DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1991

49-139 O - 90 (511)

Public Law 101-511
101st Congress

An Act

Nov. 5, 1990
[H.R. 5803]

Making appropriations for the Department of Defense for the fiscal year ending September 30, 1991, and for other purposes.

Department of Defense Appropriations Act, 1991.
Armed Forces.
Arms and munitions.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1991, for military functions administered by the Department of Defense, and for other purposes, namely:

TITLE I

MILITARY PERSONNEL

Military Personnel, Army

For pay, allowances, individual clothing, 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; $23,869,226,000.

Military Personnel, Navy

For pay, allowances, individual clothing, 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) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; $19,065,967,000.

Military Personnel, Marine Corps

For pay, allowances, individual clothing, 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 Marine Corps on active duty (except members of the Reserve provided for elsewhere); 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; $5,897,502,000.

Military Personnel, Air Force

For pay, allowances, individual clothing, 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 Air Force 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; $19,738,372,000.

Reserve Personnel, Army

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 265, 3021, and 3038 of title 10, United States Code, or while serving on active duty under section 672(d) of title 10, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; and for payments to the Department of Defense Military Retirement Fund; $2,363,300,000.

Reserve Personnel, Navy

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 265 of title 10, United States Code, or while serving on active duty under section 672(d) of title 10, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; and for payments to the Department of Defense Military Retirement Fund; $1,645,000,000.

Reserve Personnel, Marine Corps

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 265 of title 10, United States Code, or while serving on active duty under section 672(d) of title 10, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; and for payments to the Department of Defense Military Retirement Fund; $336,400,000.

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 265, 8021, and 8038 of title 10, United States Code, or while serving on active duty under section 672(d) of title 10, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Air Reserve Officers' Training Corps, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; and for payments to the Department of Defense Military Retirement Fund; $686,800,000.

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 265, 3021, or 3496 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 672(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; and for payments to the Department of Defense Military Retirement Fund; $3,379,500,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 265, 8021, or 8496 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 672(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 2131 of title 10, United States Code, as authorized by law; and for payments to the Department of Defense Military Retirement Fund; $1,098,400,000.

TITLE II

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed $14,437,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes; $21,515,694,000: *Provided,* That $273,000 shall be available only for the 1991 Capitol Fourth Project.

OPERATION AND MAINTENANCE, NAVY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed $4,257,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes; $23,161,647,000: *Provided,* That from the amounts of this appropriation for the alteration, overhaul and repair of naval vessels and aircraft, funds shall be available to acquire the alteration, overhaul and repair by competition between public and private shipyards, Naval Aviation Depots and private companies. The Navy shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private shipyards, Naval Aviation Depots, and private companies. Competitions shall not be subject to section 2461 or 2464 of title 10, United States Code, or to Office of Management and Budget Circular A-76. Naval Aviation Depots may perform manufacturing in order to compete for production contracts: *Provided further,* That funds appropriated or made available in this Act shall be obligated and expended to restore and maintain the facilities, activities and personnel levels, including specifically the medical facilities, activities and personnel levels, at the Memphis Naval Complex, Millington, Tennessee, to the fiscal year 1984 levels: *Provided further,* That the Navy may provide notice in this fiscal year to exercise options under the LEASAT program for the next fiscal year, in accordance with the terms of the Aide Memoire, dated January 5, 1981, as amended by the Aide Memoire dated April 30, 1986, and as implemented in the LEASAT contract: *Provided further,* That notwithstanding section 2805 of title 10, United States Code, of the funds appropriated herein, $2,000,000 shall be available only for a grant to the Cabot/Dedalo Museum Foundation. These funds shall be available solely for project costs and none of the funds are for remuneration of any entity or individual associated with fund raising for the project: *Provided further,* That not less than $15,000,000 shall be made available only for the upgrade of port facilities in Israel in support of United States naval forces.

OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law; $1,892,200,000: *Provided,* That of the funds appropriated in this paragraph, none may be used for the conversion of facilities maintenance, utilities, and motor transport functions at Cherry Point Marine Corps Air Station, North Carolina, to performance by private contractor under the procedures and requirements of OMB Circular A-76 until the General Accounting Office completes their audit and validates the decision.

OPERATION AND MAINTENANCE, AIR FORCE

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed $8,433,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority

of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes; $20,060,735,000.

Operation and Maintenance, Defense Agencies

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law; $8,448,957,000, of which not to exceed $35,000,000 may be available for the CINC initiative fund account; and of which not to exceed $14,661,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes; and of which $561,300,000 shall be available for the Special Operations Command: *Provided,* That of the funds appropriated by this paragraph, $200,000,000 shall be available until September 30, 1993, only to the Department of Defense Office of Economic Adjustment to assist State and local governments significantly impacted by reductions in defense industry employment or reductions in the number of Department of Defense military and civilian personnel residing in such States and communities: *Provided further,* That any unspecified reduction to be applied to appropriations available for civilian personnel costs required for fiscal year 1991 shall be applied on an equitable basis to all Defense agencies, the Office of the Secretary of Defense, and the Washington Headquarters Services: *Provided further,* That appropriations available for civilian personnel costs of the Special Operations Command shall not be included in determining the amount of reductions to be applied nor shall such reductions be applied to such personnel costs: *Provided further,* That $10,000,000 shall only be available during the current fiscal year for carrying out the purpose of section 306 of Public Law 101-189, except that the Secretary of Defense, in consultation with the Secretary of Education, shall consider a local education agency as described in subsection (a) of section 306, as eligible for payment only if such agency is unable, without the addition of such assistance, to provide a level of education for such students equivalent to the comparable level of education provided within the State in which such students reside (as determined by comparable student data), and at least 35 percent of the local educational agency's average daily attendance are military dependent students eligible for funding under sections 3(a) and/or 3(b) of Public Law 81-874: *Provided further,* That of this $10,000,000, $886,000 shall be available only for the Killeen, Texas, Independent School District and $167,000 shall be available only for the Copperas Cove, Texas, Independent School District: *Provided further,* That of the funds appropriated in this paragraph, $912,000 shall be available only for transfer to the Library of Congress: *Provided further,* That of the funds appropriated for the Special Operations Command, not less than $69,500,000 shall be transferred to the Operation and Maintenance appropriations of the Reserve Components for execution: *Provided further,* That $4,000,000 shall be available only for the establishment of the Japanese American Museum as a component of the Japanese American Cultural Center in Ontario, Oregon.

Operation and Maintenance, Army Reserve

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $909,100,000.

Operation and Maintenance, Navy Reserve

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $998,000,000.

Operation and Maintenance, Marine Corps Reserve

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $84,800,000.

Operation and Maintenance, Air Force Reserve

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $1,065,900,000.

Operation and Maintenance, Army National Guard

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft); $1,980,400,000.

Operation and Maintenance, Air National Guard

For operation and maintenance of the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, repair, and other necessary expenses of facilities for the training and administration

of the Air National Guard, including repair of facilities, maintenance, operation, and modification of aircraft; transportation of things; hire of passenger motor vehicles; supplies, materials, and equipment, as authorized by law for the Air National Guard; and expenses incident to the maintenance and use of supplies, materials, and equipment, including such as may be furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; $2,247,200,000.

NATIONAL BOARD FOR THE PROMOTION OF RIFLE PRACTICE, ARMY

For the necessary expenses and personnel services (other than pay and non-travel-related allowances of members of the Armed Forces of the United States, except for members of the Reserve components thereof called or ordered to active duty to provide support for the national matches) in accordance with law, for construction, equipment, and maintenance of rifle ranges; the instruction of citizens in marksmanship; the promotion of rifle practice; the conduct of the national matches; the issuance of ammunition under the authority of title 10, United States Code, sections 4308 and 4311; the travel of rifle teams, military personnel, and individuals attending regional, national, and international competitions; and the payment to competitors at national matches under section 4312 of title 10, United States Code, of subsistence and travel allowances under section 4313 of title 10, United States Code; not to exceed $5,000,000, of which not to exceed $7,500 shall be available for incidental expenses of the National Board.

COURT OF MILITARY APPEALS, DEFENSE

For salaries and expenses necessary for the United States Court of Military Appeals; $5,400,000 and not to exceed $2,500 can be used for official representation purposes.

ENVIRONMENTAL RESTORATION, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For the Department of Defense; $1,062,527,000, to remain available until transferred: *Provided,* That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, research and development associated with hazardous wastes and removal of unsafe buildings and debris of the Department of Defense, or for similar purposes (including programs and operations at sites formerly used by the Department of Defense), transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense as the Secretary may designate, to be merged with and to be available for the same purposes and for the same time period as the appropriations of funds to which transferred: *Provided further,* That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

HUMANITARIAN ASSISTANCE

For transportation for humanitarian relief for refugees of Afghanistan, acquisition and shipment of transportation assets to assist in the distribution of such relief, and for transportation and distribution of humanitarian and excess nonlethal supplies for worldwide humanitarian relief, as authorized by law; $15,000,000, to remain available for obligation until September 30, 1992: *Provided,* That the Department of Defense shall notify the Committees on Appropriations and Armed Services of the Senate and House of Representatives 21 days prior to the shipment of humanitarian relief which is intended to be transported and distributed to countries not previously authorized by Congress.

TITLE III

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $1,096,182,000, to remain available for obligation until September 30, 1993.

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $2,218,422,000 to remain available for obligation until September 30, 1993.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment

ing the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $2,172,021,000, to remain available for obligation until September 30, 1993.

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized in military construction authorization Acts or authorized by section 2854, title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $1,367,549,000, to remain available for obligation until September 30, 1993.

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and nontracked combat vehicles; the purchase of not to exceed 6 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $165,000 per vehicle; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $2,453,057,000, to remain available for obligation until September 30, 1993.

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; $7,810,452,000, to remain available for obligation until September 30, 1993.

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, other ordnance and ammunition, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interest therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, as follows:

Ballistic Missile Programs, $1,540,001,000;
Other Missile Programs, $2,935,256,000;
Mark-48 ADCAP Torpedo, $350,291,000;
Mark-50 Torpedo, $328,266,000;
ASW Targets, $26,409,000;
ASROC, $20,156,000;
Modification of Torpedoes, $11,740,000;
Quickstrike mine, $16,096,000;
Support Equipment and Logistics Support, $88,360,000;
Other Weapons, $202,146,000;
Other Ordnance, $306,450,000;

In all: $5,825,171,000, to remain available for obligation until September 30, 1993.

SHIPBUILDING AND CONVERSION, NAVY

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long leadtime components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, as follows:

TRIDENT ballistic missile submarine program, $1,331,201,000;

SSN-21 attack submarine program, $1,783,000,000: *Provided,* That the Secretary of Defense shall ensure the Secretary of the Navy considers all available options under applicable statutes and regulations in the development and promulgation of the acquisition strategy for the SSN-21: *Provided further,* That the Secretary of the Navy shall compete the award for the next SSN-21 submarine: *Provided further,* That the Secretary of the Navy shall consider all applicable factors in making an award including the desirability of a competitive acquisition strategy for the entire SSN-21 program;

Aircraft carrier service life extension program, $405,000,000: *Provided,* That these funds are available only for advance procurement of material and other efforts associated with the industrial availability of the U.S.S. KENNEDY at the Philadelphia Naval Shipyard leading to the extension of the service life of the carrier;

DDG-51 destroyer program, $3,113,003,000;

LHD-1 amphibious assault ship program, $959,800,000;
LSD-41 dock landing ship cargo variant program, $240,000,000;
MHC coastal mine hunter program, $204,000,000;
AOE combat support ship program, $398,200,000;
LCAC landing craft air cushion program, $267,900,000;
Oceanographic ship program, $43,100,000;
Sealift ship program, $900,000,000: *Provided,* That $30,000,000 shall be available only for the purchase of one existing petroleum product tanker;
For craft, outfitting, and post delivery, $409,800,000;
For first destination transportation, $5,800,000;

In all: $10,160,804,000, which includes $100,000,000 for the DDG-51 destroyer program in addition to funds provided heretofore in this paragraph, to remain available for obligation until September 30, 1995: *Provided,* That additional obligations may be incurred after September 30, 1995, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: *Provided further,* That none of the funds herein provided for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign shipyards for the construction of major components of the hull or superstructure of such vessel: *Provided further,* That none of the funds herein provided shall be used for the construction of any naval vessel in foreign shipyards: *Provided further,* That of the funds appropriated in this paragraph, not less than $23,000,000 shall be available only to procure thirty Advanced Video Processor units and associated display heads.

Other Procurement, Navy

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of not to exceed 2 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $165,000 per vehicle; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; $5,627,160,000, to remain available for obligation until September 30, 1993, of which not less than $160,000,000 shall be for the procurement of sonobuoys: *Provided,* That of the funds appropriated in this paragraph, not less than $42,000,000 shall be available only to procure fifty-three Advanced Video Processor units and associated display heads.

Procurement, Marine Corps

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, ammunition, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; $719,141,000, to remain available for obligation until September 30, 1993.

Aircraft Procurement, Air Force

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things; $9,541,455,000, to remain available for obligation until September 30, 1993.

Missile Procurement, Air Force

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things; $5,813,532,000, to remain available for obligation until September 30, 1993.

Other Procurement, Air Force

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed 4 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $165,000 per vehicle; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; $7,503,356,000, to remain available for obligation until September 30, 1993.

National Guard and Reserve Equipment

For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons, and other procurement for the reserve

components of the Armed Forces; $2,463,700,000, to remain available for obligation until September 30, 1993.

PROCUREMENT, DEFENSE AGENCIES

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed 4 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $165,000 per vehicle; and the purchase of not to exceed 653 passenger motor vehicles of which 650 shall be for replacement only; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; $2,354,646,000, to remain available for obligation until September 30, 1993, of which $618,636,000 shall be available for the Special Operations Command.

DEFENSE PRODUCTION ACT PURCHASES

For purchases or commitments to purchase metals, minerals, or other materials by the Department of Defense pursuant to section 303 of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2093); $50,000,000, to remain available until expended: *Provided*, That none of these funds shall be obligated for any metal, mineral, or material, unless a Presidential determination has been made in accordance with the Defense Production Act: *Provided further*, That the Department of Defense shall notify the Committees on Appropriations of the House of Representatives and the Senate thirty days prior to the release of funds for any metal, mineral, or material not previously approved by Congress.

TITLE IV

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; $5,607,379,000, to remain available for obligation until September 30, 1992, of which not less than $5,480,000 is available only for the Vectored Thrust Combat Agility Demonstrator flight test program utilizing the Vectored Thrust Ducted Propeller.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; $9,037,684,000, to remain available for obligation until September 30, 1992: *Provided*, That for continued research and development programs at the National Center for Physical Acoustics, centering on ocean acoustics as it applies to advanced antisubmarine warfare acoustics issues with focus on ocean bottom acoustics—seismic coupling, sea-surface and bottom scattering, oceanic ambient noise, underwater sound propagation, bubble related ambient noise, acoustically active surfaces, machinery noise, propagation physics, solid state acoustics, electrorheological fluids, transducer development, ultrasonic sensors, and other such projects as may be agreed upon, $1,000,000 shall be made available, as a grant, to the Mississippi Resource Development Corporation, of which not to exceed $250,000 of such sum may be used to provide such special equipment as may be required for particular projects: *Provided further*, That not less than $24,000,000 of the funds appropriated in this paragraph shall be made available to Competitive Technologies Incorporated for efforts associated with advanced shipbuilding design, materials, and manufacturing technologies: *Provided further*, That of the funds appropriated to the Navy in fiscal year 1990 for Research, Development, Test and Evaluation, not less than $10,000,000 is available only for the Skipper Missile Enhancement Program: *Provided further*, That not less than $71,000,000 of the funds appropriated in this paragraph is available only to continue development and testing of the Sea Lance weapon system, to produce a technical data package, and to pursue technology and production engineering improvements: *Provided further*, That $15,000,000 shall be obligated for a Fast Sealift Technologies Development Program within 90 days after enactment of this Act: *Provided further*, That during fiscal year 1991, in modification and supersession of the provisions of section 2361 of title 10, United States Code, the Secretary of the Navy shall award contracts or grants to the following universities in the amounts specified, to be provided from funds available under this heading for the Navy Defense Research Sciences and Industrial Preparedness programs: University of Hawaii at Manoa, $6,000,000; University of Utah, $8,900,000: *Provided further*, That the contracts or grants awarded pursuant to the previous proviso are to be awarded in contravention of section 2361(a) of title 10, United States Code: *Provided further*, That, in awarding such contracts or grants, the provisions of sections 2304 and 2361(b)(2) of title 10, United States Code, shall not apply to the contracts or grants covered by the preceding two provisos.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; $11,961,310,000, to remain available for obligation until September 30, 1992, of which not less than $30,000,000 is available only for the National Center for Manufacturing Sciences: *Provided*, That not less than $3,000,000 of the funds appropriated in this paragraph is available only for continuing the research program on development of coal based high thermal stability and endothermic jet fuels, including exploratory studies on direct conversion of coal to thermally stable jet fuels

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE AGENCIES

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; $9,115,699,000, to remain available for obligation until September 30, 1992, of which $191,062,000 shall be available for the Special Operations Command: *Provided,* That not less than $2,000,000 of the funds appropriated in this paragraph is available only for miniature diagnostic proton accelerator research: *Provided further,* That not less than $25,000,000 of the funds appropriated in this paragraph shall be available only for the Defense Advanced Research Projects Agency Initiative in Concurrent Engineering (DICE): *Provided further,* That of the funds appropriated in this paragraph, not less than $103,000,000 is available only for the Extended Range Interceptor (ERINT) missile; not less than $45,400,000 is available only for the Patriot system; and not less than $42,000,000 is available only for the joint research and development of the advanced development program for the Arrow antitactical ballistic missile program: *Provided further,* That not less than $5,000,000 of the funds appropriated in this paragraph is available only to establish a coal utilization center: *Provided further,* That not less than $5,000,000 of the funds appropriated in this paragraph is available only to establish a materials research center: *Provided further,* That not less than $7,000,000 of the funds appropriated in this paragraph is available only to establish an Experimental Program to Stimulate Competitive Research (EPSCoR) in the Department of Defense: *Provided further,* That not less than $10,000,000 of the funds appropriated in this paragraph shall be made available as a grant to establish an Institute for Advanced Science and Technology at an institution of higher education which meets the criteria specified in section 243 of the National Defense Authorization Act for fiscal year 1991: *Provided further,* That not less than $10,000,000 of the funds appropriated in this paragraph shall be made available as a grant only for facilities and equipment supporting the Center for Technology and Applied Research at the University of Scranton: *Provided further,* That not less than $6,000,000 of the funds appropriated in this paragraph shall be made available as a grant to the Advanced Manufacturing Institute at the Stevens Institute of Technology: *Provided further,* That not less than $15,000,000 of the funds appropriated in this paragraph shall be made available as a grant to the Liberty Science Center: *Provided further,* That not less than $10,000,000 of the funds appropriated in this paragraph shall be made available as a grant to Drake University for a facility under the College of Pharmacy and Health Sciences: *Provided further,* That not less than $3,500,000 of the funds appropriated in this paragraph shall be made available as a grant to Loyola College to complete the Center for Advanced Information and Resource Management Studies: *Provided further,* That of the funds appropriated for fiscal year 1991 under the heading "Research, Development, Test and Evaluation, Defense Agencies," $18,000,000 shall be obligated within 90 days after enactment of this Act for a facility to enable collaborative research and training for Department of Defense military medical personnel in trauma care, head, neck, and spinal injury, paralysis, and neuro-degenerative diseases: *Provided further,* That, in addition to the funds previously appropriated to the National Defense Stockpile Transaction Fund, notwithstanding the provisions of section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h), of funds provided under this heading which are available for the Defense Research Sciences Program, $10,000,000 is appropriated to the Fund to remain available until expended, for a grant to the South Carolina Research Authority pursuant to the purposes of sections 2 and 8 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98a; 50 U.S.C. 98g) to construct, equip, and operate a prototype ferrochromium strategic materials processing facility.

Establishments.

Grant programs.

GENERAL PROVISION

SEC. 401. Funds appropriated in this title that are directed to be made available for a grant to, or contract with, a college or university for the performance of research and development or for construction of a research or other facility shall be made available for that purpose without regard to, and (to the extent necessary) in contravention of, section 2361 of title 10, United States Code, which is hereby modified and superceded to the extent necessary to make each such grant or award each such contract, and any such grant or contract shall be made without regard to any of the conditions specified in subsection (b) of that section or section 2304 of title 10, United States Code.

DEVELOPMENTAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, of independent activities of the Deputy Director of Defense Research and Engineering (Test and Evaluation) in the direction and supervision of developmental test and evaluation, including performance and joint developmental testing and evaluation; and administrative expenses in connection therewith; $237,720,000, to remain available for obligation until September 30, 1992.

OPERATIONAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith; $15,000,000, to remain available for obligation until September 30, 1992.

TITLE V

REVOLVING AND MANAGEMENT FUNDS

ARMY STOCK FUND

For the Army stock fund; $376,520,000.

NAVY STOCK FUND

For the Navy stock fund; $26,350,000.

AIR FORCE STOCK FUND

For the Air Force stock fund; $1,152,110,000.

DEFENSE STOCK FUND

For the Defense stock fund; $35,420,000.

ARMY INDUSTRIAL FUND

For the Army industrial fund; $151,100,000.

NAVY INDUSTRIAL FUND

For the Navy industrial fund; $238,700,000.

DEFENSE INDUSTRIAL FUND

For the Defense industrial fund; $4,000,000.

TITLE VI

OTHER DEPARTMENT OF DEFENSE APPROPRIATIONS

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986, as follows: for Operation and maintenance, $159,100,000; for Procurement, $115,100,000 to remain available until September 30, 1993; for Research, development, test and evaluation, $5,300,000 to remain available until September 30, 1992, only for cryofracture; for retrograde, $13,200,000 to remain available until September 30, 1992; In all: $292,700,000.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, $1,084,100,000; for transfer to appropriations available to the Department of Defense as follows: for Military Personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code, $105,500,000; for Operation and Maintenance, $585,600,000, of which $50,000,000 shall be available only for non-reimbursable support of Federal, State and local government agencies having counter-drug programs, and $1,000,000 shall be available only for the Civil Air Patrol; for Procurement, $345,300,000, of which not less than $52,000,000 shall be available only for drug interdiction equipment for the reserve components; for Research, Development, Test and Evaluation, $47,700,000: *Provided,* That funds appropriated by this paragraph shall be available for

obligation for the same period and for the same purpose as the appropriation to which transferred and the transfer authority provided in this paragraph is in addition to any other transfer authority contained elsewhere in this Act: *Provided further,* That of the funds appropriated by this paragraph, not less than $28,000,000 shall be available only for operation and maintenance expenses for the southwest border land-based aerostat drug surveillance program, of which $14,000,000 shall be obligated not later than November 30, 1990: *Provided further,* That of the funds appropriated by this paragraph, $123,000,000 shall be available only for the National Foreign Intelligence Program.

OFFICE OF THE INSPECTOR GENERAL

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, as follows: for Operation and maintenance, $98,519,000; for Procurement, $981,000; In all: $99,500,000: *Provided,* That the amount provided for Procurement shall remain available until September 30, 1993.

TITLE VII

RELATED AGENCIES

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System; $164,600,000.

INTELLIGENCE COMMUNITY STAFF

For necessary expenses of the Intelligence Community Staff; $28,900,000.

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. 10 US note.

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 the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of the Philippines and foreign national employees of the Department of Defense in the Republic of Turkey: *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 and

10 US note.

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tion (NATO) or of any major non-NATO ally or countries in the European Theater, shall be eligible to bid on any contract for the maintenance, repair, or overhaul of equipment of the Department of Defense to be awarded under competitive procedures as part of the program of the Department of Defense known as the Overseas Workload Program.

(b) A contract awarded during fiscal year 1991, or thereafter, to a firm described in subsection (a) may be performed in the theater in which the equipment is normally located or in the country in which the firm is located.

Reports.

(c)(1) Not later than June 1, 1991, the Secretary of Defense shall submit to the Committees on Appropriations of the House and Senate a report on the nature of the maintenance, repair, and overhaul work of the Department of Defense performed under the program of the Department of Defense known as the Overseas Workload Program.

(2) The report shall include the following:

(A) a description of the categories of work performed under that program and the costs associated with those categories of work;

(B) a description of the capabilities of facilities that United States firms have established in Europe to perform work under that program;

(C) a description of the capabilities to perform work under that program by firms in the United States, Canada, and countries that are major non-NATO allies of the United States;

(D) a description of the maintenance, repair, and overhaul work under that program that could be performed in the United States or Canada, or in a country that is a major non-NATO ally, on a cost-effective basis and without a significant adverse effect on the readiness of the Armed Forces of the United States;

(E) a description of the Air Force plans to expand the Overseas Workload Program to other depot maintenance activities including: prime weapon systems, aircraft exchangeables, engine overhaul and repair, engine exchangeables and other major end items.

Israel. Government contracts.

(d) For purposes only of this section, Israel shall be considered in the European Theater in every respect, with its firms fully eligible for non-restrictive, non-discriminatory contract competition under the Overseas Workload Program.

Israel.

Reports.

(e) The Secretary of Defense shall work with Israel to identify new specialized capabilities in depot maintenance and repair for which it is uniquely suited: *Provided,* That the Secretary of Defense shall report to the Committees on Appropriations of the House and Senate, not later than June 1, 1991, on its findings.

(f) No funds appropriated for the Overseas Workload Program for fiscal year 1991 shall be used for contracts awarded in fiscal year 1991 which have not been opened for competition in a manner consistent with this provision.

SEC. 8004. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

SEC. 8005. No more than 20 per centum of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last two months of the fiscal year:

training of the Reserve Officers' Training Corps, or the National Board for the Promotion of Rifle Practice, Army.

SEC. 8006. No part of any appropriation contained in this Act, except for small purchases in amounts not exceeding $25,000, shall be available for the procurement of any article or item of food, clothing, tents, tarpaulins, covers, cotton and other natural fiber products, woven silk or woven silk blends, spun silk yarn for cartridge cloth, synthetic fabric or coated synthetic fabric, canvas products, or wool (whether in the form of fiber or yarn or contained in fabrics, materials, or manufactured articles), or any item of individual equipment manufactured from or containing such fibers, yarns, fabrics, or materials, or specialty metals including stainless steel flatware, or hand or measuring tools, not grown, reprocessed, reused, or produced in the United States or its possessions, except to the extent that the Secretary of the Department concerned shall determine that satisfactory quality and sufficient quantity of any articles or items of food, individual equipment, tents, tarpaulins, covers, or clothing or any form of cotton or other natural fiber products, woven silk and woven silk blends, spun silk yarn for cartridge cloth, synthetic fabric or coated synthetic fabric, canvas products, wool, or specialty metals including stainless steel flatware, grown, reprocessed, reused, or produced in the United States or its possessions cannot be procured as and when needed at United States market prices and except procurements outside the United States in support of combat operations, procurements by vessels in foreign waters, and emergency procurements or procurements of perishable foods by establishments located outside the United States for the personnel attached thereto: *Provided,* That nothing herein shall preclude the procurement of specialty metals or chemical warfare protective clothing produced outside the United States or its possessions when such procurement is necessary to comply with agreements with foreign governments requiring the United States to purchase supplies from foreign sources for the purposes of offsetting sales made by the United States Government or United States firms under approved programs serving defense requirements or where such procurement is necessary in furtherance of agreements with foreign governments in which both governments agree to remove barriers to purchases of supplies produced in the other country or services performed by sources of the other country, so long as such agreements with foreign governments comply, where applicable, with the requirements of section 36 of the Arms Export Control Act and with section 2457 of title 10, United States Code: *Provided further,* That nothing herein shall preclude the procurement of foods manufactured or processed in the United States or its possessions.

(TRANSFER OF FUNDS)

SEC. 8007. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed $2,250,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided,* That such authority to transfer may not be used unless for

higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by Congress: *Provided further,* That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act.

(TRANSFER OF FUNDS)

SEC. 8008. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: *Provided,* That transfers may be made between such funds and to the "Foreign Currency Fluctuations, Defense" appropriation account in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

Coal.

SEC. 8009. (a) None of the funds available to the Department of Defense in this Act shall be used by the Secretary of a military department to purchase coal or coke from foreign nations for use at United States defense facilities in Europe when coal from the United States is available.

Coal conversion program.

(b) None of the funds available to the Department of Defense in this Act shall be utilized for the conversion of heating plants from coal to oil or coal to natural gas at defense facilities in Europe, except as provided in section 2690 of title 10, United States Code, and thirty days after the Secretary of Defense has notified the Committees on Appropriations of the Senate and House of Representatives: *Provided,* That this limitation shall apply to any authority granted pursuant to section 9008 of the Department of Defense Appropriations Act, 1990.

Germany.
Energy.

(c) None of the funds available to the Department of Defense in this Act shall be used to enter into any agreement or contract to convert any heating facility at military installations in the Kaiserslautern Military Community (KMC) in the Federal Republic of Germany to district heat, direct natural gas, or other sources of fuel, except as provided in section 2690 of title 10, United States Code, and thirty days after the Secretary of Defense has notified the Committees on Appropriations of the Senate and House of Representatives, and until the Secretary of the Air Force has (1) ensured that the United States coal industry has had the opportunity to provide thermal energy supply to the KMC facilities through participation in a competitive solicitation for proposals for a third-party thermal energy supply, provided such solicitation allows evaluation of innovative technical proposals such as cogeneration to enhance the cost-effectiveness of coal derived thermal energy; (2) thoroughly evaluated the cost-effectiveness of all proposals received; (3) submitted evaluation results to the General Accounting Office for review; and (4) notified the Committees on Appropriations of the Senate and House of Representatives of the evaluation results.

SEC. 8010. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 days in advance to the Committees on Appropriations and Armed Services of the Senate and House of Representatives.

SEC. 8011. No part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress.

SEC. 8012. None of the funds contained in this Act available for the Civilian Health and Medical Program of the Uniformed Services shall be available for payments to physicians and other authorized individual health care providers in excess of the amounts allowed in fiscal year 1990 for similar services, except that: (a) for services for which the Secretary of Defense determines an increase is justified by economic circumstances, the allowable amounts may be increased in accordance with appropriate economic index data similar to that used pursuant to title XVIII of the Social Security Act; and (b) for services the Secretary determines are overpriced based on an analysis similar to that used pursuant to title XVIII of the Social Security Act, the allowable amounts shall be reduced by not more than 15 percent. The Secretary shall solicit public comment prior to promulgating regulations to implement this section.

SEC. 8013. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 1992.

SEC. 8014. None of the funds provided in this Act shall be available to initiate (1) a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year of the contract or that includes an unfunded contingent liability in excess of $20,000,000, or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any one year, unless the Committees on Appropriations and Armed Services of the Senate and House of Representatives have been notified at least thirty days in advance of the proposed contract award: *Provided,* That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: *Provided further,* That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed $500,000,000 unless specifically provided in this Act: *Provided further,* That no multiyear procurement contract can be terminated without 10-day prior notification to the Committees on Appropriations and Armed Services of the House of Representatives and the Senate: *Provided further,* That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement. Funds appropriated in title III of this Act may be used for multiyear procurement contracts as follows:

Line of Sight-Rear (Avenger)—Pedestal Mounted Stinger;
Family of Medium Tactical Vehicles (FMTV);
LCAC Landing Craft;

LHD Amphibious Ship;
MK-45 Gun Mount/MK-6 Ammo Hoist;
NAVSTAR Global Positioning Satellite (GPS);
Defense Support Program Satellites 22 and 23.

(TRANSFER OF FUNDS)

SEC. 8015. None of the funds appropriated in this Act may be made available through transfer, reprogramming, or other means between the Central Intelligence Agency and the Department of Defense for any intelligence or special activity different from that previously justified to the Congress unless the Director of Central Intelligence or the Secretary of Defense has notified the House and Senate Appropriations Committees of the intent to make such funds available for such activity.

SEC. 8016. None of the funds appropriated by this Act shall be available to convert a position in support of the Army Reserve, Air Force Reserve, Army National Guard, and Air National Guard occupied by, or programmed to be occupied by, a (civilian) military technican to a position to be held by a person in an active duty status or active Guard or Reserve status if that conversion would reduce the total number of positions occupied by, or programmed to be occupied by, (civilian) military technicans of the component concerned, below 71,823: *Provided,* That none of the funds appropriated by this Act shall be available to support more than 48,692 positions in support of the Army Reserve, Army National Guard, or Air National Guard occupied by, or programmed to be occupied by, persons in an active Guard or Reserve status: *Provided further,* That none of the funds appropriated by this Act may be used to include (civilian) military technicans in computing civilian personnel ceilings, including statutory or administratively imposed ceilings, on activities in support of the Army Reserve, Air Force Reserve, Army National Guard, or Air National Guard.

SEC. 8016A. (a) The provisions of section 115(b)(2) of title 10, United States Code, shall not apply with respect to fiscal year 1991 or with respect to the appropriation of funds for that year.

(b) During fiscal year 1991, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

(c) The fiscal year 1992 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 1992 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 1992.

SEC. 8017. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 8018. None of the funds appropriated by this Act shall be obligated for the pay of any individual who is initially employed after the date of enactment of this Act as a technician in the administration and training of the Army Reserve and the maintenance and repair of supplies issued to the Army Reserve unless such

individual is also a military member of the Army Reserve troop program unit that he or she is employed to support. Those technicians employed by the Army Reserve in areas other than Army Reserve troop program units need only be members of the Selected Reserve.

SEC. 8019. None of the funds appropriated by this Act or hereafter shall be used to purchase dogs or cats or otherwise fund the use of dogs or cats for the purpose of training Department of Defense students or other personnel in surgical or other medical treatment of wounds produced by any type of weapon: *Provided,* That the standards of such training with respect to the treatment of animals shall adhere to the Federal Animal Welfare Law and to those prevailing in the civilian medical community.

SEC. 8020. None of the funds available to the Department of Defense may be used for the floating storage of petroleum or petroleum products except in vessels of or belonging to the United States.

SEC. 8021. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported to Congress on September 30 of each year: *Provided,* That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99-239: *Provided further,* That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for not more than 250 civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam: *Provided further,* That of the funds appropriated under this Act to the Department of Defense, not to exceed $15,000,000 shall be made available to the Office of Humanitarian Assistance for immediate emergency airlift assistance.

SEC. 8022. Notwithstanding any other provision of law, the Secretaries of the Army and Air Force may authorize the retention in an active status until age sixty of any officer who would otherwise be removed from an active status and who is employed as a National Guard or Reserve technician in a position in which active status in a reserve component of the Army or Air Force is required as a condition of that employment.

SEC. 8023. Funds available for operation and maintenance under this Act, may be used in connection with demonstration projects and other activities authorized by section 1092 of title 10, United States Code.

SEC. 8024. (a) None of the funds appropriated by this Act, shall be used to make contributions to the Department of Defense Education Benefits Fund pursuant to section 2006(g) of title 10, United States

Code, representing the normal cost for future benefits under section 1415(c) of title 38, United States Code, for any member of the armed services who, on or after the date of enactment of this Act:

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

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

nor shall any amounts representing the normal cost of such future benefits be transferred from the Fund by the Secretary of the Treasury to the Secretary of Veterans Affairs pursuant to section 2006(d) of title 10, United States Code; nor shall the Secretary of Veterans Affairs pay such benefits to any such member: *Provided,* That, in the case of a member covered by clause (1), these limitations shall not apply to members in combat arms skills or to members who enlist in the armed services on or after July 1, 1989, under a program continued or established by the Secretary of Defense in fiscal year 1991 to test the cost-effective use of special recruiting incentives involving not more than nineteen noncombat arms skills approved in advance by the Secretary of Defense: *Provided further,* That no contribution to the Fund pursuant to section 2006(g) shall be made during the current fiscal year that represents liabilities arising from the Department of the Army: *Provided further,* That this subsection applies only to active components of the Army.

(b) None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: *Provided,* That this subsection shall not apply to those members who have reenlisted with this option prior to October 1, 1987: *Provided further,* That this subsection applies only to active components of the Army.

Education.

SEC. 8025. Funds appropriated in this Act shall be available for the payment of not more than 75 percent of the charges of a postsecondary educational institution for the tuition or expenses of an officer in the Ready Reserve of the Army National Guard or Army Reserve for education or training during his off-duty periods, except that no part of the charges may be paid unless the officer agrees to remain a member of the Ready Reserve for at least four years after completion of such training or education.

SEC. 8026. None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of enactment of this Act, is performed by more than ten Department of Defense civilian employees until a most efficient and cost-effective organization analysis is completed on such activity or function and certification of the analysis is made to the Committees on Appropriations of the House of Representatives and the Senate: *Provided,* That this section shall not apply to a commercial or industrial type function of the Department of Defense that: (1) is included on the procurement list established pursuant to section 2 of the Act of June 25, 1938 (41 U.S.C. 47), popularly referred to as the Wagner O'Day Act; (2) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act or (3) is planned to be converted to performance by a qualified firm under 51 percent Native American ownership.

SEC. 8027. None of the funds appropriated in this Act to the Department of the Army may be obligated for procurement of 120mm mortars or 120mm mortar ammunition manufactured outside of the United States: *Provided,* That this limitation shall not apply to procurement of such mortars or ammunition required for testing, evaluation, type classification or equipping the Army's Ninth Infantry Division (Motorized).

SEC. 8028. None of the funds appropriated in this Act to the Department of the Army may be obligated for depot maintenance of equipment unless such funds provide for civilian personnel strengths at the Army depots performing communications-electronics depot maintenance at an amount above the strengths assigned to those depots on September 30, 1985: *Provided,* That the foregoing limitation shall not apply to civilian personnel who perform caretaker-type functions at these installations: *Provided further,* That nothing in this provision shall cause undue reductions of other Army depots, as determined by the Secretary of the Army.

SEC. 8029. None of the funds appropriated or made available by this Act may be obligated for acquisition of major automated information systems which have not successfully completed oversight reviews required by Defense Department regulations: *Provided,* That none of the funds appropriated or made available by this Act may be obligated on Composite Health Care System acquisition contracts if such contracts would cause the total life cycle cost estimate of $1,600,000,000 expressed in fiscal year 1986 constant dollars to be exceeded.

SEC. 8030. None of the funds provided by this Act may be used to pay the salaries of any person or persons who authorize the transfer of unobligated and deobligated appropriations into the Reserve for Contingencies of the Central Intelligence Agency.

SEC. 8031. Funds appropriated by this Act for construction projects of the Central Intelligence Agency, which are transferred to another Agency for execution, shall remain available until expended.

SEC. 8032. Notwithstanding any other provision of law, the Secretary of the Navy may use funds appropriated to charter ships to be used as auxiliary minesweepers providing that the owner agrees that these ships may be activated as Navy Reserve ships with Navy Reserve crews used in training exercises conducted in accordance with law and policies governing Naval Reserve forces.

SEC. 8033. None of the funds in this Act may be used to execute a contract for the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) Reform Initiative that exceeds the total fiscal year 1987 costs for CHAMPUS care provided in California and Hawaii, plus normal and reasonable adjustments for price and program growth.

SEC. 8034. Funds appropriated or made available in this Act shall be obligated and expended to continue to fully utilize the facilities at the United States Army Engineer's Waterways Experiment Station, including the continued availability of the supercomputer capability: *Provided,* That none of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the Armed Services and Appropriations Committees of Congress that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

SEC. 8035. None of the funds provided in this Act shall be available for use by a Military Department to modify an aircraft, weapon, ship or other item of equipment, that the Military Department concerned plans to retire or otherwise dispose of within five years after completion of the modification: *Provided,* That this prohibition shall not apply to safety modifications.

SEC. 8036. For the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177) as amended by the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987 (Public Law 100-119), the term program, project, and activity for appropriations contained in this Act shall be defined as the most specific level of budget items identified in the Department of Defense Appropriations Act, 1991, the accompanying House and Senate Committee reports, the conference report and accompanying joint explanatory statement of the managers of the Committee of Conference, the related classified annexes, and the P-1 and R-1 budget justification documents as subsequently modified by Congressional action: *Provided,* That the following exception to the above definition shall apply:

For the Military Personnel and the Operation and Maintenance accounts, the term "program, project, and activity" is defined as the appropriations accounts contained in the Department of Defense Appropriations Act.

SEC. 8037. Of the funds appropriated to the Army, $46,904,000 shall be available only for the Reserve Component Automation System (RCAS): *Provided,* That none of these funds can be expended:

(1) except as approved by the Chief of the National Guard Bureau;

(2) unless RCAS resource management functions are performed by the National Guard Bureau;

(3) unless the RCAS contract source selection official is the Chief of the National Guard Bureau;

(4) to pay the salary of an RCAS program manager who has not been selected and approved by the Chief of the National Guard Bureau and chartered by the Chief of the National Guard Bureau and the Secretary of the Army;

(5) unless the Program Manager (PM) charter makes the PM accountable to the source selection official and fully defines his authority, responsibility, reporting channels and organizational structure;

(6) to pay the salaries of individuals assigned to the RCAS program management office, source selection evaluation board, and source selection advisory board unless such organizations are comprised of personnel chosen jointly by the Chiefs of the National Guard Bureau and the Army Reserve;

(7) to award a contract for development or acquisition of RCAS unless such contract is competitively awarded under procedures of OMB Circular A-109 for an integrated system consisting of software, hardware, and communications equipment and unless such contract precludes the use of Government furnished equipment, operating systems, and executive and applications software; and

(8) unless RCAS performs its own classified information processing.

SEC. 8038. None of the funds provided for the Department of Defense in this Act may be obligated or expended for fixed price-type contracts in excess of $10,000,000 for the development of a

major system or subsystem unless the Under Secretary of Defense for Acquisition determines, in writing, that program risk has been reduced to the extent that realistic pricing can occur, and that the contract type permits an equitable and sensible allocation of program risk between the contracting parties: *Provided,* That the Under Secretary may not delegate this authority to any persons who hold a position in the Office of the Secretary of Defense below the level of Assistant Secretary of Defense: *Provided further,* That at least thirty days before making a determination under this section the Secretary of Defense will notify the Committees on Appropriations of the Senate and House of Representatives in writing of his intention to authorize such a fixed price-type developmental contract and shall include in the notice an explanation of the reasons for the determination.

SEC. 8039. Monetary limitations on the purchase price of a passenger motor vehicle shall not apply to vehicles purchased for intelligence activities conducted pursuant to Executive Order 12333 or successor orders.

SEC. 8040. Not to exceed $20,000,000 of the funds available to the Department of the Army during the current fiscal year may be used to fund the construction of classified military projects within the Continental United States, including design, architecture, and engineering services.

SEC. 8041. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: *Provided,* That for the purpose of this section manufactured will include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): *Provided further,* That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: *Provided further,* That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

(TRANSFER OF FUNDS)

SEC. 8042. Notwithstanding any other provision of law, the Department of Defense may transfer prior year unobligated balances and funds appropriated in this Act to the operation and maintenance appropriations for the purpose of providing military technician and Department of Defense medical personnel pay and medical programs (including CHAMPUS) the same exemption from sequestration set forth in the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177) as amended by the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987 (Public Law 100-119) as that granted the other military

personnel accounts: *Provided,* That any transfer made pursuant to any use of the authority provided by this provision shall be limited so that the amounts reprogrammed to the operation and maintenance appropriations do not exceed the amounts sequestered under the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177) as amended by the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987 (Public Law 100-119): *Provided further,* That the authority to make transfers pursuant to this section is in addition to the authority to make transfers under other provisions of this Act: *Provided further,* That the Secretary of Defense may proceed with such transfer after notifying the Appropriations Committees of the House of Representatives and the Senate twenty legislative days before any such transfer of funds under this provision.

SEC. 8043. None of the funds available to the Department of the Navy may be used to enter into any contract for the overhaul, repair, or maintenance of any naval vessel homeported on the West Coast of the United States which includes charges for interport differential as an evaluation factor for award.

Mental health programs.

SEC. 8044. None of the funds appropriated by this Act available for the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) shall be available for the reimbursement of any health care provider for inpatient mental health service in excess of thirty days in any year, in the case of a patient nineteen years of age or older, forty-five days in any year in the case of a patient under nineteen years of age, or one hundred and fifty days in any year in the case of inpatient mental health services provided as residential treatment care, or for care received when a patient is referred to a provider of inpatient mental health care or residential treatment care by a medical or health care professional having an economic interest in the facility to which the patient is referred: *Provided,* That these limitations do not apply in the case of inpatient mental health services provided under the program for the handicapped under subsection (d) of section 1079 of title 10, United States Code, provided as partial hospital care, or provided pursuant to a waiver authorized by the Secretary of Defense because of medical or psychological circumstances of the patient that are confirmed by a health professional who is not a Federal employee after a review, pursuant to rules prescribed by the Secretary, which takes into account the appropriate level of care for the patient, the intensity of services required by the patient, and the availability of that care: *Provided further,* That the Secretary of Defense (after consulting with the other administering Secretaries) may prescribe separate payment requirements (including deductibles, copayments, and catastrophic limits) for the provision of mental health services to persons covered by this provision or section 1086 of title 10, United States Code. The payment requirements may vary for different categories of covered beneficiaries, by type of mental health service provided, and based on the location of the covered beneficiaries: *Provided further,* That except in the case of an emergency, the Secretary of Defense shall require preadmission authorization before inpatient mental health services may be provided to persons covered by this provision or section 1086 of title 10, United States Code. In the case of the provision of emergency inpatient mental health services, approval for the continuation of such services shall be required within 72 hours after admission: *Provided further,* That not later than February 1, 1991, the Secretary of Defense shall submit to the Congress a plan to reduce the costs incurred by the Department of Defense to provide mental health services under the Civilian Health and Medical Program of the Uniformed Services. The plan shall include a legislative proposal to implement the recommendation of the Secretary: *Provided further,* That this provision shall take effect on February 15, 1991, and shall apply with respect to mental health services provided under section 1079 or 1086 of title 10, United States Code, on or after that date.

SEC. 8045. None of the funds provided in this Act may be obligated or expended for the procurement of LANDSAT or SPOT remote sensing data except by the Defense Mapping Agency, in its role as primary action office for such purchases by Department of Defense agencies and military departments.

SEC. 8046. The designs of the Army LH helicopter, the Navy Advanced Tactical Aircraft, the Air Force Advanced Tactical Fighter, and any variants of these aircraft, must incorporate Joint Integrated Avionics Working Group standard avionics specifications no later than 1998.

(TRANSFER OF FUNDS)

SEC. 8047. Notwithstanding any other provision of law, $300,000,000 of the funds appropriated or made available in this Act shall be transferred to the United States Coast Guard, of which $295,000,000 shall be transferred to "Operating Expenses" and $5,000,000 shall be transferred to "Acquisition, Construction, and Improvement" for Coast Guard family housing.

SEC. 8048. The Secretary of Defense shall take such action as necessary to assure that a minimum of 50 percent of the polyacrylonitrile (PAN) carbon fiber requirement be procured from domestic sources by 1992: *Provided,* That the annual goals to achieve this requirement be as follows: 15 percent of the total DOD requirement by 1988; 15 percent of the total DOD requirement by 1989; 20 percent of the total DOD requirement by 1990; 25 percent of the total DOD requirement by 1991; and 50 percent of the total DOD requirement by 1992.

SEC. 8049. Of the funds appropriated, reimbursable expenses incurred by the Department of Defense on behalf of the Soviet Union in monitoring United States implementation of the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range or Shorter-Range Missiles ("INF Treaty"), concluded December 8, 1987, may be treated as orders received and obligation authority for the applicable appropriation, account, or fund increased accordingly. Likewise, any reimbursements received for such costs may be credited to the same appropriation, account, or fund to which the expenses were charged: *Provided,* That reimbursements which are not received within one hundred and eighty days after submission of an appropriate request for payment shall be subject to interest at the current rate established pursuant to section 2(b)(1)(B) of the Export-Import Bank Act of 1945 (59 Stat. 526). Interest shall begin to accrue on the one hundred and eighty-first day following submission of an appropriate request for payment: *Provided further,* That funds appropriated in this Act may be used to reimburse United States military personnel for reasonable costs of subsistence, at rates to be determined by the Secretary of Defense, incurred while accompanying Soviet Inspection Team members engaged in activities related to the INF Treaty: *Provided further,* That this provision includes only

the in-country period (referred to in the INF Treaty) and is effective whether such duty is performed at, near, or away from an individual's permanent duty station.

SEC. 8050. The total amount appropriated to or for the use of the Department of Defense by this Act is reduced by $180,000,000 to reflect savings resulting from the decreased use of consulting services by the Department of Defense. The Secretary of Defense shall allocate the amount reduced in the preceding sentence and not later than March 1, 1991, report to the Senate and House Committees on Appropriations how this reduction was allocated among the Services and Defense Agencies: *Provided,* That this section does not apply to the reserve components: *Provided further,* That not more than $1,305,000,000 of the funds appropriated by this Act may be obligated or expended for the procurement of advisory or assistance services by the Department of Defense.

Reports.

Vietnam era POW's and MIA's.

SEC. 8051. Funds available in this Act may be used to provide transportation for the next-of-kin of individuals who have been prisoners of war or missing in action from the Vietnam era to an annual meeting in the United States, under such regulations as the Secretary of Defense may prescribe.

Hazardous waste. California.

SEC. 8052. (a) Within the funds made available to the Air Force under title II of this Act, the Air Force shall use such funds as necessary, but not to exceed $17,000,000, to execute the cleanup of uncontrolled hazardous waste contamination affecting the Sale Parcel at Hamilton Air Force Base, in Novato, in the State of California.

(b) In the event that the purchaser of the Sale Parcel exercises its option to withdraw from the sale as provided in the Agreement, dated September 25, 1990, between the Department of Defense, the General Services Administration, and the purchaser, the purchaser's deposit of $4,500,000 shall be returned by the General Services Administration and funds eligible for reimbursement under the Agreement and Modification shall come from the funds made available to the Department of Defense by this Act.

(c) Notwithstanding any other provision of law, the Air Force shall be reimbursed for expenditures in excess of $15,000,000 in connection with the total clean-up of uncontrolled hazardous waste contamination on the aforementioned Sale Parcel from the proceeds collected upon the closing of the Sale Parcel.

Reports.

SEC. 8053. None of the funds available to the Department of Defense or Navy shall be obligated or expended to (1) implement Automatic Data Processing or Information Technology Facility consolidation plans, or (2) to make reductions or transfers in personnel end strengths, billets or missions that affect the Naval Regional Data Automation Center, the Enlisted Personnel Management Center, the Naval Reserve Personnel Center and related missions, functions and commands until sixty days after the Secretary of Defense submits a report to the Committees on Appropriations of the House and Senate justifying any transfer, reductions, or consolidations in terms of (1) addressing the overall mission and operations staffing of all Naval Automatic Data Processing, Information Technology Facility, and Naval personnel functions for all active and reserve personnel commands and field activities and Automatic Data Processing commands and field activities; and (2) certifying that such reduction, transfer or consolidation plans or operations do not duplicate functions presently conducted; are cost effective from a budgetary standpoint; will not adversely affect the mission, readiness and strategic considerations of the Navy and Naval Reserve; and will not adversely impact on the quality of life and economic benefits of the individual serviceperson or have an adverse economic impact on a geographic area.

SEC. 8054. None of the funds appropriated in this Act may be available for offshore procurement of second or third generation night vision image intensifier tubes and devices: *Provided,* That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8055. None of the funds available to the Department of Defense, including expired appropriations and M account balances, may be used for the B-1B's ALQ-161A CORE program unless the Secretary of Defense has notified the Congress in advance of his intention to use funds for such purpose: *Provided,* That no funds available to the Department of Defense may be used for research, development, test, evaluation, installation, integration, or procurement of an advanced radar warning receiver for the B-1B.

SEC. 8056. (a) INDEMNIFICATION.—(1) The United States Air Force shall, except as provided in paragraph (2), hold harmless, defend, and indemnify in full—

(A) the State of New Hampshire;

(B) any political subdivision of the State; and

(C) the lenders, officers, agents and employees of the State or political subdivision of the State,

from and against all suits, claims, demands or actions, liabilities, judgments, costs and attorney's fees arising out of, or in any manner predicated upon releases or threatened releases of hazardous substances, or pollutants or contaminants resulting from Department of Defense activities at Pease Air Force Base in New Hampshire.

(2)(A) With respect to the State of New Hampshire and the lenders, officers, agents and employees of the State, to the extent the State or its lenders, officers, agents or employees caused or contributed to any such releases or threatened releases, paragraph (1) shall not apply.

(B) With respect to any political subdivision of the State of New Hampshire and the lenders, officers, agents and employees of the political subdivision, to the extent the political subdivision or its lenders, officers, agents or employees caused or contributed to any such releases or threatened releases, paragraph (1) shall not apply.

(b) DEFINITIONS.—(1) As used in this section, the terms "hazardous substance," "facility," "pollutant or contaminant," "response," and "release" shall have the meanings provided in section 101 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended.

(2) As used in this section, the term "lender" shall mean any person who, without participating in the management of the facility, holds indicia of ownership primarily to protect his security interest in a facility located at Pease Air Force Base in New Hampshire.

(3) As used in this section, the terms "the State of New Hampshire" and "the State" shall include the State's successors, assigns, transferees and lessees.

(4) As used in this section, the term "political subdivision of the State" shall include the political subdivision's successors, assigns, transferees and lessees.

SEC. 8057. No funds appropriated by this Act may be obligated or expended to prepare, or to assist any contractor of the Department of Defense in preparing, any material, report, list, or analysis with respect to the actual or projected economic or employment impact in a particular State or congressional district of an acquisition program for which all research, development, testing and evaluation has not been completed.

SEC. 8058. All obligations incurred in anticipation of the appropriations and authority provided in this Act are hereby ratified and confirmed if otherwise in accordance with the provisions of this Act.

SEC. 8059. None of the funds appropriated by this Act shall be available for a contract for studies, analyses, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines:

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

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

(c) where the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support:

Provided, That this limitation shall not apply to contracts in an amount of less than $25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

SEC. 8060. None of the funds available to the Department of Defense in this Act shall be used to demilitarize or dispose of more than 310,784 unserviceable M1 Garand rifles and M1 Carbines.

SEC. 8061. Notwithstanding any other provision of law, none of the funds appropriated by this Act shall be available to pay more than 50 percent of an amount paid to any person under section 308 of title 37, United States Code, in a lump sum.

SEC. 8062. Notwithstanding any other provision of law, funds available in this Act shall be available to the Department of Defense to grant civilian employees participating in productivity-based incentive award programs paid administrative time off in lieu of cash payment as compensation for increased productivity.

SEC. 8063. None of the funds appropriated by this Act may be used by the Department of Defense to assign a supervisor's title or grade when the number of people he or she supervises is considered as a basis for this determination: *Provided,* That savings that result from this provision are represented as such in future budget proposals.

Health care.

SEC. 8064. None of the funds appropriated by this Act available for the Civilian Health and Medical Program of the Uniformed Services shall be available for the payment of the expenses under the Program for the first $150 of the charges for all types of care authorized under the provisions of section 1079(a) of title 10, United States Code, under plans contracted for under the provisions of section 1079 or section 1086 of title 10, United States Code, and received in an outpatient status after April 1, 1991: *Provided,* That the foregoing limitation shall not exceed the first $300 in the case of a family group of two or more persons covered by section 1079(a) of title 10, United States Code: *Provided further,* That higher deductible amounts and/or total or partial restrictions on the availability of care (other than emergency care) in facilities of the uniformed services may be prescribed by the Secretary of Defense in the case of beneficiaries eligible for enrollment under health care plans contracted for under section 1097 of title 10, United States Code, who chose not to enroll in such plans: *Provided further,* That the provisions of this section shall not apply in the case of dependents of military members in grades E-1 through E-4.

SEC. 8065. Notwithstanding any other provision of law, none of the funds made available by this Act shall be used by the Department of Defense to exceed, outside the fifty United States and the District of Columbia, 175,960 civilian workyears: *Provided,* That workyears shall be applied as defined in the Federal Personnel Manual: *Provided further,* That workyears expended in dependent student hiring programs for disadvantaged youth shall not be included in this workyear limitation.

SEC. 8066. None of the funds appropriated by this or any other Act with respect to any fiscal year for the Navy may be used to carry out an electromagnetic pulse program in the Chesapeake Bay area in connection with the Electromagnetic Pulse Radiation Environment Simulator for Ships (EMPRESS II) program unless or until the Secretary of Defense certifies to the Congress that conduct of the EMPRESS II program is essential to the national security of the United States and to achieving requisite military capability for United States naval vessels, and that the economic, environmental, and social costs to the United States of conducting the EMPRESS II program in the Chesapeake Bay area are far less than the economic, environmental, and social costs caused by conducting the EMPRESS II program elsewhere.

SEC. 8067. Notwithstanding any other provision of law, each contract awarded by the Department of Defense in fiscal year 1991 for construction or service performed in whole or in part in a State which is not contiguous with another State and has an unemployment rate in excess of the national average rate of unemployment as determined by the Secretary of Labor shall include a provision requiring the contractor to employ, for the purpose of performing that portion of the contract in such State that is not contiguous with another State, individuals who are residents of such State and who, in the case of any craft or trade, possess or would be able to acquire promptly the necessary skills: *Provided,* That the Secretary of Defense may waive the requirements of this section in the interest of national security.

SEC. 8068. None of the funds appropriated by this Act shall be used for the support of any nonappropriated fund activity of the Department of Defense that procures malt beverages and wine with nonappropriated funds for resale (including such alcoholic beverages sold by the drink) on a military installation located in the United States, unless such malt beverages and wine are procured in that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: *Provided,* That in a case in which the military installation is located in more than one State, purchases may be made in any State in which the

installation is located: *Provided further,* That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages for military installations in States which are not contiguous with another State: *Provided further,* That alcoholic beverages other than wine and malt beverages in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

(TRANSFER OF FUNDS)

SEC. 8069. Upon enactment of this Act, the Secretary of Defense shall make the following transfer of funds: *Provided,* That the amounts transferred shall be available for the same purposes as the appropriations to which transferred, and for the same time period of the appropriation from which transferred: *Provided further,* That funds shall be transferred between the following appropriations in the amounts specified:

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1987/1991":

CG-47 cruiser program, $25,000,000;

Strategic sealift program, $9,539,000;

For craft, outfitting, and post delivery, $14,736,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1988/1992":

CG-47 cruiser program, $110,000,000;

LHD-1 amphibious assault ship program, $473,000;

For craft, outfitting, and post delivery, $33,568,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1989/1993":

For outfitting and post delivery, $11,344,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1990/1994":

TRIDENT ballistic missile submarine program, $99,000,000;

For craft, outfitting, post delivery, and ship special support equipment, $36,740,000; and

Under the heading, "Other Procurement, Navy, 1990/1992", $21,000,000;

Under the heading, "Aircraft Procurement, Navy, 1990/1992", $10,600,000; and

Under the heading, "Other Procurement, Navy, 1990/1992", $13,300,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1984/1988":

SSN-688, nuclear attack submarine program, $23,800,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1985/1989":

SSN-688, nuclear attack submarine program, $54,300,000;

DDG-51, guided missile destroyer program, $41,700,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1986/1990":

MSH coastal mine hunter program, $36,000,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1987/1991":

SSN-688 attack submarine program, $14,000,000;

AOE fast combat support ship program, $13,300,000;

AO conversion program, $3,600,000;

T-AGOS ocean surveillance ship program, $2,700,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1989/1993":

MHC coastal mine hunter program, $1,000,000;

AOE combat support ship program, $8,700,000;

T-AGOS surveillance ship program, $6,700,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1990/1994":

Aircraft carrier service life extension program, $21,000,000;

T-AGOS surveillance ship program, $28,800,000;

AOE combat support ship program, $27,900,000;

Oceanographic ship program, $36,100,000;

MHC coastal mine hunter program, $55,100,000;

For craft, outfitting, post delivery, and ship special support equipment, $10,600,000.

SEC. 8070. The total amount appropriated to or for the use of the Department of Defense by this Act is reduced by $27,000,000. The Secretary of Defense shall allocate the amount of the reduction made by the preceding sentence in the procurement and research, development, test and evaluation accounts of the Army, Navy, Air Force, Marine Corps, and Defense Agencies as the Secretary determines appropriate to reflect savings resulting from increased use of discount air fares that (1) are granted by commercial air carriers for travel of Federal Government employees on official Government business under agreements entered into between the Administrator of General Services and such carriers, and (2) are available to contractor personnel traveling in connection with the performance of cost-reimbursable contracts awarded by the Department of Defense.

SEC. 8071. (a) Of the amounts available to the Department of Defense for fiscal year 1991, not less than $20,000,000 shall be available for National Defense Science and Engineering Graduate Fellowships to be awarded on a competitive basis by the Secretary of Defense to United States citizens or nationals pursuing advanced degrees in fields of primary concern and interest to the Department.

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

SEC. 8072. Notwithstanding any other provision of law, during the current fiscal year, the Secretary of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: *Provided,* That the Secretary shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: *Provided further,* That Office of Management and Budget Circular A-76 shall not apply to competitions conducted under this section.

SEC. 8073. Of the funds appropriated by this Act, no more than $4,000,000 shall be available for the health care demonstration project regarding chiropractic care required by section 632(b) of the Department of Defense Authorization Act, 1985, Public Law 98-525.

SEC. 8074. None of the funds appropriated by this Act may be used to pay health care providers under the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) for services determined under the CHAMPUS Peer Review Organization (PRO) Program to be not medically or psychologically necessary. The Secretary of Defense may by regulation adopt any quality and utilization review requirements and procedures in effect for the Peer Review Organization Program under title XVIII of the Social Security Act (Medicare) that the Secretary determines necessary, and may adapt the Medicare requirements and procedures to the circumstances of the CHAMPUS PRO Program as the Secretary determines appropriate.

SEC. 8075. For the purpose of increasing collections from third party payers of reasonable health care services costs incurred on behalf of retirees and dependents pursuant to section 1095 of title 10, United States Code, net receipts from such collections shall be made available to the local facility of the uniformed services responsible for the collections and shall be over and above the facility's direct budget amount: *Provided,* That for purposes of this section and section 1095, third party payers include: (a) Medicare supplemental insurance policy carriers, in which case the facility of the uniformed services shall be treated as if it were a Medicare-eligible provider and the services provided as if they were Medicare-covered services for policies issued after enactment of this Act; and (b) automobile liability insurance carriers and no-fault insurance carriers, in which case, should tort liability be a basis for payment, the standards of the Federal Medical Care Recovery Act (42 U.S.C. 2651) shall apply.

Wages.

SEC. 8076. Such sums as may be necessary for fiscal year 1991 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 8077. (a) Of the funds made available by this Act in title III, Procurement, $8,000,000, drawn pro rata from each appropriations account in title III, shall be available for incentive payments authorized by section 504 of the Indian Financing Act of 1974, 25 U.S.C. 1544. These payments shall be available only to contractors which have submitted subcontracting plans pursuant to 15 U.S.C. 637(d)(4)(B), and according to regulations which shall be promulgated by the Secretary of Defense within 90 days of the passage of this Act.

(b) Section 201(2) of the Act entitled "An Act to prescribe penalties for certain acts of violence or intimidation, and for other purposes", approved April 11, 1968 (25 U.S.C. 1301(2)), is amended by adding at the end thereof the following: "means the inherent power of Indian tribes, hereby recognized and affirmed, to exercise criminal jurisdiction over all Indians;".

(c) Section 201 of such Act is amended (1) by deleting the period at the end of paragraph (3) and inserting in lieu thereof a semicolon and the word "and"; and (2) by adding at the end thereof the following:

"(4) 'Indian' means any person who would be subject to the jurisdiction of the United States as an Indian under section 1153, title 18, United States Code, if that person were to commit an offense listed in that section in Indian country to which that section applies.".

(d) The effects of subsections (b) and (c) as those subsections affect the criminal misdemeanor jurisdiction of tribal courts over non-member Indians shall have no effect after September 30, 1991.

SEC. 8078. None of the funds appropriated by this Act shall be available for payments under the Department of Defense contract with the Louisiana State University Medical Center involving the use of cats for Brain Missile Wound Research, and the Department of Defense shall not make payments under such contract from funds obligated prior to the date of the enactment of this Act, except as necessary for costs incurred by the contractor prior to the enactment of this Act, and until thirty legislative days after the final General Accounting Office report on the aforesaid contract is submitted for review to the Committees on Appropriations in the House and Senate: *Provided,* That funds necessary for the care of animals covered by this contract are allowed.

SEC. 8079. None of the funds provided in this Act or any other Act shall be available to conduct bone trauma research at the Letterman Army Institute of Research until the Secretary of the Army certifies that the synthetic compound to be used in the experiments is of such a type that its use will result in a significant medical finding, the research has military application, the research will be conducted in accordance with the standards set by an animal care and use committee, and the research does not duplicate research already conducted by a manufacturer or any other research organization.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8080. (a) Upon the date of enactment of this Act, the balances of any unobligated amount of an appropriation of the Department of Defense which has been withdrawn under the provisions of section 1552(a)(2) of title 31, United States Code, the obligated balance of which has not been transferred pursuant to the provisions of section 1552(a)(1) of title 31, United States Code, shall be restored to that appropriation. Thirty days following enactment of this Act all balances of unobligated funds withdrawn from any account of the Department of Defense under the provisions of section 1552(a)(2) of title 31, United States Code, prior to the enactment of this Act, (other than those restored pursuant to the provisions of this subsection) are cancelled.

(b) During the current fiscal year and thereafter—

(1) on the 3rd September 30th after enactment of this section, all obligated balances transferred under section 1552(a)(1) of title 31, United States Code;

(2) on September 30th of the 5th fiscal year after the period of availability of an appropriation account of the Department of Defense available for obligation for a definite period ends or has ended, with respect to those accounts which, upon the date of enactment of this section have expired for obligation but whose obligated balances have not been transferred pursuant to the provisions of section 1552(a)(1) of title 31, United States Code; and

(3) with respect to any appropriation account made available to the Department of Defense for an indefinite period against which no obligations have been made for two consecutive years

and upon a determination by the Secretary of Defense or the President that the purposes of such indefinite appropriation have been carried out,

any remaining obligated or unobligated balance of such accounts are closed and thereafter shall not be available for obligation or expenditure for any purpose: *Provided,* That collections authorized to be credited to an account which were not credited to the account before it was closed shall be deposited in the Treasury as miscellaneous receipts: *Provided further,* That, without prior action by the Comptroller General but without relieving the Comptroller General of the duty to make decisions under any law or to settle claims and accounts, when an account is closed (including accounts covered by subsection (a) of this section) and currently applicable appropriations of the Department of Defense are not chargeable, obligations and adjustments to obligations that would have been chargeable to an account prior to closing, may be chargeable to currently applicable appropriations of the Department of Defense available for the same purpose in amounts equal to one percent of the total appropriation for the current account or the amount of the original appropriation, whichever is less: *Provided further,* That after the end of the period of availability of an appropriation account available for a definite period and before closing of that account under this section such account shall be available for recording, adjusting, and liquidating obligations properly chargeable to such account in amounts not to exceed the unobligated expired balances of such appropriation: *Provided further,* That with respect to a change to a contract under which the contractor is required to perform additional work, other than adjustments to pay claims or increases under an escalation clause (hereinafter referred to as a contract change), if such a charge for such a contract change with respect to a program, project or activity would cause the total amount of such obligations to exceed $4,000,000 in any single fiscal year for a program, project, or activity, the obligation may only be made if the obligation is approved by the Secretary of Defense or, if such a change would cause the total amount of such obligations to exceed $25,000,000 in any single fiscal year for a program, project or activity, the obligation may be made only after 30 days have elapsed after the Secretary of Defense submits to the Committees on Appropriations and Armed Services of the Senate and the House of Representatives a notice of the intention to obligate such funds, together with the legal basis and the policy reasons for making such an obligation.

Government contracts.

(c) The provisions of this section shall apply to any appropriation account now or hereafter made unless the appropriation Act for that account specifically provides for an extension of the availability of such account and provides an exception to the five year period of availability for recording, adjusting and liquidating obligations properly chargeable to that account.

10 USC 2687 note.

SEC. 8081. The Secretary of Defense shall include in any base closure and realignment plan submitted to Congress after the date of enactment of this Act, a complete review for the five year period beginning on October 1, 1990, which shall include expected force structure and levels for such period, expected installation requirements for such period, a budget plan for such period, the cost savings expected to be realized through realignments and closures of military installations during such period, an economics model to identify the critical local economic sectors affected by proposed closures and realignments of military installations and an assessment of the economic impact in each area in which a military installation is to be realigned or closed.

SEC. 8082. None of the funds appropriated in this Act shall be used to reduce the fiscal year 1991 2.5- or 5-ton truck maintenance workload at Letterkenny Army Depot as a direct result of either the proposed consolidation of truck maintenance or an increase in fiscal year 1991 truck maintenance at any other depot; neither shall funds be available for transfer of towed and self-propelled artillery maintenance from Letterkenny Army Depot.

SEC. 8083. No more than $50,000 of the funds appropriated or made available in this Act shall be used for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: *Provided,* That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and Senate that such a relocation is required in the best interest of the Government: *Provided further,* That no funds appropriated or made available in this Act shall be used for the relocations into the National Capital Region of the acquisition function of the Special Operations Command and the Air Force Office of Medical Support located at Brooks Air Force Base.

SEC. 8084. None of the funds appropriated in this Act shall be used to produce more than two-thirds of the liquid gas requirements in-house at Andersen Air Force Base on Guam. At least one-third of Andersen Air Force Base's liquid gas requirements shall be met by acquiring liquid gas from commercial sources on Guam.

SEC. 8085. None of the funds in this Act shall be used to reduce the end strength and force structure of the reserve components of the Department of Defense below the levels funded in this Act: *Provided,* That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such a reduction is required for national security purposes.

SEC. 8086. Funds appropriated or otherwise available for any Federal agency, the Congress, the judicial branch, or the District of Columbia for the fiscal year ending September 30, 1991, may be used for the pay, allowances, and benefits of an employee as defined by section 2105 of title 5 or an individual employed by the government of the District of Columbia, permanent or temporary indefinite, who—

(1) is a member of a Reserve component of the armed forces, as described in section 261 of title 10, or the National Guard, as described in section 101 of title 32;

(2) performs, for the purpose of providing military aid to enforce the law or providing assistance to civil authorities in the protection or saving of life or property or prevention of injury—

(A) Federal service under section 331, 332, 333, 3500, or 8500 of title 10, or other provision of law, as applicable, or

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

(3) requests and is granted—

(A) leave under the authority of this section; or

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

Provided, That any employee who requests leave under subsection (3)(A) for service described in subsection (2) of this section is entitled to such leave, subject to the provisions of this section and of the last sentence of section 6323(b) of title 5, and such leave shall be considered leave under section 6323(b) of title 5.

SEC. 8087. None of the funds appropriated by this Act shall be available to perform any cost study pursuant to the provisions of OMB Circular A-76 if the study being performed exceeds a period of twenty-four months after initiation of such study with respect to a single function activity or forty-eight months after initiation of such study for a multi-function activity: *Provided,* That this prohibition shall begin six months after the date of enactment of this Act for presently ongoing studies.

SEC. 8088. None of the funds appropriated by this Act shall be used to begin closing a military treatment facility unless the Secretary of Defense notifies the Committees on Appropriations of the House of Representatives and the Senate ninety days prior to such action.

(TRANSFER OF FUNDS)

SEC. 8089. Of the funds appropriated or made available to the Department of Defense in this Act, $30,000,000 shall be transferred to the Department of Energy solely for the final decontamination and decommissioning of the Nuclear Fuel Facility, Apollo, Pennsylvania, by January 1993, to meet the National Regulatory Commission's limits for unrestricted use: *Provided,* That these funds shall remain available until expended.

SEC. 8090. Funds appropriated by this Act for the American Forces Information Service shall not be used for any national or international political or psychological activities.

10 USC 2113 note.

SEC. 8091. Notwithstanding any other provision of law, all authority of the Board of Regents of the Uniformed Services University of the Health Sciences is hereby transferred to the Secretary of Defense, and the Board hereafter shall be an advisory board to the Secretary of Defense.

10 USC 113 note.

SEC. 8092. Notwithstanding any other provision of law, after June 1, 1991, where cost effective, all Department of Defense software shall be written in the programming language Ada, in the absence of special exemption by an official designated by the Secretary of Defense.

SEC. 8093. Notwithstanding any other provision of law or regulation, the Secretary of Defense may adjust wage rates for civilian employees hired for certain health care occupations as authorized for the Secretary of Veterans Affairs by section 4107(g) of title 38, United States Code.

Energy conservation.

SEC. 8094. The Secretary of Defense shall issue directives promoting energy conservation in all peace-time activities of the Department of Defense identifying specific priority initiatives to reduce energy consumption: *Provided,* That specific personnel incentives shall be established to promote and encourage energy conservation: *Provided further,* That the Department of Defense shall report to Congress no later than April 30, 1991 on its plan to reduce energy consumption during fiscal year 1991, progress in implementing the plan, projected timetable for completing the plan, and the savings that will result from these actions.

Reports.

Uranium.
50 USC 98e note.

SEC. 8095. Using funds available in the National Defense Stockpile Transaction Fund, the President shall acquire over a period of ten years from current domestic sources not less than thirty-six million pounds of depleted uranium to be held in the National Defense Stockpile.

SEC. 8096. None of the funds appropriated by this Act shall be obligated to fund more than 95,000 permanent change of station moves of active military personnel ashore to Europe: *Provided,* That this limitation may be waived by the Secretary of Defense for national security considerations after notifying the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 8097. None of the funds available to the Department of Defense shall be used for the training or utilization of psychologists in the prescription of drugs, except pursuant to the findings and recommendations of the Army Surgeon General's Blue Ribbon Panel as specified in its February and August 1990 meeting minutes: *Provided,* That this training will be performed at Walter Reed Army Medical Center.

SEC. 8098. None of the funds appropriated by this Act shall be used to reduce the military and civilian work force at any military medical facility or medical support facility below the level maintained or authorized for fiscal year 1990: *Provided,* That the foregoing limitation shall not apply to any facility located at an installation scheduled for closure or realignment pursuant to the provisions of the Base Closure and Realignment Act (Public Law 100-526; 102 Stat. 2623).

(TRANSFER OF FUNDS)

SEC. 8099. (a) From funds appropriated in this Act, such amounts as may be necessary, but not to exceed $5,000,000 shall be made available only for a project for the design and construction of a parliament building in the Solomon Islands, such project to be carried out so as to be completed not later than November 1993. Funds for such project shall be identified and made available to the Secretary of the Navy not later than 60 days after the date of the enactment of this Act.

(b) Notwithstanding any other provision of law, from the funds appropriated in this Act, $5,000,000 to remain available until expended, shall be made available to the Secretary of the Army no later than sixty days after enactment of this Act, to be used by the Chief of Engineers only for the repair, improvement, and construction of port facilities and harbor improvements, including dredging, at the islands of Ofu and Ta'u in the Territory of American Samoa.

SEC. 8100. Clauses (2) and (3) of section 7308(c) of title 10, United States Code, shall not apply with respect to the transfer by the Secretary of the Navy under section 7308(a) of such title of the obsolete destroyer U.S.S. Turner Joy to the Bremerton Historic Ships Association for use by the Association as a Navy museum and memorial.

SEC. 8101. Of the funds appropriated in fiscal year 1989 under the heading, "Aircraft Procurement, Navy", $200,000,000 shall be made available to the Department of the Navy for obligation for the V-22 Osprey tilt-rotor aircraft program.

(RESCISSIONS)

SEC. 8102. Of the funds provided in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts in the specified amounts:

Aircraft procurement, Army, 1990/1992, $15,300,000;
Missile procurement, Army, 1990/1992, $171,846,000;
Procurement of weapons and tracked combat vehicles, Army, 1989/1991, $25,808,000;
Procurement of ammunition, Army, 1989/1991, $72,000,000;
Procurement of ammunition, Army, 1990/1992, $18,000,000;
Other procurement, Army, 1989/1991, $24,100,000;
Other procurement, Army, 1990/1992, $11,000,000;
Weapons procurement, Navy, 1990/1992, $88,205,000;
Other procurement, Navy, 1989/1991, $9,400,000;
Other procurement, Navy, 1990/1992, $7,500,000;
Procurement, Marine Corps, 1989/1991, $7,000,000;
Procurement, Marine Corps, 1990/1992, $62,300,000;
Aircraft procurement, Air Force, 1989/1991, $8,400,000;
Aircraft procurement, Air Force, 1990/1992, $43,900,000;
Missile procurement, Air Force, 1989/1991, $53,968,000;
Missile procurement, Air Force, 1990/1992, $162,613,000;
Other procurement, Air Force, 1989/1991, $1,800,000;
Other procurement, Air Force, 1990/1992, $15,000,000.

SEC. 8103. None of the funds made available to the Department of Defense in this Act may be obligated or expended for the Ground-Wave Emergency Network (GWEN) System, until (1) the Secretary of Defense provides for the conduct of an independent study of such system on the health effects and environmental impact of the system on surrounding local jurisdictions; and (2) a report containing the results of such study, together with the Secretary's comments and recommendations concerning the report, has been submitted to the Congressional Defense Committees and a period of 15 days has elapsed after the report is received.

Reports.

(INCLUDING TRANSFER OF FUNDS)

50 USC 401 note.

SEC. 8104. **SECTION 1.** This section establishes the National Commission on Defense and National Security.

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) Recent revolutionary world events require a fundamental reassessment of the defense and national security policies of the United States.

(2) Emerging democracies around the world will require political, technical, and economic assistance, as well as military assistance, from the developed free nations in order to thrive and to become productive members of the world community.

(3) Real and potential military threats to the United States and its allies will continue to exist for the foreseeable future from not just the Soviet Union but also from terrorism and from Third World nations.

(4) Proliferation of both sophisticated conventional weapons and of nuclear weapons could produce a world more dangerous than we have faced in the past.

(5) Ethnic rivalries as well as economic inequalities may produce instabilities that could spark serious conflict.

(6) In order to formulate coherent national policies to meet these challenges of a new world environment, it is essential for the United States to achieve a bipartisan consensus such as that which emerged following World War II.

(7) Such a consensus can be fostered by the development of policy recommendations from a highly respected group of individuals who do not bear a partisan label and who possess critical expertise and experience.

SEC. 3. ESTABLISHMENT.

There is established a commission to be known as National Commission on Defense and National Security (hereinafter in this Act referred to as the "Commission").

SEC. 4. DUTIES OF COMMISSION.

(a) IN GENERAL.—The Commission shall analyze and make recommendations to the President and Congress concerning the national security and national defense policies of the United States.

(b) MATTERS TO BE ANALYZED.—Matters to be analyzed by the Commission shall include the following:

(1) The world-wide interests, goals, and objectives of the United States that are vital to the national security of the United States.

(2) The political, economic, and military developments around the world and the implications of those developments for United States national security interests, including—

(A) the developments in Eastern Europe and the Soviet Union;

(B) the question of German unification;

(C) the future of NATO and European economic integration;

(D) the future of the Pacific Basin; and

(E) potential instability resulting from regional conflicts or economic problems in the developing world.

(3) The foreign policy, world-wide commitments, and national defense capabilities of the United States necessary to deter aggression and implement the national security strategy of the United States, including the contribution that can be made by bilateral and multilateral political and economic associations in promoting interests that the United States shares with other members of the world community.

(4) The proposed short-term uses of the political, economic, military, and other elements of national power for the United States to protect or promote the interests and to achieve the goals and objectives referred to in paragraph (1).

(5) Long-term options that should be considered further for a number of potential courses of world events over the remainder of the century and into the next century.

SEC. 5. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 10 members, as follows:

(1) Three appointed by the President.

(2) Three appointed by the Speaker of the House of Representatives.

(3) One appointed by the minority leader of the House of Representatives.

(4) Two appointed by the majority leader of the Senate.

(5) One appointed by the minority leader of the Senate.

(b) QUALIFICATIONS.—Persons appointed to the Commission shall be persons who are not officers or employees of the Federal Government (including Members of Congress) and who are specially qualified to serve on the Commission by virtue of their education, training, or experience.

(c) TERMS.—Members shall be appointed for the life of the Commission. A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(d) BASIC PAY.—Members of the Commission shall serve without pay.

(e) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(f) CHAIRMAN AND VICE CHAIRMAN.—The Chairman of the Commission shall be designated by the President from among the members appointed by the President. The Vice Chairman of the Commission shall be designated by the Speaker of the House of Representatives from among the members appointed by the Speaker.

(g) MEETINGS.—The Commission shall meet at the call of the Chairman or a majority of its members.

(h) DEADLINE FOR APPOINTMENTS.—Members of the Commission shall be appointed not later than the end of the 30-day period beginning on the date of the enactment of this Act.

SEC. 6. REPORTS.

(a) INITIAL REPORT.—The Commission shall transmit to the President and to Congress an initial report not later than six months after the date on which the Commission is first constituted with a quorum.

(b) SUBSEQUENT ANNUAL REPORTS.—The Commission shall transmit to the President and to Congress an annual report for each of the first five years following the submission of the initial report under subsection (a). Each such report shall update the previous report under this section.

(c) CONTENTS OF REPORTS.—Each report under this section shall contain a detailed statement of the findings and conclusions of the Commission concerning the matters to be studied by the Commission under section 4, together with its recommendations for such legislation and administrative actions as it considers appropriate. Each such report shall include a comprehensive description and discussion of the matters set forth in section 4.

(d) REPORTS TO BE UNCLASSIFIED.—Each such report shall be submitted in unclassified form.

(e) ADDITIONAL AND MINORITY VIEWS.—Each report may include such additional and minority views as individual members of the Commission may request be included.

SEC. 7. DIRECTOR AND STAFF OF COMMISSION; EXPERTS AND CONSULTANTS.

(a) DIRECTOR.—The Commission shall, without regard to section 5311(b) of title 5, United States Code, have a Director who shall be appointed by the Chairman and who shall be paid at a rate not to

exceed the maximum rate of basic pay payable for GS-18 of the General Schedule.

(b) STAFF.—The Chairman may appoint and fix the pay of such additional personnel as the Chairman considers appropriate.

(c) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The Director and staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no individual so appointed may receive pay in excess of the annual rate of basic pay payable for GS-18 of the General Schedule.

(d) EXPERTS AND CONSULTANTS.—Subject to such rules as may be prescribed by the Commission, the Chairman may procure temporary and intermittent services under section 3109(b) of title 5 of the United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay payable for GS-18 of the General Schedule.

(e) STAFF OF FEDERAL AGENCIES.—Upon request of the Commission, the head of any Federal agency may detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist the Commission in carrying out its duties under this Act.

SEC. 8. POWERS OF COMMISSION.

(a) HEARINGS AND SESSIONS.—The Commission may, for the purpose of carrying out this Act, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission considers appropriate.

(b) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission may, if so authorized by the Commission, take any action which the Commission is authorized to take by this section.

(c) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this Act. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

(d) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(e) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(f) ADMINISTRATIVE SUPPORT SERVICES.—The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

SEC. 9. INITIAL FUNDING OF COMMISSION.

If funds are not otherwise available for the necessary expenses of the Commission for fiscal year 1991, the Secretary of Defense shall make available to the Commission, from funds available to the Secretary for the fiscal year concerned, such funds as the Commission requires. When funds are specifically appropriated for the expenses of the Commission, the Commission shall reimburse the Secretary from such funds for any funds provided to it under the preceding sentence.

10 USC 113 note.

SEC. 8105. CONTRIBUTIONS BY JAPAN TO THE SUPPORT OF UNITED STATES FORCES IN JAPAN.—

(a) PERMANENT CEILING ON UNITED STATES ARMED FORCES IN JAPAN.—After September 30, 1990, funds appropriated pursuant to an appropriation contained in this Act or any subsequent Act may not be used to support an end strength level of all personnel of the Armed Forces of the United States stationed in Japan at any level in excess of 50,000.

(b) ANNUAL REDUCTION IN CEILING UNLESS SUPPORT FURNISHED.—Unless the President certifies to Congress before the end of each fiscal year that Japan has agreed to offset for that fiscal year the direct costs incurred by the United States related to the presence of all United States military personnel in Japan, excluding the military personnel title costs, the end strength level for that fiscal year of all personnel of the Armed Forces of the United States stationed in Japan may not exceed the number that is 5,000 less than such end strength level for the preceding fiscal year.

(c) SENSE OF CONGRESS.—It is the sense of Congress that all those countries that share the benefits of international security and stability should share in the responsibility for that stability and security commensurate with their national capabilities. The Congress also recognizes that Japan has made a substantial pledge of financial support to the effort to support the United Nations Security Council resolutions on Iraq. The Congress also recognizes that Japan has a greater economic capability to contribute to international security and stability than any other member of the international community and wishes to encourage Japan to contribute commensurate with that capability.

(d) EXCEPTIONS.—(1) This section shall not apply in the event of a declaration of war or an armed attack on Japan.

(2) The President may waive the limitation in this section for any fiscal year if he declares that it is in the national interest to do so and immeditely informs Congress of the waiver and the reasons for the waiver.

(e) EFFECTIVE DATE.—This section shall take effect on the date of enactment of this Act.

SEC. 8106. Notwithstanding any other provision of this Act, the Operation and Maintenance accounts and revolving and management funds shall be reduced by $400,000,000 to reduce inapplicable inventories.

SEC. 8107. (a) None of the funds appropriated or otherwise made available in this Act may be used to transport or provide for the transportation of chemical munitions to the Johnston Atoll for the purpose of storing or demilitarizing such munitions.

(b) The prohibition in subsection (a) shall not apply to:

(1) any chemical munition withdrawn from the Federal Republic of Germany under a European retrograde program; or

(2) any obsolete World War II chemical munition of the United States found in the World War II Pacific Theater of Operations.

(c) The provisions of subsection (b)(1) shall not be construed to supersede or otherwise affect the decision of any court relating to the authority of the President or Secretary of Defense under any other law to transport chemical munitions to Johnston Atoll for demilitarization or to store or use Johnston Atoll for the demilitarization or storage of chemical munitions withdrawn from the Federal Republic of Germany under a European retrograde program.

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

(TRANSFER OF FUNDS)

SEC. 8108. In addition to the amounts appropriated or otherwise made available in this Act, $1,000,000,000 is appropriated for the modernization and expansion of automated data processing systems: *Provided*, That the Secretary of Defense shall, upon determining that such funds are necessary and further the objectives of the Corporate Information Management Initiative, transfer such amounts as necessary to the appropriate operation and maintenance appropriations provided in title II of this Act to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That obligation and expenditure of these funds are subject to the review and approval of the Corporate Information Management Executive Level Group: *Provided further*, That this transfer authority shall be in addition to any other transfer authority contained in this Act.

SEC. 8109. None of the funds available in this or any other Act shall be available for the preparation of further studies on the feasibility of removal and transportation of unitary chemical weapons from the eight chemical storage sites within the continental United States. This prohibition does not apply to studies needed for environmental analyses required by the National Environmental Policy Act.

SEC. 8110. (a) Notwithstanding any other provision of law, funds made available to the Department of Defense in fiscal year 1991 and thereafter, shall be used to establish and maintain as part of the wartime energy reserve of the United States, a stockpile in Israel for petroleum fuels of military utility equal to 4,500,000 barrels.

(b) The stockpile referred to in subsection (a) shall be—

(1) configured to meet the wartime needs and combined military training requirements of the United States and Israel, and

(2) owned by the United States and operated jointly by the United States Department of Defense and Israel.

(c) In the event of a wartime emergency or a state of heightened military readiness on the part of Israel, the President of the United States may direct that Israel be permitted to draw upon all or part of the stockpile of petroleum product referred to in subsection (a), if the President—

(1) determines it is in the national interest of the United States, and

(2) so reports to Congress in accordance with section 652 of the Foreign Assistance Act of 1961 as amended.

(d) Negotiations, leading to an agreement by July 30, 1991, shall begin immediately to bring the fuel stockpile referred to in subsection (a) to full operational readiness no later than September 30, 1993.

(e) For purposes of this section, the term "petroleum product" shall refer to all petroleum, oils and lubricants required for military operations.

(f) The provisions of this section are effective immediately upon the enactment of this Act.

10 USC 114 note.

SEC. 8111. (a) The Classified Annex prepared by the Committee of Conference to accompany the conference report on the bill H.R. 5803 of the One Hundred First Congress and transmitted to the President shall have the force and effect of law as if enacted into law.

(b) The amounts specified in the Classified Annex are not in addition to the amounts appropriated by other provisons of this Act.

(c) The President shall provide for appropriate distribution of the Classified Annex or of appropriate portions of the Annex, within the executive branch of the Government.

SEC. 8112. Of the funds made available in this Act, not less than $7,475,000 shall be available for the Civil Air Patrol.

SEC. 8113. Funds made available under this Act to the Air Force for "Operation and Maintenance" may be used to operate the United States Air Force education and training facility known as the Inter-American Air Forces Academy for the purpose of providing military education and training only to military personnel who are nationals of Central, South American and Caribbean countries: *Provided,* That only the fixed costs of operating and maintaining the Inter-American Air Forces Academy may be paid from funds available for operation and maintenance of the Air Force without reimbursement pursuant to section 37 of the Arms Export Control Act or section 632 of the Foreign Assistance Act or any other provision of law: *Provided further,* That no individual may be admitted to the Inter-American Air Forces Academy who has been convicted of a human rights violation, or is known to United States authorities to have committed, been an accessory to, or in an official capacity had knowledge of but failed to take remedial action concerning a human rights violation: *Provided further,* That the Air Force must provide concentrated instruction in democratic government and human rights protections to each attendee of IAAFA: *Provided further,* That the Air Force will provide the Committees on Appropriations of the House and Senate, no later than March 1, 1991, with a report on the operation of IAAFA and its curriculum, as well as a statistical and biographical profile of its students.

Reports.

SEC. 8114. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the Air Force and Air Force Reserve WC-130 Weather Reconnaissance Squadrons, except for the purpose of transferring the mission to the Air Force Reserve.

Israel.
Aircraft.

SEC. 8115. (a) Funds shall be made available to the Secretary of Defense for the study of:

(1) Israeli aerospace and avionics technology and their potential applications to ATF, NATF, CAS and LH aircraft programs, as well as other anticipated aircraft programs;

(2) Potential areas of joint United States-Israel collaboration in technology research and development projects including, but not limited to, tactical directed energy weapons; camouflage, concealment, deception and stealth measures; aerial and wide-area munitions; fiber optic guided missiles (FOG-M); and the adaptation of the HAVE NAP to the B-1 and B-2 bombers;

(3) The features and possible contributions of Israeli space technology to Department of Defense programs, including, but not limited to, Israeli launchers, and including, but not limited to, cost-effectiveness in design and production of such technologies and systems;

(4) Israeli anti-terrorism technologies, and their potential applications to Department of Defense programs and operations, including, but not limited to, remote-controlled robots, security fences of all types, specialized x-ray and detection machines, and fast patrol boats. The Secretary of Defense shall work with the Office of Technology Assessment in conducting an examination of these subjects;

(5) Possible applications of Israeli interdiction technologies to American efforts at drug interdiction, including, but not limited to, unmanned aerial vehicles, fast patrol boats, state-of-the-art ship and coastal radars, integrated command and control systems, and land interdiction systems such as visual and infra-red cameras, motion sensors and electronic fences.

(b) The Secretary of Defense shall submit these studies as a final report with concrete recommendations and plans for implementation as appropriate to the Committees on Appropriations of the House and Senate no later than September 1, 1991.

SEC. 8116. Of the funds available in this Act in the operation and maintenance accounts of the Department of Defense, $10,000,000 shall be available only to transport United States beef for resale in Department of Defense commissaries in foreign countries.

SEC. 8117. (a) Of the funds for the procurement of supplies or services appropriated by this Act, qualified nonprofit agencies for the blind or other severely handicapped shall be afforded the maximum practicable opportunity to participate as subcontractors and suppliers in the performance of contracts let by the Department of Defense.

(b) During fiscal year 1991, a business concern which has negotiated with a military service or defense agency a subcontracting plan for the participation by small business concerns pursuant to section 8(d) of the Small Business Act (15 U.S.C. 637(d)) shall be given credit toward meeting that subcontracting goal for any purchases made from qualified nonprofit agencies for the blind or other severely handicapped.

(c) For the purpose of this section, the phrase "qualified nonprofit agency for the blind or other severely handicapped" means a nonprofit agency for the blind or other severely handicapped that has been approved by the Committee for the Purchase from the Blind and Other Severely Handicapped under the Javits-Wagner-O'Day Act (41 U.S.C. 46-48).

(d) Within 180 days of the enactment of this Act, the Department of Defense Supplement to the Federal Acquisition Regulation shall be modified to implement paragraph (b).

SEC. 8118. Notwithstanding any other provision of law, of the funds made available by this Act to the Department of the Navy, $1,500,000, to remain available until September 30, 1992, shall be available only for the expenses of the Kahoolawe Island Commission which shall be established under the terms and conditions of S. 3088 as introduced in the Senate on September 10, 1990: *Provided,* That the Secretary of the Navy shall provide the Commission such assistance and facilities as may be necessary to carry out its proceedings.

SEC. 8119. None of the funds made available by this Act shall be available for any Military Department of the United States to conduct bombing training, gunnery training, or similar munitions delivery training on the parcel of land known as Kahoolawe Island, Hawaii.

SEC. 8120. (a) The Secretary of Defense shall establish a "Legacy Resource Management Program".

(b) The purposes of the program are as follows:

(1) to establish a strategy, plan and priority list for identifying and managing all significant biological, geophysical, cultural and historical resources existing on, or involving, all Department of Defense lands, facilities and property;

(2) to provide for the stewardship of all Department of Defense controlled or managed air, land and water resources;

(3) to protect significant biological systems and species, including but not limited to, those contained on the Federal endangered list and those which are candidates for that list;

(4) to establish a standard Department of Defense methodology for the collection, storage and retrieval of all biological, geophysical, cultural and historical resource information which, in the case of biological information, should be compatible with that used by State Natural Heritage Programs;

(5) to establish programs to protect, inventory and conserve the artifacts of Native American civilization, settler communities and others deemed to have historical, cultural or spiritual significance;

(6) to establish inventories of all scientifically significant biological, geophysical, cultural and historical assets on Department of Defense lands. In addition to the specific attributes of the asset, these inventories are to catalog their scientific and/or cultural significance, as well as their inter-relationship to the surrounding environment, including the military mission carried out on the land upon which they reside;

(7) to establish programs for the restoration and rehabilitation of altered or degraded habitats;

(8) to establish educational, public access and recreation programs designed to increase public appreciation, awareness and support for these national environmental initiatives; and

(9) to establish and coordinate by fiscal year 1993 with other Federal departments, agencies and entities a project to inventory, protect and conserve the physical and literary property and relics of the Department of Defense, in the United States and overseas, connected with the origins and development of the Cold War, which are not already being carried out by other capable institutions or programs.

(c) The "Legacy Resource Management Program" shall be established under the Office of the Deputy Assistant Secretary of Defense for Environment.

(d) The Deputy Assistant Secretary of Defense for Environment shall seek the participation of Department of Defense components in the implementation of the Legacy Resource Management Program.

(e) $10,000,000 appropriated for "Operation and Maintenance, Defense Agencies" shall be available only for the establishment and support of the Legacy Resource Management Program.

William Langer Jewel Bearing Plant.

SEC. 8121. Of the funds available in this Act for the Defense Logistics Agency, $2,400,000 is available only for acquisition of jewel bearings from the William Langer Jewel Bearing Plant.

SEC. 8122. None of the funds available in this Act may be used to support and maintain more than 261,855 United States military personnel permanently assigned ashore in Europe on September 30, 1991: *Provided*, That the President may waive up to 50,000 of this 261,855 ceiling if it is determined that national security interests require such action and the Committees on Appropriations of the House and Senate are notified.

SEC. 8123. PARTNERSHIPS WITH SCHOOLS.—(a) DEFINITIONS.—For the purposes of this section—

(1) The term "school volunteer" means a person, beyond the age of compulsory schooling, working without financial remuneration under the direction of professional staff within a school or school district.

(2) The term "partnership program" means a cooperative effort between the military and an educational institution to enhance the education of students.

(3) The term "elementary school" has the same meaning given that term in section 1471(8) of the Elementary and Secondary Education Act of 1965 and does not exclude military schools.

(4) The term "secondary school" has the same meaning given that term in section 1471(21) of the Elementary and Secondary Education Act of 1965 and does not exclude military schools.

(5) The term "Secretary" means the Secretary of Defense.

(b) The Secretary shall design a comprehensive strategy to involve civilian and military employees of the Department of Defense in partnership programs with elementary schools and secondary schools civilian and military. This strategy shall include:

(1) A review of existing programs to identify and expand opportunities for such employees to be school volunteers.

(2) The designation of a senior official in each branch of the Armed Services who will be responsible for establishing school volunteer and partnership programs in each branch of the Armed Services and for developing school volunteer and partnership programs.

(3) The encouragement of civilian and military employees of the Department of Defense to participate in school volunteer and partnership programs.

SEC. 8124. Of the funds appropriated for the United States Naval Academy in this Act, $5,000,000 shall not be obligated or expended until the Secretary of the Navy has provided a report to the Armed Services and Appropriations Committees which outlines in detail the steps that have been taken to: (1) effectively implement the recommendations contained in reports by the General Accounting Office and the Board of Visitors of the Naval Academy during fiscal year 1990 and fiscal year 1991 on matters directly concerning the Academy, (2) put into place instruction on ethics as directed by the report accompanying the Senate-passed fiscal year 1991 Defense Authorization bill, and (3) provide assurances that the full range of intercollegiate sports programs being offered to midshipmen of the Naval Academy during academic year 1990-91 will continue to be offered during academic year 1991-92. The report should be delivered no later than June 1, 1991.

SEC. 8125. None of the funds available during fiscal year 1991 to the Department of Defense, any of its components, or any other Federal department, agency, or entity may be obligated or expended for research, development, test, and evaluation for the space-based wide area surveillance project in the Air Force's space surveillance technology program element and for the Navy's program addressing the same requirements.

SEC. 8126. None of the funds appropriated by this Act may be available for compensation of military or civilian personnel assigned to the Office of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict in excess of the number of

such personnel assigned to that Office as of September 30, 1990: *Provided,* That none of the funds provided by this Act may be available to locate the Special Operations Research, Development and Acquisition Center in the National Capital Region unless the Secretary of Defense certifies in writing to the Committees on Appropriations of the House of Representatives and Senate that such a move is required in the best interest of the Government.

SEC. 8127. Of the funds appropriated in "Drug Interdiction and Counter-Drug Activities, Defense", $10,000,000 shall be available only for the National Drug Intelligence Center.

SEC. 8128. The Department of the Army may use up to $3,100,000 in troop labor, installation equipment and supplies at Fort Sill to assist the Department of Interior in replacing an earth dam through a cooperative agreement which benefits each Department and includes such other terms as to protect the United States.

SEC. 8129. None of the funds available during fiscal year 1991 to the Department of Defense, any of its components, or any other Federal department, agency, or entity may be obligated or expended to complete an A-76 cost comparison study for the contracting out of firefighting or security guard functions at Indian Springs Air Force Auxiliary Field.

(TRANSFER OF FUNDS)

SEC. 8130. Funds available to the Department of Defense during the current fiscal year may be transferred to applicable appropriations or otherwise made available for obligation by the Secretary of Defense to repair or replace real property, facilities, equipment, and other Department of Defense assets damaged by Hurricane Hugo in September 1989: *Provided,* That funds transferred shall be available for the same purpose and the same time period as the appropriations to which transferred: *Provided further,* That the Secretary shall notify the Congress promptly, in accordance with standard notification procedures, of all transfers made pursuant to this authority and that such transfer authority shall be in addition to that provided elsewhere in this Act.

SEC. 8131. (a) No later than 90 days after the date of the enactment of this Act the Secretary of Defense shall submit to Congress:

(1) a detailed accounting of the monetary and material contributions provided to the United States for the support of Operation Desert Shield, to the United Nations, its agencies and activities in support of its embargo against Iraq, and to other bilateral and multilateral operations and efforts to counter Iraqi aggression in the Persian Gulf region;

(2) a detailed accounting of the level of revenues from the sale of oil that continue to accrue to the countries of the Organization of Petroleum Exporting Countries (OPEC) since August 2, 1990.

(b) The accounting referred to in subsection (1) shall include, but not be limited to, contributions in cash, personnel, equipment and supplies. Non-cash contributions shall be valued according to criteria established by the Secretary of Defense.

(c) It is the sense of the Congress that contributions from other upper income and industrialized countries should be primarily in the form of monetary contributions rather than supplies, goods, or services.

Operation Desert Shield. 10 USC 673b

SEC. 8132. During fiscal year 1991, in exercising the authority provided the President under section 673b of title 10, United States

Code, to authorize the order to active duty of units and members the Selected Reserve, the President may use that authority in the case of orders to active duty in support of operations in and around the Arabian Peninsula and Operation Desert Shield as if "180 days" were substituted for "90 days" in subsection (a) of that section and "180 additional days" were substituted for "90 additional days" in subsection (i) of that section: *Provided,* That this section applies only to Selected Reserve combat units.

SEC. 8133. (a) Section 12(b)(7) of the Act of January 2, 1976, as amended (Public Law No. 94-204), is further amended as follows:

(1) in subsection (i)(a) by:

(A) deleting the word "surplus" following the phrase "any other bidder for",

(B) inserting the phrase "as defined in subsection 12(b)(7)(vii)," following the word "property" the first time it appears in the subsection,

(C) deleting the phrase "Federal Property and Administrative Services Act of 1949 (40 U.S.C. sec. 484), as amended." and inserting in lieu thereof the phrase "applicable laws and regulations of the Federal agency or instrumentality offering such property for sale.", and

(D) deleting the phrase "for General Services Administration surplus property under this subparagraph and no additional advertising shall be required other than that prescribed in title 40, United States Code, section 484(c)(2) of the Federal Property and Administrative Services Act; and inserting in lieu thereof the phrase "on property under this section 12(b)(7). There shall be no advertising other than that ordinarily required by such sale.".

(2) in subsection (iv) by:

(A) deleting the phrase "Federal surplus property" and inserting in lieu thereof the phrase "property, as defined in subsection 12(b)(7)(vii),",

(B) inserting the phrase "12(b)(7)" immediately preceding the phrase "(i) or (ii)",

(C) inserting the phrase "12(b)" following the phrase "document referred to in this subsection", and

(D) inserting the phrase "or payments of forfeited deposits, penalties, or other assessments imposed under a valid bid or sales contract on Cook Inlet Region, Incorporated" immediately preceding the period at the end of the subsection.

(3) in subsection (v), by deleting the phrase "subsection (iv)" and inserting in lieu thereof the phrase "subsection 12(b)(7)(iv)" for sales or transfers of property made pursuant to the Federal Property and Administrative Services Act of 1949, 40 U.S.C. sec. 471 et seq., or any legislative or executive delegation under that Act,".

(4) adding at the end thereof the following new subsections:

"(vii) Notwithstanding the definition of 'property' found in the Federal Property and Administrative Services Act of 1949, as amended, as used in this section 12(b)(7), 'property' means any property—real, personal, or mixed—owned, held, or controlled by the United States (including that in a corporate capacity or as a receiver or conservator, or such other similar fiduciary relationship), and offered for sale by any agency or instrumentality of the United States, inclu-

ing but not limited to the General Services Administration, Department of Defense, Department of the Interior, Department of Agriculture, Department of Housing and Urban Development, the United States Courts and any Government corporation, agency or instrumentality subject to chapter 91 of title 31, United States Code; real property means any land or interest in land or option to purchase land, any improvements on such lands, or rights to their use or exploitation.

"(viii) Any charge against the property account and any transfer of funds from the property account heretofore made for the purpose of consummating any prior sale or making a deposit or other payment to bind any contract of sale or paying any forfeiture of deposit, penalty or assessment is hereby authorized, ratified and affirmed.".

16 USC 396f note.

(b) Section 9102 of the Department of Defense Appropriations Act, 1990 (Public Law 101-165, 103 Stat. 1151), is amended as follows:

(1) in subsection (b)(1), by deleting the phrase "(b)(2)" and inserting in lieu thereof the phrase "(a)(2)",

(2) subsection (d) is amended to read as follows:

"(d) AGENCY DEFINED.—In this section the term 'agency' includes—

"(1) any instrumentality of the United States, or

"(2) any element of an agency, or

"(3) any wholly owned or mixed-owned United States Government corporation identified in chapter 91 of title 31, United States Code.".

(3) by adding at the end thereof the following new subsections:

"(e) PROPERTY DEFINED.—Notwithstanding the definition of 'property' found in the Federal Property and Administrative Services Act of 1949, as amended, in this section the term 'property' includes any property—real, personal, or mixed—owned, held, or controlled by the United States (including that in a corporate capacity or as a receiver or conservator, or such other similar fiduciary relationship), and offered for sale by any agency or instrumentality of the United States, including but not limited to the General Services Administration, Department of Defense, Department of the Interior, Department of Agriculture, Department of Housing and Urban Development, the United States Courts and any Government corporation, agency or instrumentality subject to chapter 91 of title 31, United States Code; real property as used in this section means any land or interest in land or option to purchase land, any improvements on such lands, or rights to their use or exploitation.

"(f) The Secretary of the Treasury, in consultation with the Secretary of the Interior, shall establish procedures to permit the accounts described in subsection (a)(2) to receive deposits, to make deposits into escrow when an escrow is required for the sale of any property, and to reinstate to such accounts any unused escrow deposits if sales are not consummated.".

North Carolina.

SEC. 8134. Of the funds appropriated under "Operation and Maintenance, Army," up to $500,000 shall be available for the environmental protection program at Fort Bragg, North Carolina.

Drug traffic control.

SEC. 8135. It is the sense of the Congress that United States participation in a multinational anti-narcotics strike force, as called for in sections 4101 and 4103 of the Anti-Drug Abuse Act of 1988 (Public Law 100-690), should include the full range of appropriate

ation be given to aiding such a strike force by funding from appropriate sources for multilateral intelligence-sharing, multilateral training of law enforcement personnel; and multilateral support for crop substitution, drug treatment, drug research and drug education programs.

Funds made available under this Act for Department of Defense drug interdiction activities may be expended to fund the participation of United States Armed Forces in conjunction with appropriate United States law enforcement and anti-drug abuse agencies, in accordance with other applicable laws, in such a strike force.

SEC. 8136. (a) FINDINGS.—The Congress finds that—

(1) the President and Secretary of State have stated publicly that a new international order is being created;

(2) such order is characterized, among other things, by—

(A) a rough parity of financial and technological strength and of standards of living among Members of the Group of Seven;

(B) the successful culmination of allied postwar foreign policy in the emergence of political and economic freedom in formerly communist nations and the progressive integration of such nations into the world economy; and

(C) with the reduction of ideological and military tension between members of the North Atlantic Treaty Organization and the Warsaw Pact, the increased importance of economic strength in the ability of nations to provide for national security and promote foreign policy objectives;

(3) such rough parity of economic strength among Members of the Group of Seven as well as the large and growing net national and international debt of the United States affirm that the new international order should be accompanied by a more balanced distribution of the economic burden of providing for common security than that which accompanied the postwar international order; and

(4) it should be a priority of United States foreign policy in the new international order to attain at an early stage a more balanced distribution of the aggregate economic burden of common security among advanced industrial nations.

(b) NEGOTIATIONS.—It is the sense of the Congress that the President should negotiate within the Group of Seven to conclude agreements providing for—

(1) a commonly accepted methodology by which to measure relative rates of expenditures on common security objectives by each Member;

(2) through the application of such methodology, commonly accepted calculations of current rates of expenditures on common security objectives by each Member; and

(3) a framework, concrete agenda, and timetable of actions by each Member to converge substantially their aggregate rates of expenditures on common security objectives as a proportion of national income over a reasonable, finite period.

(c) REPORTS TO CONGRESS.—It is the sense of the Congress that the President should submit reports to Congress no later than August 1, 1991, and August 1, 1992, assessing progress toward the agreements referred to in subsection (b). In the absence of substantial progress toward the agreements referred to in subsection (b) at the time of issuance of such reports, the President should include in such reports a calculation and comparative analysis of current rates of

expenditures on common security objectives by each Member on the basis of the best and most current information available.

(d) DEFINITIONS.—For purposes of this section—

(1) the term "Members" means the United Kingdom, France, Italy, Canada, the Federal Republic of Germany, Japan, the United States, and the European Community; and

(2) the term "expenditures on common security objectives" includes—

(A) expenditures on defense operations and activities outside a Member's territory which provide for the defense of two or more Members pursuant to a treaty or other arrangement between two or more Members;

(B) official development assistance to developing or emerging democracy country markets;

(C) contributions to multilateral development banks;

(D) untied export credit assistance to developing or emerging democracy markets;

(E) other non-military, untied economic or financial assistance to developing or emerging democracy country markets; and

(F) expenditures which address global environmental problems or which improve environmental conditions outside a Member's territory.

Bill Chappell.

SEC. 8137. The Secretary of Interior is authorized to use such sums as are needed to erect in the Canaveral National Seashore a suitable bronze marker to commemorate the dedicated leadership of Congressman Bill Chappell in the establishment of the Canaveral National Seashore.

SEC. 8138. Of the amount appropriated in this Act for Research, Development, Test and Evaluation, Navy, the sum of $31,000,000 may be obligated for an evaluation of the Assault Ballistic Rocket System.

Shipco General, Inc.
New Mexico.

SEC. 8139. The Secretary of the Treasury shall pay, out of any money in the Treasury not otherwise appropriated, the sum of $3,625,000 to Shipco General, Inc., an Idaho corporation. The payment of such sum shall be in full satisfaction of any claim of Shipco General, Inc., against the United States arising out of the termination of a contract at Kirtland Air Force Base, New Mexico, for the rehabilitation of 155 housing units for Zia Park Housing (Contract No. F29650-82-C-0201).

It shall be unlawful for more than 10 percent of the sum made available by this section to be paid to or received by any agent or attorney for services rendered in connection with the claim described in such section. Any person who violates this section shall be fined not more than $1,000.

John Barren.

SEC. 8140. The Secretary of the Treasury shall pay, out of any money in the Treasury not otherwise appropriated, the sum of $1,124,000 to John Barren, of Peckville, Pennsylvania, for damages incurred as a result of the failure of health care employees at the medical center of the Department of Veterans Affairs in Wilkes-Barre, Pennsylvania, to admit and treat him properly for a service-connected psychiatric condition. The payment of such sum shall be in full satisfaction of any claim against the United States arising out of the admission and treatment of John Barren described in this section: *Provided,* That no more than 10 percent of the sum appropriated pursuant to this section shall be paid to or received by any agent or attorney for services rendered in connection with the claim

described in this section: *Provided further,* That any person who violates this section shall be fined not more than $1,000.

SEC. 8141. In addition to funds appropriated or otherwise made available in this Act, $165,000,000 is appropriated only for military personnel in title I, and $85,000,000 is appropriated only for the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) in title II: *Provided,* That $165,000,000 shall be transferred to the appropriate military personnel appropriations provided in title I of this Act and $85,000,000 shall be transferred to the appropriate operation and maintenance appropriations provided in title II of this Act to be merged with and available for the same purposes and time period as the appropriations to which transferred: *Provided further,* That this transfer authority shall be in addition to any other transfer authority contained in this Act.

SEC. 8142. Funds appropriated by this Act for the Advanced Tactical Fighter program may be obligated for full-scale development without regard to obligational limitations with respect to that program prescribed in the National Defense Authorization Act for Fiscal Year 1991: *Provided,* That, notwithstanding any other provision of law, none of the unobligated balances or any other funds contained in the National Defense Stockpile Transaction Fund may be transferred or otherwise made available during fiscal year 1991 to the account established under section 2371(e) of title 10, United States Code.

TITLE IX

DESERT SHIELD SUPPLEMENTAL APPROPRIATIONS

(TRANSFER OF FUNDS)

For incremental costs of Operation Desert Shield $1,000,000,000 is appropriated for transfer from the Defense Cooperation Account, established under section 2608 of title 10, United States Code, to operation and maintenance appropriations of the Department of Defense only to reimburse incremental expenditures made for fuel, transportation, equipment maintenance and purchases from stock

funds in support of Operation Desert Shield, to be merged with and to be available for the same purposes and the same time period as the appropriation to which transferred: *Provided,* That the foregoing transfer authority shall be in addition to any other transfer authority contained in this Act.

This Act may be cited as the "Department of Defense Appropriations Act, 1991".

Approved November 5, 1990.

LEGISLATIVE HISTORY—H.R. 5803 (S. 3189):

HOUSE REPORTS: No. 101-822 (Comm. on Appropriations) and No. 101-938 (Comm. of Conference).
SENATE REPORTS: No. 101-521 accompanying S. 3189 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 136 (1990):
Oct. 12, considered and passed House.
Oct. 15, S. 3189 considered and passed Senate; H.R. 5803, amended, passed in lieu.
Oct. 16, passage of S. 3189 vitiated.
Oct. 25, House agreed to conference report.
Oct. 26, Senate agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 26 (1990):