 anchor and mooring chain 4 inches in diameter and under
25 unless the anchor and mooring chain are manufactured

1 in the United States from components which are substan-
2 tially manufactured in the United States: *Provided*, That
3 for the purpose of this section manufactured will include
4 cutting, heat treating, quality control, testing of chain and
5 welding (including the forging and shot blasting process):
6 *Provided further*, That for the purpose of this section sub-
7 stantially all of the components of anchor and mooring
8 chain shall be considered to be produced or manufactured
9 in the United States if the aggregate cost of the compo-
10 nents produced or manufactured in the United States ex-
11 ceeds the aggregate cost of the components produced or
12 manufactured outside the United States: *Provided further*,
13 That when adequate domestic supplies are not available
14 to meet Department of Defense requirements on a timely
15 basis, the Secretary of the service responsible for the pro-
16 curement may waive this restriction on a case-by-case
17 basis by certifying in writing to the Committees on Appro-
18 priations that such an acquisition must be made in order
19 to acquire capability for national security purposes.

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

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

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

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

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

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

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

10 SEC. 8023. None of the funds appropriated by this
11 Act shall be available for payments under the Department
12 of Defense contract with the Louisiana State University
13 Medical Center involving the use of cats for Brain Missile
14 Wound Research, and the Department of Defense shall
15 not make payments under such contract from funds obli-
16 gated prior to the date of the enactment of this Act, except
17 as necessary for costs incurred by the contractor prior to
18 the enactment of this Act: *Provided*, That funds necessary
19 for the care of animals covered by this contract are al-
20 lowed.

21 SEC. 8024. None of the funds provided in this Act
22 or any other Act shall be available to conduct bone trauma
23 research at any Army Research Laboratory until the Sec-
24 retary of the Army certifies that the synthetic compound
25 to be used in the experiments is of such a type that its

1 use will result in a significant medical finding, the re-
2 search has military application, the research will be con-
3 ducted in accordance with the standards set by an animal
4 care and use committee, and the research does not dupli-
5 cate research already conducted by a manufacturer or any
6 other research organization.

7 SEC. 8025. No more than \$500,000 of the funds ap-
8 propriated or made available in this Act shall be used for
9 any single relocation of an organization, unit, activity or
10 function of the Department of Defense into or within the
11 National Capital Region: *Provided*, That the Secretary of
12 Defense may waive this restriction on a case-by-case basis
13 by certifying in writing to the Committees on Appropria-
14 tions of the House of Representatives and Senate that
15 such a relocation is required in the best interest of the
16 Government.

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

24 (1) is a member of a Reserve component of the
25 Armed Forces, as described in section 261 of title

1 10, or the National Guard, as described in section
2 101 of title 32;

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

7 (A) Federal service under section 331,
8 332, 333, or 12406 of title 10, or other provi-
9 sion of law, as applicable, or

10 (B) full-time military service for his State,
11 the District of Columbia, the Commonwealth of
12 Puerto Rico, or a territory of the United States;
13 and

14 (3) requests and is granted—

15 (A) leave under the authority of this sec-
16 tion; or

17 (B) annual leave, which may be granted
18 without regard to the provisions of sections
19 5519 and 6323(b) of title 5, if such employee
20 is otherwise entitled to such annual leave:

21 *Provided*, That any employee who requests leave under
22 subsection (3)(A) for service described in subsection (2)
23 of this section is entitled to such leave, subject to the pro-
24 visions of this section and of the last sentence of section

1 6323(b) of title 5, and such leave shall be considered leave
2 under section 6323(b) of title 5.

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

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

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

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

1 SEC. 8031. (a) Of the funds for the procurement of
2 supplies or services appropriated by this Act, qualified
3 nonprofit agencies for the blind or other severely handi-
4 capped shall be afforded the maximum practicable oppor-
5 tunity to participate as subcontractors and suppliers in the
6 performance of contracts let by the Department of De-
7 fense.

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

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

23 SEC. 8032. During the current fiscal year, net re-
24 ceipts pursuant to collections from third party payers pur-
25 suant to section 1095 of title 10, United States Code, shall

1 be made available to the local facility of the uniformed
2 services responsible for the collections and shall be over
3 and above the facility's direct budget amount.

4 SEC. 8033. During the current fiscal year, the De-
5 partment of Defense is authorized to incur obligations of
6 not to exceed \$350,000,000 for purposes specified in sec-
7 tion 2350j(c) of title 10, United States Code, in anticipa-
8 tion of receipt of contributions, only from the Government
9 of Kuwait, under that section: *Provided*, That, upon re-
10 ceipt, such contributions from the Government of Kuwait
11 shall be credited to the appropriation or fund which in-
12 curred such obligations.

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

17 SEC. 8035. (a) None of the funds appropriated in this
18 Act are available to establish a new Department of De-
19 fense Federally Funded Research and Development Cen-
20 ter (FFRDC), either as a new entity, or as a separate
21 entity administered by an organization managing another
22 FFRDC, or as a nonprofit membership corporation con-
23 sisting of a consortium of other FFRDCs and other non-
24 profit entities.

1 (b) LIMITATION ON COMPENSATION.—No member of
2 a Board of Directors, Trustees, Overseers, Advisory
3 Group, Special Issues Panel, Visiting Committee, or any
4 similar entity of a defense FFRDC, and no paid consult-
5 ant to any defense FFRDC, may be compensated for his
6 or her services as a member of such entity, or as a paid
7 consultant, except under the same conditions, and to the
8 same extent, as members of the Defense Science Board:
9 *Provided*, That a member of any such entity referred to
10 previously in this subsection shall be allowed travel ex-
11 penses and per diem as authorized under the Federal
12 Joint Travel Regulations, when engaged in the perform-
13 ance of membership duties.

14 (c) Notwithstanding any other provision of law, none
15 of the funds available to the Department of Defense from
16 any source during fiscal year 1997 may be used by a de-
17 fense FFRDC, through a fee or other payment mecha-
18 nism, for charitable contributions, for construction of new
19 buildings, for payment of cost sharing for projects funded
20 by government grants, or for absorption of contract over-
21 runs.

22 SEC. 8036. None of the funds appropriated or made
23 available in this Act shall be used to procure carbon, alloy
24 or armor steel plate for use in any Government-owned fa-
25 cility or property under the control of the Department of

1 Defense which were not melted and rolled in the United
2 States or Canada: *Provided*, That these procurement re-
3 strictions shall apply to any and all Federal Supply Class
4 9515, American Society of Testing and Materials (ASTM)
5 or American Iron and Steel Institute (AISI) specifications
6 of carbon, alloy or armor steel plate: *Provided further*,
7 That the Secretary of the military department responsible
8 for the procurement may waive this restriction on a case-
9 by-case basis by certifying in writing to the Committees
10 on Appropriations of the House of Representatives and the
11 Senate that adequate domestic supplies are not available
12 to meet Department of Defense requirements on a timely
13 basis and that such an acquisition must be made in order
14 to acquire capability for national security purposes: *Pro-*
15 *vided further*, That these restrictions shall not apply to
16 contracts which are in being as of the date of enactment
17 of this Act.

18 SEC. 8037. For the purposes of this Act, the term
19 “congressional defense committees” means the National
20 Security Committee of the House of Representatives, the
21 Armed Services Committee of the Senate, the subcommit-
22 tee on Defense of the Committee on Appropriations of the
23 Senate, and the subcommittee on National Security of the
24 Committee on Appropriations of the House of Representa-
25 tives.

1 SEC. 8038. Notwithstanding any other provision of
2 law, during the current fiscal year, the Department of De-
3 fense may acquire the modification, depot maintenance
4 and repair of aircraft, vehicles and vessels as well as the
5 production of components and other Defense-related arti-
6 cles, through competition between Department of Defense
7 depot maintenance activities and private firms: *Provided*,
8 That the Senior Acquisition Executive of the military de-
9 partment or defense agency concerned, with power of dele-
10 gation, shall certify that successful bids include com-
11 parable estimates of all direct and indirect costs for both
12 public and private bids: *Provided further*, That Office of
13 Management and Budget Circular A-76 shall not apply
14 to competitions conducted under this section.

15 SEC. 8039. (a)(1) If the Secretary of Defense, after
16 consultation with the United States Trade Representative,
17 determines that a foreign country which is party to an
18 agreement described in paragraph (2) has violated the
19 terms of the agreement by discriminating against certain
20 types of products produced in the United States that are
21 covered by the agreement, the Secretary of Defense shall
22 rescind the Secretary's blanket waiver of the Buy Amer-
23 ican Act with respect to such types of products produced
24 in that foreign country.

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

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

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

22 SEC. 8040. Appropriations contained in this Act that
23 remain available at the end of the current fiscal year as
24 a result of energy cost savings realized by the Department
25 of Defense shall remain available for obligation for the

1 next fiscal year to the extent, and for the purposes, pro-
2 vided in section 2865 of title 10, United States Code.

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

8 (INCLUDING TRANSFER OF FUNDS)

9 SEC. 8042. Amounts deposited during the current fis-
10 cal year to the special account established under 40 U.S.C.
11 485(h)(2) and to the special account established under 10
12 U.S.C. 2667(d)(1) are appropriated and shall be available
13 until transferred by the Secretary of Defense to current
14 applicable appropriations or funds of the Department of
15 Defense under the terms and conditions specified by 40
16 U.S.C. 485(h)(2) (A) and (B) and 10 U.S.C.
17 2667(d)(1)(B), to be merged with and to be available for
18 the same time period and the same purposes as the appro-
19 priation to which transferred.

20 SEC. 8043. During the current fiscal year, appropria-
21 tions available to the Department of Defense may be used
22 to reimburse a member of a reserve component of the
23 Armed Forces who is not otherwise entitled to travel and
24 transportation allowances and who occupies transient gov-
25 ernment housing while performing active duty for training

1 or inactive duty training: *Provided*, That such members
2 may be provided lodging in kind if transient government
3 quarters are unavailable as if the member was entitled to
4 such allowances under subsection (a) of section 404 of title
5 37, United States Code: *Provided further*, That if lodging
6 in kind is provided, any authorized service charge or cost
7 of such lodging may be paid directly from funds appro-
8 priated for operation and maintenance of the reserve com-
9 ponent of the member concerned.

10 SEC. 8044. The President shall include with each
11 budget for a fiscal year submitted to the Congress under
12 section 1105 of title 31, United States Code, materials
13 that shall identify clearly and separately the amounts re-
14 quested in the budget for appropriation for that fiscal year
15 for salaries and expenses related to administrative activi-
16 ties of the Department of Defense, the military depart-
17 ments, and the Defense Agencies.

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

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

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

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

19 SEC. 8049. During the current fiscal year and here-
20 after, appropriations available for the pay and allowances
21 of active duty members of the Armed Forces shall be avail-
22 able to pay the retired pay which is payable pursuant to
23 section 4403 of Public Law 102-484 (10 U.S.C. 1293
24 note) under the terms and conditions provided in section
25 4403.

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

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

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

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

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

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

24 SEC. 8054. (a) HIGH PERFORMANCE COMPUTING
25 MODERNIZATION PROGRAM.—Of the funds appropriated

1 in this Act under the heading “Procurement, Defense-
2 Wide”, \$143,235,000 shall be made available for the High
3 Performance Computing Modernization Program (referred
4 to in this section as the “program”). Of the funds appro-
5 priated in this Act under the heading “Research, Develop-
6 ment, Test and Evaluation, Defense-Wide”, \$61,380,000
7 shall be made available for the program. Of the total funds
8 made available for the program pursuant to this sub-
9 section, \$20,000,000 shall be for the Army High Perform-
10 ance Computing Research Center.

11 (b) IMPLEMENTATION OF PROGRAM.—The procure-
12 ment funds made available for the program pursuant to
13 subsection (a) shall be used only for the procurement of
14 computer hardware and ancillary equipment for the high
15 performance computing facilities of the Department of De-
16 fense.

17 (c) ANNUAL PUBLICATION OF PROGRAM PLANS.—
18 Hereafter, the Secretary of Defense shall annually pre-
19 pare, and make available to the public, an updated and
20 unclassified program plan and program implementation
21 plan.

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

1 SEC. 8055. Amounts collected for the use of the fa-
2 cilities of the National Science Center for Communications
3 and Electronics during the current fiscal year pursuant
4 to section 1459(g) of the Department of Defense Author-
5 ization Act, 1986 and deposited to the special account es-
6 tablished under subsection 1459(g)(2) of that Act are ap-
7 propriated and shall be available until expended for the
8 operation and maintenance of the Center as provided for
9 in subsection 1459(g)(2).

10 SEC. 8056. None of the funds appropriated in this
11 Act may be used to fill the commander's position at any
12 military medical facility with a health care professional
13 unless the prospective candidate can demonstrate profes-
14 sional administrative skills.

15 SEC. 8057. (a) None of the funds appropriated in this
16 Act may be expended by an entity of the Department of
17 Defense unless the entity, in expending the funds, com-
18 plies with the Buy American Act. For purposes of this
19 subsection, the term "Buy American Act" means title III
20 of the Act entitled "An Act making appropriations for the
21 Treasury and Post Office Departments for the fiscal year
22 ending June 30, 1934, and for other purposes", approved
23 March 3, 1933 (41 U.S.C. 10a et seq.).

24 (b) If the Secretary of Defense determines that a per-
25 son has been convicted of intentionally affixing a label

1 bearing a “Made in America” inscription to any product
2 sold in or shipped to the United States that is not made
3 in America, the Secretary shall determine, in accordance
4 with section 2410f of title 10, United States Code, wheth-
5 er the person should be debarred from contracting with
6 the Department of Defense.

7 (c) In the case of any equipment or products pur-
8 chased with appropriations provided under this Act, it is
9 the sense of the Congress that any entity of the Depart-
10 ment of Defense, in expending the appropriation, purchase
11 only American-made equipment and products, provided
12 that American-made equipment and products are cost-
13 competitive, quality-competitive, and available in a timely
14 fashion.

15 SEC. 8058. None of the funds appropriated by this
16 Act shall be available for a contract for studies, analyses,
17 or consulting services entered into without competition on
18 the basis of an unsolicited proposal unless the head of the
19 activity responsible for the procurement determines—

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

23 (2) the purpose of the contract is to explore an
24 unsolicited proposal which offers significant sci-
25 entific or technological promise, represents the prod-

1 uct of original thinking, and was submitted in con-
2 fidence by one source, or

3 (3) the purpose of the contract is to take ad-
4 vantage of unique and significant industrial accom-
5 plishment by a specific concern, or to insure that a
6 new product or idea of a specific concern is given fi-
7 nancial support:

8 *Provided*, That this limitation shall not apply to contracts
9 in an amount of less than \$25,000, contracts related to
10 improvements of equipment that is in development or pro-
11 duction, or contracts as to which a civilian official of the
12 Department of Defense, who has been confirmed by the
13 Senate, determines that the award of such contract is in
14 the interest of the national defense.

15 SEC. 8059. Funds appropriated by this Act for intel-
16 ligence activities are deemed to be specifically authorized
17 by the Congress for purposes of section 504 of the Na-
18 tional Security Act of 1947 (50 U.S.C. 414) during fiscal
19 year 1997 until the enactment of the Intelligence Author-
20 ization Act for fiscal year 1997.

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

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

6 SEC. 8061. None of the funds available to the De-
7 partment of Defense in this Act may be used to establish
8 additional field operating agencies of any element of the
9 Department during fiscal year 1997, except for field oper-
10 ating agencies funded within the National Foreign Intel-
11 ligence Program: *Provided*, That the Secretary of Defense
12 may waive this section by certifying to the House and Sen-
13 ate Committees on Appropriations that the creation of
14 such field operating agencies will reduce either the person-
15 nel and/or financial requirements of the Department of
16 Defense.

17 SEC. 8062. Notwithstanding any other provision of
18 law, for resident classes entering the war colleges after
19 September 30, 1997, the Department of Defense shall re-
20 quire that not less than 20 percent of the total of United
21 States military students at each war college shall be from
22 military departments other than the hosting military de-
23 partment: *Provided*, That each military department will
24 recognize the attendance at a sister military department

1 war college as the equivalent of attendance at its own war
2 college for promotion and advancement of personnel.

3 SEC. 8063. None of the funds provided in this Act
4 may be obligated for payment on new contracts on which
5 allowable costs charged to the government include pay-
6 ments for individual compensation at a rate in excess of
7 \$250,000 per year.

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

16 SEC. 8065. None of the funds appropriated or other-
17 wise made available in this Act may be obligated or ex-
18 pended for assistance to the Democratic People's Republic
19 of North Korea unless specifically appropriated for that
20 purpose.

21 SEC. 8066. During the current fiscal year, funds ap-
22 propriated in this Act are available to compensate mem-
23 bers of the National Guard for duty performed pursuant
24 to a plan submitted by a Governor of a State and approved
25 by the Secretary of Defense under section 112 of title 32,

1 United States Code: *Provided*, That during the perform-
2 ance of such duty, the members of the National Guard
3 shall be under State command and control: *Provided fur-*
4 *ther*, That such duty shall be treated as full-time National
5 Guard duty for purposes of sections 12602 (a)(2) and
6 (b)(2) of title 10, United States Code.

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

21 SEC. 8068. During the current fiscal year, none of
22 the funds appropriated in this Act may be used to reduce
23 the civilian medical and medical support personnel as-
24 signed to military treatment facilities below the September
25 30, 1996 level.

1 buildings may, during their period of availability, be trans-
2 ferred to other appropriations or funds of the Department
3 of Defense for projects related to increasing energy and
4 water efficiency, to be merged with and to be available
5 for the same general purposes, and for the same time pe-
6 riod, as the appropriation or fund to which transferred.

7 SEC. 8073. None of the funds appropriated by this
8 Act may be used for the procurement of ball and roller
9 bearings other than those produced by a domestic source
10 and of domestic origin: *Provided*, That the Secretary of
11 the military department responsible for such procurement
12 may waive this restriction on a case-by-case basis by cer-
13 tifying in writing to the Committees on Appropriations of
14 the House of Representatives and the Senate, that ade-
15 quate domestic supplies are not available to meet Depart-
16 ment of Defense requirements on a timely basis and that
17 such an acquisition must be made in order to acquire ca-
18 pability for national security purposes.

19 SEC. 8074. None of the funds in this Act may be
20 used to purchase any supercomputer which is not manu-
21 factured in the United States, unless the Secretary of De-
22 fense certifies to the congressional defense committees
23 that such an acquisition must be made in order to acquire
24 capability for national security purposes that is not avail-
25 able from United States manufacturers.

1 SEC. 8075. None of the funds appropriated by this
2 Act shall be available to lease or charter a vessel in excess
3 of seventeen months (inclusive of any option periods) to
4 transport fuel or oil for the Department of Defense if the
5 vessel was constructed after October 1, 1995 unless the
6 Secretary of Defense requires that the vessel be con-
7 structed in the United States with a double hull under
8 the long-term lease or charter authority provided in sec-
9 tion 2401 note of title 10, United States Code: *Provided*,
10 That this limitation shall not apply to contracts in force
11 on the date of enactment of this Act: *Provided further*,
12 That by 1997 at least 20 percent of annual leases and
13 charters must be for ships of double hull design con-
14 structed after October 1, 1995 if available in numbers suf-
15 ficient to satisfy this requirement: *Provided further*, That
16 the Military Sealift Command shall plan to achieve the
17 goal of eliminating single hull ship leases by the year
18 2015.

19 SEC. 8076. Notwithstanding any other provision in
20 this Act, the total amount appropriated in this Act is here-
21 by reduced by \$500,000,000 to reflect savings from re-
22 duced carryover of activities funded through the Defense
23 Business Operations Fund, to be distributed as follows:
24 “Operation and Maintenance, Army”, \$60,000,000; and
25 “Operation and Maintenance, Navy”, \$440,000,000.

1 SEC. 8077. During the current fiscal year, the Army
2 shall use the former George Air Force Base as the airhead
3 for the National Training Center at Fort Irwin: *Provided*,
4 That none of the funds in this Act shall be obligated or
5 expended to transport Army personnel into Edwards Air
6 Force Base for training rotations at the National Training
7 Center.

8 SEC. 8078. (a) The Secretary of Defense shall sub-
9 mit, on a quarterly basis, a report to the congressional
10 defense committees, the Committee on International Rela-
11 tions of the House of Representatives and the Committee
12 on Foreign Relations of the Senate setting forth all costs
13 (including incremental costs) incurred by the Department
14 of Defense during the preceding quarter in implementing
15 or supporting resolutions of the United Nations Security
16 Council, including any such resolution calling for inter-
17 national sanctions, international peacekeeping operations,
18 and humanitarian missions undertaken by the Depart-
19 ment of Defense. The quarterly report shall include an ag-
20 gregate of all such Department of Defense costs by oper-
21 ation or mission.

22 (b) The Secretary of Defense shall detail in the quar-
23 terly reports all efforts made to seek credit against past
24 United Nations expenditures and all efforts made to seek
25 compensation from the United Nations for costs incurred

1 by the Department of Defense in implementing and sup-
2 porting United Nations activities.

3 SEC. 8079. (a) LIMITATION ON TRANSFER OF DE-
4 FENSE ARTICLES AND SERVICES.—Notwithstanding any
5 other provision of law, none of the funds available to the
6 Department of Defense for the current fiscal year may be
7 obligated or expended to transfer to another nation or an
8 international organization any defense articles or services
9 (other than intelligence services) for use in the activities
10 described in subsection (b) unless the congressional de-
11 fense committees, the Committee on International Rela-
12 tions of the House of Representatives, and the Committee
13 on Foreign Relations of the Senate are notified 15 days
14 in advance of such transfer.

15 (b) COVERED ACTIVITIES.—(1) This section applies
16 to—

17 (A) any international peacekeeping or peace-en-
18 forcement operation under the authority of chapter
19 VI or chapter VII of the United Nations Charter
20 under the authority of a United Nations Security
21 Council resolution; and

22 (B) any other international peacekeeping,
23 peace-enforcement, or humanitarian assistance oper-
24 ation.

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

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

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

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

9 (A) a statement of whether the inventory
10 requirements of all elements of the Armed
11 Forces (including the reserve components) for
12 the type of equipment or supplies to be trans-
13 ferred have been met; and

14 (B) a statement of whether the items pro-
15 posed to be transferred will have to be replaced
16 and, if so, how the President proposes to pro-
17 vide funds for such replacement.

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

1 SEC. 8081. None of the funds available to the De-
2 partment of Defense under this Act shall be obligated or
3 expended to pay a contractor under a contract with the
4 Department of Defense for costs of any amount paid by
5 the contractor to an employee when—

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

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

11 SEC. 8082. The amount otherwise provided by this
12 Act for “Operation and Maintenance, Air Force” is hereby
13 reduced by \$195,000,000, to reflect a reduction in the
14 passthrough to the Air Force business areas of the De-
15 fense Business Operations Fund.

16 SEC. 8083. None of the funds provided in title II of
17 this Act for “Former Soviet Union Threat Reduction”
18 may be obligated or expended to finance housing for any
19 individual who was a member of the military forces of the
20 Soviet Union or for any individual who is or was a member
21 of the military forces of the Russian Federation.

22 SEC. 8084. Beginning in fiscal year 1997 and there-
23 after, and notwithstanding any other provision of law,
24 fixed and mobile telecommunications support shall be pro-
25 vided by the White House Communications Agency

1 (WHCA) to the United States Secret Service (USSS),
2 without reimbursement, in connection with the Secret
3 Service's duties directly related to the protection of the
4 President or the Vice President or other officer imme-
5 diately next in order of succession to the office of the
6 President at the White House Security Complex in the
7 Washington, D.C. Metropolitan Area and Camp David,
8 Maryland. For these purposes, the White House Security
9 Complex includes the White House, the White House
10 grounds, the Old Executive Office Building, the New Ex-
11 ecutive Office Building, the Blair House, the Treasury
12 Building, and the Vice President's Residence at the Naval
13 Observatory: *Provided*, That funds made available to the
14 WHCA (or any successor agency) for support services for
15 the President from funds appropriated for the Department
16 of Defense for any fiscal year (beginning with fiscal year
17 1997) may be used only for the provision of telecommuni-
18 cations support to the President and Vice President and
19 related elements (as defined in regulations of that agency
20 and specified by the President with respect to particular
21 individuals within those related elements).

22 SEC. 8085. For purposes of section 1553(b) of title
23 31, United States Code, any subdivision of appropriations
24 made in this Act under the heading "Shipbuilding and
25 Conversion, Navy" shall be considered to be for the same

1 purpose as any subdivision under the heading “Shipbuild-
2 ing and Conversion, Navy” appropriations in any prior
3 year, and the one percent limitation shall apply to the total
4 amount of the appropriation.

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

12 SEC. 8087. During the current fiscal year, in the case
13 of an appropriation account of the Department of Defense
14 for which the period of availability for obligation has ex-
15 pired or which has closed under the provisions of section
16 1552 of title 31, United States Code, and which has a
17 negative unliquidated or unexpended balance, an obliga-
18 tion or an adjustment of an obligation may be charged
19 to any current appropriation account for the same purpose
20 as the expired or closed account if—

21 (1) the obligation would have been properly
22 chargeable (except as to amount) to the expired or
23 closed account before the end of the period of avail-
24 ability or closing of that account;

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

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

20 SEC. 8088. During the current fiscal year the Marine
21 Security Guard Program shall be administered under the
22 terms and conditions of the March 29, 1994 Memorandum
23 of Understanding between the Department of Defense and
24 the Department of State concerning such program and the
25 Department of State shall continue to pay, or provide re-

1 imbursement for, Marine Security Guard costs which are
2 the responsibility of the State Department under the pro-
3 visions of such Memorandum.

4 SEC. 8089. Notwithstanding any other provision in
5 this Act, the total amount appropriated in this Act is here-
6 by reduced by \$350,000,000 to reflect savings from im-
7 proved management of spare and repair parts inventories
8 of the Department of Defense, to be distributed as follows:
9 “Operation and Maintenance, Army”, \$91,000,000; “Op-
10 eration and Maintenance, Navy”, \$32,600,000; and “Op-
11 eration and Maintenance, Air Force”, \$226,400,000.

12 SEC. 8090. Notwithstanding any other provision of
13 law, the Air Force shall not introduce any new supplier
14 for the remaining production units for the AN/ALE-47
15 Countermeasure Dispenser System.

16 SEC. 8091. In applying section 9005 of the Depart-
17 ment of Defense Appropriations Act, 1993 (Public Law
18 102-396)—

19 (1) synthetic fabric and coated synthetic fabric
20 shall be deemed to include synthetic fiber and yarn
21 and their products; and

22 (2) such section shall (notwithstanding section
23 34 of Public Law 93-400) be treated as being appli-
24 cable to contracts and subcontracts for the procure-
25 ment of commercial items that are articles or items,

1 specialty metals, or tools covered by that section
2 9005.

3 SEC. 8092. TRADE-OFF STUDY OF CURRENT AND
4 FUTURE DEEP-STRIKE CAPABILITIES.—

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

10 (2) The Secretary of Defense shall establish an
11 ad hoc review committee under the auspices of the
12 Defense Science Board to establish the methodologi-
13 cal approach to the tradeoff study, to establish a
14 broad range of stressing scenarios of interest, and to
15 review assumptions regarding the analyses to be con-
16 ducted.

17 (3) The ad hoc review committee to be estab-
18 lished under paragraph (2) shall include among its
19 members analysts who have performed or partici-
20 pated in bomber trade-off analysis, retired military
21 personnel with broad experience in recent conven-
22 tional warfare operations, and experts on the logis-
23 tics of both initial deployment and sustaining sup-
24 port. These members shall be selected without re-

1 gard for current service on the Defense Science
2 Board.

3 (4) After submitting its recommendations for
4 the conduct of the deep-strike tradeoff study to the
5 Secretary of Defense, the ad hoc review committee
6 shall continue to meet regularly to review prelimi-
7 nary results of the analysis and to recommend addi-
8 tional variations in assumptions that may be re-
9 quired to illuminate particular force trade-off issues.

10 SEC. 8093. TACTICAL AIRCRAFT REQUIREMENT
11 STUDY.—The Secretary of Defense and the Chairman of
12 the Joint Chiefs of Staff shall carry out a joint study
13 under the direct supervision of the Joint Requirements
14 Oversight Council (JROC) assessing future tactical air-
15 craft requirements across service jurisdictions. This study
16 shall determine the best and most affordable mix of weap-
17 on systems to carry out different mission areas and shall
18 include recommendations for changes to the planned num-
19 bers and types of tactical aircraft to be developed and pro-
20 cured over the next ten years if appropriate. Such report
21 shall be submitted to the Congressional defense commit-
22 tees no later than March 30, 1997.

23 SEC. 8094. (a) CONSIDERATION OF PERCENTAGE OF
24 WORK PERFORMED IN THE UNITED STATES.—None of
25 the funds available to the Department of Defense under

1 this Act may be obligated or expended to evaluate sealed
2 bids and competitive proposals for a contract for the pro-
3 curement of property or services except when it is made
4 known to the Federal official having authority to obligate
5 or expend such funds that—

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

9 (2) a high importance is assigned to such fac-
10 tor.

11 (b) BREACH OF CONTRACT FOR TRANSFERRING
12 WORK OUTSIDE THE UNITED STATES.—None of the
13 funds available to the Department of Defense under this
14 Act may be obligated or expended to procure property or
15 services except when it is made known to the Federal offi-
16 cial having authority to obligate or expend such funds that
17 each contract for the procurement of property or services
18 includes a clause providing that the contractor is deemed
19 to have breached the contract if the contractor performs
20 less work in the United States than the contractor stated,
21 in its response to the solicitation for the contract, that
22 it planned to perform in the United States.

23 (c) INELIGIBILITY FOR CONTRACT RENEWAL.—(1)
24 None of the funds available to the Department of Defense
25 under this Act may be obligated or expended to renew a

1 covered contract when it is made known to the Federal
2 official having authority to obligate or expend such funds
3 that the amount of work performed outside the United
4 States under the covered contract exceeded the maximum
5 amount of work that the contractor was expected to per-
6 form outside the United States, based on the amount of
7 work that the contractor stated, in its response to the so-
8 licitation for the contract, that it planned to perform in-
9 side the United States.

10 (2) For purposes of this section, a covered contract
11 is a contract for the procurement of property or services
12 that is made pursuant to a solicitation described in sub-
13 section (a).

14 (d) WAIVER.—Subsections (a), (b), and (c) shall not
15 apply with respect to funds available to the Department
16 of Defense under this Act when it is made known to the
17 Federal official having authority to obligate or expend
18 such funds that an emergency situation or the national
19 security interests of the United States requires the obliga-
20 tion or expenditure of such funds.

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

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

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