Public Law 101-165
101st Congress

An Act

Nov. 21, 1989
[H.R. 3072]

Making appropriations for the Department of Defense for the fiscal year ending September 30, 1990, and for other purposes.

Department of Defense Appropriations Act, 1990.
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, 1990, 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, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; $24,510,960,000: *Provided,* That $11,000,000 shall be available only for the activation of one additional battalion for the 6th Light Infantry Division not later than August 15, 1990: *Provided further,* That no reduction be made in any active component combat or corps headquarters unit in the United States to make personnel available for this unit.

Military Personnel, Navy

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; $19,307,700,000.

Military Personnel, Marine Corps

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including

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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; $5,800,200,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the 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; $19,994,040,000: *Provided*, That none of the funds provided in this account and in "Operation and Maintenance, Air Force" may support the continuation of the B-52G Squadron of the 43rd Bomb Wing after June 15, 1990.

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; $2,234,400,000.

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; $1,582,800,000.

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; $319,200,000.

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; $672,700,000.

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; $3,246,700,000.

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; $1,051,200,000.

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 $18,487,000 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; $22,787,559,000: *Provided,* That $250,000 shall be available for the 1990 Memorial Day Celebration: *Provided further,* That of the funds appropriated herein, $3,500,000 shall be available for a grant to the Monterey Institute of International Studies: *Provided further,* That of the funds appropriated in this paragraph, $46,000,000 shall be available only for procurement for the Extended Cold Weather Clothing System (ECWCS) and intermediate cold-wet weather boots, unless $46,000,000 of ECWCS and the intermediate cold-wet weather boots are procured by the Army Stock Fund during fiscal year 1990.

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 $4,277,000 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; $23,902,621,000, of which $81,000,000 shall remain available until September 30, 1992: *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 for a grant to the National Museum of Naval Aviation at Pensacola, Florida. 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.

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; $1,657,719,000.

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 $8,053,000 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; $21,806,213,000: *Provided,* That none of the funds made available in this Act may be used to disestablish or reduce the operation of the Air Force and Air Force Reserve WC-130 Weather Reconnaissance Squadrons.

OPERATION AND MAINTENANCE, DEFENSE AGENCIES

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; $7,800,156,000, of which not to exceed $10,642,000 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.

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; $861,800,000.

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; $894,800,000.

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 transpor-

tation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $77,400,000.

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; $978,500,000.

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); $1,867,100,000.

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; $1,981,900,000.

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 $4,700,000, 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; $4,000,000, and not to exceed $1,500 can be used for official representation purposes.

ENVIRONMENTAL RESTORATION, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For the Department of Defense; $601,100,000, 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 pursuant to this provision are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

GOODWILL GAMES

For logistical support and personnel services including initial planning for security needs (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 Goodwill Games) provided by any component of the Department of Defense to the Goodwill Games; $14,600,000, to remain available for obligation until March 31, 1991.

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; $13,000,000, to remain available for obligation until September 30, 1991: *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; $3,789,937,000, to remain available for obligation until September 30, 1992: *Provided*, That the Secretary of Defense shall review the requirements for Apache Helicopters and the Army Helicopter Improvement Program (AHIP) and report to the Committees on Appropriations by April 1, 1990: *Provided further*, That if the report finds that additional Apache or AHIP Helicopters are needed to fulfill the requirements for the U.S. Army, including National Guard and reserve forces, the Secretary of Defense may propose to obligate funds provided herein for advance procurement on additional Apache and/or AHIP Helicopters.

Reports.

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; $2,708,399,000, to remain available for obligation until September 30, 1992.

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 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; $2,707,611,000, to remain available for obligation until September 30, 1992: *Provided*, That the Secretary of the Army shall complete the technical and operational testing and acquire the technical data package for the Improved Recovery Vehicle, M88A2: *Provided further*, That the Department of the Army shall expeditiously procure an improved vehicle intercommunication system with a goal of an initial procurement contract not later than September 30, 1990.

Contracts. Communications and telecommunications.

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; $2,011,243,000, to remain available for obligation until September 30, 1992.

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and nontracked combat vehicles; the purchase of not to exceed 168 passenger motor vehicles, of which 55 shall be for replacement only; 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; $3,669,219,000, to remain available for obligation until September 30, 1992.

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; $9,389,266,000, to remain available for obligation until September 30, 1992.

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, 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, $1,443,165,000;
Other Missile Programs, $2,831,852,000;
Mark-48 ADCAP Torpedo, $438,642,000;
Mark-50 Torpedo, $271,130,000;
Sea Lance, $1,799,000;
ASW Targets, $12,983,000;
ASROC, $9,282,000;
Modification of Torpedoes, $9,653,000;
Torpedo Support Programs, $39,002,000;
ASW Range Support, $24,205,000;
Other Weapons, $168,838,000;
Spares and Repair Parts, $111,341,000;
Installation of Modernization Equipment, $30,420,000;

In all: $5,392,312,000, to remain available for obligation until September 30, 1992.

SHIPBUILDING AND CONVERSION, NAVY

(INCLUDING TRANSFER OF FUNDS)

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, $1,132,800,000, and in addition, $70,000,000 shall be derived by transfer from "TRIDENT ballistic missile submarine program, 1987/1991", $10,000,000 shall be derived by transfer from "TRIDENT ballistic missile submarine program 1988/92" and $20,000,000 shall be derived by transfer from "TRIDENT ballistic missile submarine program 1989/93": *Provided,* That the amounts transferred shall be available only for the time period of the appropriation from which transferred: *Provided further,* That none of the funds may be obligated for advance procurement for the nineteenth TRIDENT ballistic missile submarine until the Secretary of Defense has certified to the Committees on Armed Services and Appropriations, either that the procurement of TRIDENT ballistic missile submarines at a rate of one per year is consistent with the United States negotiating goals and United States policy on strategic arms reductions and that

such production would not necessitate the retirement of ballistic missile submarines prior to the end of their thirty-year service life, or that the President will request an adjusted production profile for TRIDENT ballistic missile submarines in the fiscal year 1991 budget request which is consistent with the United States strategic arms reduction negotiating position and prevents the retirement of ballistic missile submarines prior to the end of their thirty-year service life;

SSN-688 attack submarine program, $753,300,000;

SSN-21 attack submarine program, $614,800,000;

Aircraft carrier service life extension program, $630,300,000;

ENTERPRISE refueling/modernization program, $1,422,100,000;

DDG-51 destroyer program, $3,500,000,000;

LHD-1 amphibious assault ship program, $35,000,000;

LSD-41 dock landing ship cargo variant program, $229,300,000;

MCM mine countermeasures program, $341,500,000;

MHC coastal mine hunter program, $197,600,000;

AO conversion program, $35,700,000;

T-AGOS surveillance ship program, $155,800,000;

AOE combat support ship program, $356,400,000;

LCAC landing craft air cushion program, $273,300,000;

Oceanographic ship program, $278,100,000;

Moored training ship demonstration program, $220,000,000;

Sealift ship program, $600,000,000;

For craft, outfitting, post delivery, and ship special support equipment, $368,900,000;

Coast Guard icebreaker ship program, $329,000,000;

Coast Guard patrol boat program, $84,000,000;

In all: $11,557,900,000, to remain available for obligation until September 30, 1994: *Provided,* That additional obligations may be incurred after September 30, 1994, 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.

Other Procurement, Navy

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance and ammunition (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 $160,000 per vehicle and the purchase of not to exceed 671 passenger motor vehicles of which 645 shall be for replacement only; 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 con-

tractor-owned equipment layaway; $7,970,764,000, to remain available for obligation until September 30, 1992.

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; vehicles for the Marine Corps, including purchase of not to exceed 172 passenger motor vehicles for replacement only; 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; $1,213,792,000, to remain available for obligation until September 30, 1992.

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; $15,679,242,000, to remain available for obligation until September 30, 1992: *Provided,* That none of the funds provided in this Act may be obligated on B-1B bomber contracts which would cause the Air Force's $20,500,000,000 cost estimate for the B-1B bomber baseline program expressed in fiscal year 1981 constant dollars to be exceeded.

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; $6,916,863,000, to remain available for obligation until September 30, 1992.

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; for the pur-

chase of not to exceed 451 passenger motor vehicles of which 376 shall be for replacement only; 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; $8,524,110,000, to remain available for obligation until September 30, 1992.

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; $973,720,000, to remain available for obligation until September 30, 1992.

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 514 passenger motor vehicles of which 458 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; $1,300,720,000, to remain available for obligation until September 30, 1992.

DEFENSE PRODUCTION ACT PURCHASES

(INCLUDING TRANSFER OF FUNDS)

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 funds have been obligated since October 1, 1984, for purchases for qualification of that metal, mineral, or material: *Provided further,* That the Secretary of Defense shall transfer the $6,000,000 appropriated under the heading "Defense Production Act Purchases" (102 Stat. 2270-12, Public Law 100-463) for a demonstration project to develop a reliable source of titanium ore from ilemenite to appropriations available to the Secretary of the Interior, in order for the United States Bureau of Mines to carry out such demonstration project, known as the Soledad Canyon Demonstration Project in Los Angeles County, California. These funds shall remain available until September 30, 1993.

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; $5,434,378,000, to remain available for obligation until September 30, 1991.

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; $9,733,174,000, to remain available for obligation until September 30, 1991: *Provided,* That of funds appropriated in Research, Development, Test and Evaluation, Navy for fiscal year 1989, $22,000,000 shall be transferred to Research, Development, Test and Evaluation, Defense Agencies for fiscal year 1990 for the Tactical Airborne Laser Communications program, to be merged with, and to be available for, the same purposes and the same time period as the appropriation to which transferred: *Provided further,* That for research and development programs at the National Center for Physical Acoustics, centering on ocean acoustics as it applies to advanced anti-submarine warfare acoustics issues with focus on ocean bottom acoustics—seismic coupling, sea-surface and bottom scattering, oceanic ambient noise, underwater sound propagation and other such projects as may be agreed upon, $3,000,000 shall be made available, as a grant, to the Center, of which not to exceed $500,000 of such sum may be used to provide such special equipment as required.

Grants.

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; $13,635,570,000: *Provided,* That the Secretary of the Air Force shall obligate $100,000,000 of amounts appropriated for research, development, test and evaluation for the Air Force for fiscal year 1989 that remain available for obligation to carry out research, development, test, and evaluation in connection with the Small ICBM program: *Provided further,* That the Secretary of the Air Force shall obligate $50,000,000 of amounts appropriated for research, development, test, and evaluation for the Air Force for fiscal year 1989 from the B-1B program that remain available for obligation only to carry out research, development, test, and evaluation to provide cruise missile capability on the B-1B aircraft: *Provided further,* That the $13,635,570,000 provided under this heading is to remain available for obligation until September 30, 1991.

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; $8,113,049,000, to remain available for obligation until September 30, 1991: *Provided*, That $18,000,000 may be available 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 of the amount herein provided for the Strategic Defense Initiative, $52,000,000 shall be available only for the Arrow missile program.

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; $180,550,000, to remain available for obligation until September 30, 1991.

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; $12,725,000, to remain available for obligation until September 30, 1991.

TITLE V

REVOLVING AND MANAGEMENT FUNDS

NAVY STOCK FUND

For the Navy stock fund; $40,500,000.

AIR FORCE STOCK FUND

For the Air Force stock fund; $126,100,000.

DEFENSE STOCK FUND

For the Defense stock fund; $78,100,000.

EMERGENCY RESPONSE FUND

For the "Emergency Response Fund, Defense"; $100,000,000, to remain available until expended. The Fund shall be available for

providing reimbursement to currently applicable appropriations of the Department of Defense for supplies and services provided in anticipation of requests from other Federal Departments and agencies and from State and local governments for assistance on a reimbursable basis to respond to natural or manmade disasters. The Fund may be used upon a determination by the Secretary of Defense that immediate action is necessary before a formal request for assistance on a reimbursable basis is received. There shall be deposited to the Fund: (a) reimbursements received by the Department of Defense for the supplies and services provided by the Department in its response efforts and (b) appropriations made to the Department of Defense for the Fund. Reimbursements and appropriations deposited to the Fund shall remain available until expended.

TITLE VI

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, $148,400,000; for Procurement, $73,000,000; for Research, development, test, and evaluation, $8,000,000, of which not less than $6,100,000 shall be available only for cryofracture: *Provided,* That of the funds appropriated for Chemical Agents and Munitions Destruction, Defense for research, development, test and evaluation for fiscal year 1989, not less than $16,300,000 must be obligated for cryofracture not later than January 15, 1990: *Provided further,* That the Secretary of Defense may only delegate responsibility for the program planning, policy, budget, management, execution and general oversight of the destruction of chemical agents and munitions and the retrograde movement of chemical agents and munitions to the Secretary of the Army; for retrograde, $27,610,000; In all: $257,010,000: *Provided,* That the amount provided for Procurement shall remain available until September 30, 1992, and the amount provided for Research, development, test, and evaluation shall remain available until September 30, 1991 and the amount provided for retrograde shall remain available until September 30, 1992: *Provided further,* That of the funds appropriated for retrograde, not more than $10,000,000 may be obligated or expended, nor may any chemical munitions be moved from existing storage sites, until the Secretary of Defense certifies to the Congress that the Johnston Atoll Chemical Agent Disposal System has destroyed live agent chemical munitions and that adequate storage capacity exists on Johnston Atoll to safely accommodate any chemical munitions or hazardous materials transported to that site: *Provided further,* That none of the funds appropriated in this or any other Act may be obligated to construct additional chemical munition storage facilities on Johnston Atoll.

TITLE VII

OTHER DEPARTMENT OF DEFENSE APPROPRIATIONS

DRUG INTERDICTION, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For drug interdiction and enforcement activities of the Department of Defense, not provided for elsewhere in this Act, $450,000,000; for transfer as follows: Army National Guard and Air National Guard operation and maintenance, personnel expenses, and associated administrative costs, $70,000,000; for Army National Guard and Air National Guard equipment, $40,000,000; for Operation and Maintenance, including the Civil Air Patrol, $88,200,000; for Research, Development, Test and Evaluation, $10,400,000; for Military Construction, $3,700,000; and, for Procurement, $237,700,000: *Provided*, That the 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 transfer authority contained elsewhere in this Act: *Provided further*, That of the amount appropriated, $2,500,000 shall be transferred to the Department of the Treasury solely for the expenses associated with a classified project.

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, $95,749,000; for Procurement, $1,051,000; In all: $96,800,000: *Provided*, That the amount provided for Procurement shall remain available until September 30, 1992.

TITLE VIII

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; $154,900,000.

INTELLIGENCE COMMUNITY STAFF

For necessary expenses of the Intelligence Community Staff; $28,400,000.

THE MILDRED AND CLAUDE PEPPER FOUNDATION

(INCLUDING TRANSFER OF FUNDS)

For payment to the Mildred and Claude Pepper Foundation, a direct and unrestricted grant, including any interest or earnings therefrom, to support the purposes of the Foundation, its ongoing

educational and public services programs and to serve as a memorial to the late Senator Claude Pepper; $10,000,000: *Provided*, That, notwithstanding any other provision of law or of this Act, the Secretary of Defense is hereby authorized and directed to make the grant authorized by this section to the Mildred and Claude Pepper Foundation, and such grant shall be transferred to the Foundation by January 1, 1990.

Grants.

TITLE IX

GENERAL PROVISIONS

SEC. 9001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 9002. During the current fiscal year and hereafter, the Secretary of Defense and the Secretaries of the Army, Navy, and Air Force, respectively, if they should deem it advantageous to the national defense, and if in their opinions the existing facilities of the Department of Defense are inadequate, are authorized to procure services in accordance with section 3109 of title 5, United States Code, under regulations prescribed by the Secretary of Defense, and to pay in connection therewith travel expenses of individuals, including actual transportation and per diem in lieu of subsistence while traveling from their homes or places of business to official duty stations and return as may be authorized by law: *Provided*, That such contracts may be renewed annually.

Government organization and employees.
10 USC 2241 note.

SEC. 9003. 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 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.

Aliens.
Employment and unemployment.
Government organization and employees.
10 USC 1584 note.
Wages.

SEC. 9004. During the current fiscal year and hereafter, the Secretary of Defense and each purchasing and contracting agency of the Department of Defense shall assist American small and minority-owned business to participate equitably in the furnishing of commodities and services financed with funds appropriated under this Act by increasing, to an optimum level, the resources and number of personnel jointly assigned to promoting both small and minority business involvement in purchases financed with funds appropriated herein, and by making available or causing to be made available to such businesses, information, as far in advance as possible, with respect to purchases proposed to be financed with funds appropriated under this Act, and by assisting small and minority business concerns to participate equitably as subcontractors on contracts financed with funds appropriated herein, and by otherwise advocating and providing small and minority business opportunities to participate in the furnishing of commodities and services financed with funds appropriated by this Act.

Small business.
Contracts.
Minorities.
10 USC 2301 note.

SEC. 9005. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

10 USC 2241 note.

SEC. 9006. During the current fiscal year and hereafter, no part of the appropriations available to the Department of Defense shall be available for any expense of operating aircraft under the jurisdiction of the armed forces for the purpose of proficiency flying, as defined in Department of Defense Directive 1340.4, except in accordance with regulations prescribed by the Secretary of Defense. Such regulations (1) may not require such flying except that required to maintain proficiency in anticipation of a member's assignment to combat operations and (2) such flying may not be permitted in cases of members who have been assigned to a course of instruction of ninety days or more.

SEC. 9007. 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: *Provided,* That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps, or the National Board for the Promotion of Rifle Practice, Army.

International agreements. Real property. 10 USC 2341 note.

SEC. 9008. During the current fiscal year and hereafter, the agencies of the Department of Defense may accept the use of real property from foreign countries for the United States in accordance with mutual defense agreements or occupational arrangements and may accept services furnished by foreign countries as reciprocal international courtesies or as services customarily made available without charge; and such agencies may use the same for the support of the United States forces in such areas without specific appropriation therefor.

In addition to the foregoing, hereafter agencies of the Department of Defense may accept real property, services, and commodities from foreign countries for the use of the United States in accordance with mutual defense agreements or occupational arrangements and such agencies may use the same for the support of the United States forces in such areas, without specific appropriations therefor: *Provided,* That within thirty days after the end of each quarter the Secretary of Defense shall render to Congress and to the Office of Management and Budget a full report of such property, supplies, and commodities received during such quarter.

Reports.

SEC. 9009. 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.

International agreements. Business and industry.

Agriculture and agricultural commodities.

SEC. 9010. During the current fiscal year and hereafter, appropriations available to the Department of Defense for pay of civilian employees shall be available for uniforms, or allowances therefor, as authorized by section 5901 of title 5, United States Code.

Government organization and employees. 10 USC 1593 note.

(TRANSFER OF FUNDS)

SEC. 9011. 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 $3,000,000,000 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.

(TRANSFER OF FUNDS)

SEC. 9012. 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 in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that transfers between a stock fund account and an industrial fund account 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.

SEC. 9013. (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.

(b) Except as provided in 10 U.S.C. 2690, United States Code, and thirty days after the Secretary of Defense has notified the Committees on Appropriations of the Senate and House of Representatives, 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: *Provided,* That this limitation shall apply to any authority granted pursuant to section 9008 of this Act.

Germany.
Energy.

(c) Except (1) as provided in 10 U.S.C. 2690, 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 (2) that all conversions at the Wiesbaden and Kaiserslautern Military Communities shall be held in abeyance until August 15, 1990, in order for the Secretary of the Air Force to thoroughly evaluate the requirement for and cost-effectiveness of the proposal to convert these systems to third-party cogeneration systems using American coal and until the General Accounting Office has reviewed the findings of the Defense Department, after which date the Weisbaden and Kaiserslautern Military Communities may be converted under (1) above, none of the funds available to the Department of Defense in the Act shall be used to enter into any agreement or contract to convert a heating facility at military installations in Europe to district heat, direct natural gas, or other sources of fuel.

SEC. 9014. 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. 9015. 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. 9016. None of the funds contained in this Act available for the Civilian Health and Medical Program of the Uniformed Services under the provisions for section 1079(a) of title 10, United States Code, shall be available for reimbursement of any physician or other authorized individual provider of medical care in excess of the lower of: (a) the eightieth percentile of the customary charges made for similar services in the same locality where the medical care was furnished, as determined for physicians in accordance with section 1079(h) of title 10, United States Code; or (b) the allowable amounts in effect during fiscal year 1988 increased to the extent justified by economic changes as reflected in appropriate economic index data

similar to that used pursuant to title XVIII of the Social Security Act.

SEC. 9017. During the current fiscal year and hereafter, none of the funds available to the Department of Defense shall be available for the planning or execution of programs which utilize amounts credited to Department of Defense appropriations or funds pursuant to the provisions of section 37(a) of the Arms Export Control Act representing payment for the actual value of defense articles specified in section 21(a)(1)(A) of that Act: *Provided,* That such amounts shall be credited to the Special Defense Acquisition Fund, as authorized by law, or, to the extent not so credited shall be deposited in the Treasury as miscellaneous receipts as provided in section 3302(b) of title 31, United States Code. 10 USC 114 note.

SEC. 9018. 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, 1991.

SEC. 9019. During the current fiscal year and hereafter, the Department of Defense may enter into contracts to recover indebtedness to the United States pursuant to section 3718 of title 31, United States Code. Contracts. 10 USC 2780 note.

SEC. 9020. During the current fiscal year and hereafter, none of the funds available to the Department of Defense shall be available to provide medical care in the United States on an inpatient basis to foreign military and diplomatic personnel or their dependents unless the Department of Defense is reimbursed for the costs of providing such care: *Provided,* That reimbursements for medical care covered by this section shall be credited to the appropriations against which charges have been made for providing such care, except that inpatient medical care may be provided in the United States without cost to military personnel and their dependents from a foreign country if comparable care is made available to a comparable number of United States military personnel in that foreign country. 10 USC 2241 note. Health and medical care.

SEC. 9021. 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:

M-1 tank engines;
M-1 tank fire control;
Bradley Fighting Vehicle;
Family of Heavy Tactical Vehicles;
Maverick Missile (AGM-65D);
SH-60B/F Helicopter; and
DDG-51 Destroyer (Two years).

(TRANSFER OF FUNDS)

SEC. 9022. 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. 9023. 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 technician to a position to be held by a person in an 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 technicians of the component concerned, below 71,449: *Provided,* That none of the funds appropriated by this Act shall be available to support more than 48,576 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 technicians 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. 9024. (a) The provisions of section 115(b)(2) of title 10, United States Code, shall not apply with respect to fiscal year 1990 or with respect to the appropriation of funds for that year.

(b) During fiscal year 1990, 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 1991 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 1991 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 1991.

10 USC 2241 note.

SEC. 9025. During the current fiscal year and hereafter, none of the funds made available to the Department of Defense shall be used in any way for the leasing to non-Federal agencies in the

United States aircraft or vehicles owned or operated by the Department of Defense when suitable aircraft or vehicles are commercially available in the private sector: *Provided,* That nothing in this section shall affect authorized and established procedures for the sale of surplus aircraft or vehicles: *Provided further,* That nothing in this section shall prohibit the leasing of helicopters authorized by section 1463 of the Department of Defense Authorization Act of 1986.

Aircraft and air carriers.
Motor vehicles.

SEC. 9026. 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. 9027. 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. 9028. None of the funds appropriated by this Act 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.

Animals.

SEC. 9029. 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. 9030. During the current fiscal year and hereafter, funds available to the Department of Defense may be used by the Department of Defense for the use of helicopters and motorized equipment at Defense installations for removal of feral burros and horses.

10 USC 2241 note.

SEC. 9031. 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

10 USC 401 note.

Reports.

Education.
Hawaii.
Health and medical care.
Territories, U.S.

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.

National Guard. Employment and unemployment.

SEC. 9032. 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. 9033. 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. 9034. (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 fifteen-month program established by the Secretary of Defense 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 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 to active components of the Army.

Education. National Guard.

SEC. 9035. 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. 9036. 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.

Blind persons. Handicapped persons. Indians.

SEC. 9037. 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. 9038. During the current fiscal year and hereafter, appropriations made available to the Department of Defense may be used at sites formerly used by the Department of Defense for removal of unsafe buildings or debris of the Department of Defense: *Provided*, That such removal must be completed before the property is released from Federal Government control, other than property conveyed to State or local government entities or native corporations.

10 USC 2701 note.

Real property. State and local governments. Corporations.

SEC. 9039. 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. 9040. 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 $1,100,000,000 expressed in fiscal year 1986 constant dollars to be exceeded.

SEC. 9041. 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. 9042. 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.

Maritime affairs.

SEC. 9043. 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. 9044. 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: *Provided,* That any and all funds derived from contracts or subcontracts issued for the CHAMPUS Reform Initiative shall not be subject to any Hawaii State or local sales, general excise, or similar taxes imposed upon gross sales, gross income, or gross receipts, except to the extent that such taxes are uniformly imposed upon physicians, hospitals, and all similar direct providers of health care services.

Computers.

SEC. 9045. 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 and the planned upgrade of this 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. 9046. 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, 1990, 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, however,* 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. 9047. (a) Of the funds appropriated to the Army, $12,000,000 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.

(b) None of the funds appropriated or made available in this Act are available for procurement of Tactical Army Combat Service Support Computer Systems (TACCS) unless at least 50 percent of the TACCS computers procured with Army fiscal year 1990 funds are provided to the Reserve Component.

(c) None of the funds appropriated in this Act are available for procurement of mini- and micro-computers for the Army Reserve Component which duplicate functions to be included in the RCAS contract.

SEC. 9048. 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.

Contracts.

SEC. 9049. 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. 9050. 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. 9051. 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 manufactured outside the United States.

(TRANSFER OF FUNDS)

SEC. 9052. 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 pay and Department of Defense medical personnel and 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: *Provided further,* That amounts transferred under this provision for Department of Defense medical personnel and programs (including CHAMPUS), shall come from prior year unobligated appropriations and shall be offset within the appropriations to which transferred.

SEC. 9053. 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.

SEC. 9054. None of the funds available to the Central Intelligence Agency, the Department of Defense, or any other agency or entity of the United States Government may be obligated or expended during fiscal year 1990 to provide funds, materiel, or other assistance to the Nicaraguan democratic resistance unless in accordance with the terms and conditions specified by section 104 of the Intelligence Authorization Act for fiscal year 1990.

SEC. 9055. 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. 9056. The designs of the Army LHX 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.

SEC. 9057. Such sums as may be necessary for fiscal year 1990 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 9058. Notwithstanding any other provision of law, the Secretary of Defense shall require that a provider of services under the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) also provide services to members of the armed forces pursuant to section 1074(c), title 10, in accordance with the same reimbursement rules, subject to modifications deemed appropriate by the Secretary of Defense, as apply under CHAMPUS.

(TRANSFER OF FUNDS)

SEC. 9059. Notwithstanding any other provision of law, during fiscal year 1990, the Secretary of Defense shall make available to the United States Coast Guard without reimbursement not less than $140,000,000 in supplies, fuel, training assistance, medical support, and other operational support, exclusive of administrative costs; and from funds made available in this Act, $160,000,000 shall be transferred to Coast Guard "Operating Expenses".

(TRANSFER OF FUNDS)

SEC. 9060. In addition to any other transfer authority contained in this Act, amounts from working capital funds shall be transferred to the Operation and Maintenance appropriations contained in 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, as follows:

(a) from the Navy Stock Fund, not less than $156,000,000 shall be transferred to Operation and Maintenance, Marine Corps; from the Defense Stock Fund, not less than $195,000,000, of which $20,000,000 shall be transferred to Operation and Maintenance, Army Reserve; $30,000,000 shall be transferred to Operation and Maintenance, Navy Reserve; $30,000,000 shall be transferred to Operation and Maintenance, Air Force Reserve; $20,000,000 shall be transferred to Operation and Maintenance, Army National Guard; $35,000,000 shall be transferred to Operation and Maintenance, Air National Guard; and $60,000,000 shall be transferred to Operation and Maintenance, Defense Agencies for the Defense Logistics Agency.

(b) from the Army Stock Fund, $114,000,000 and from the Army Industrial Fund, $73,400,000 may be transferred to Operation and Maintenance, Army; from the Navy Stock Fund, $281,200,000 and from the Navy Industrial Fund, $400,950,000 may be transferred to Operation and Maintenance, Navy; from the Marine Corps Industrial Fund, $4,000,000 may be transferred to Operation and Maintenance, Marine Corps; from the Air Force Stock Fund, $156,000,000 and from the Air Force Industrial Fund, $111,750,000 may be transferred to Operation and Maintenance, Air Force; and, from the Defense Industrial Fund, $29,900,000 may be transferred to the Defense Logistics Agency: *Provided,* That the Secretary of Defense may waive the transfers in subsection (b) upon notification to the House and Senate Committees on Appropriations.

SEC. 9061. The Secretary of Defense shall take such action as necessary to assure that a minimum of 50 percent of the

Carbon.

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 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.

Union of Soviet Socialist Republics. International agreements.

SEC. 9062. 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.

Health and medical care. Children and youth. Health care facilities.

SEC. 9063. During the current fiscal year, notwithstanding any other provision of law, the Department of Defense shall exclude from diagnosis related groups regulations: (a) inpatient hospital services in a hospital whose patients are predominantly under 18 years of age and (b) such services in any hospital with respect to (1) discharges involving newborns and infants who are less than 29 days old upon admission (other than discharges classified to diagnosis related group 391), (2) discharges involving pediatric bone marrow transplants, (3) discharges involving children who have been determined to be HIV seropositive, and (4) discharges involving pediatric cystic fibrosis. The Department of Defense may include the hospital and neonatal services identified in subsections (a) and (b) in diagnosis related group regulations during fiscal year 1990 when the Department of Defense has adopted special measures to assure equitable and adequate payment for such services, such special measures including: (1) a "children's hospital differential" adjustment for each discharge of a CHAMPUS patient from a children s hospital that will assure that had the regulations been in effect for fiscal year 1988 they would have resulted in estimated aggregate CHAMPUS payments to children's hospitals not less than estimated aggregate CHAMPUS payments to such hospitals for discharges occurring during that fiscal year under the regulations in effect during fiscal year 1988 (recognizing that payments in subsequent years will vary based on volume, case mix intensity, and other factors); for a transitional period of three years the children's

hospital differential will be computed on a hospital specific basis for children's hospitals with 50 or more CHAMPUS discharges in fiscal year 1988 and will be computed in aggregate for children's hospitals with less than 50 discharges in a year; (2) a children's hospital differential hold harmless provision, providing for retrospective and prospective corrections; (3) a special outlier policy for children's hospitals and neonatal services that combines the thresholds in effect under CHAMPUS DRG regulations for fiscal year 1988 with the higher marginal cost factors proposed by 53 Fed. Reg. 20580 (June 3, 1988); (4) a refinement to the DRGs for neonatal services to account for birthweight, surgery, and the presence of multiple, major, and other neonatal problems; (5) incorporation of annual updates to the classification features included in the regulation for neonatal services; (6) a provision for making interim payments for cases that are especially lengthy or expensive; and (7) a commitment to examine possible further uses of Pediatric Modified DRGs in the future: *Provided,* That the Department of Defense shall ensure that beneficiaries not be required to pay more in cost-shares under the foregoing exclusions than those which would have been imposed if the diagnosis related group system had not been instituted: *Provided further,* That notwithstanding any other provision of law, appropriations available to the Department of Defense may be used to pay the difference between the cost-shares paid by beneficiaries under the foregoing and the billed charges for services covered by this provision.

SEC. 9064. The total amount appropriated to or for the use of the Department of Defense by this Act is reduced by $125,000,000 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, 1990, report to the Senate and House Committees on Appropriations how this reduction was allocated among the Services and Defense Agencies: *Provided,* That, (a) Not more than $1,539,000,000 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.

(b)(1) Not later than 30 days after the end of each fiscal quarter, the Secretary of Defense shall (A) submit to Congress a report on the amounts obligated by the department during that quarter for the procurement of advisory and assistance services, and (B) transmit a copy of such report to the Comptroller General of the United States.

Reports.

(2) Each report submitted under paragraph (1) shall include a list with the following information:

(A) All contracts awarded for the procurement of advisory and assistance services during the quarter and the amount of each contract.

(B) The purpose of each contract.

(c) The Comptroller General of the United States shall review the reports submitted under subsection (b) and transmit to Congress any comments and recommendations the Comptroller General considers appropriate regarding the matter contained in such reports.

SEC. 9065. 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.

Vietnam. Prisoners of war. Missing in action.

Hazardous materials. California.

SEC. 9066. (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 $14,700,000, to execute the cleanup of uncontrolled hazardous waste contamination in accordance with the Record of Decision on Landfill No. 26 at Hamilton Air Force Base, in Novato, in the State of California: *Provided,* That no funds shall be used for such purpose until the Secretary of Defense, the Administrator of General Services, and the purchaser of the Sale Parcel reach an agreement resolving all disputes relating to the withdrawal of Landfill No. 26 and buffer acreage from the original Sale Parcel, except that funds may be expended on any and all preconstruction or related activities and may be expended to the extent required under Federal or State law.

Contracts. National parks, monuments, etc.

(b) Notwithstanding any other provision of law, the Department of Defense and the General Services Administration shall enter into an agreement with the purchaser of the aforementioned Sale Parcel which shall provide that:

(1) the United States Government will retain and develop the site plus a suitable buffer area as an accessible open space park;

(2) the original purchase price of the parcel shall be reduced by an amount which shall be agreed to by the aforementioned parties; and

(3) the purchaser shall be granted the right to withdraw from the sales contract at any time prior to the closing of the sale and receive its deposit and any pre-development expenses as documented by the General Accounting Office incurred since the date of the General Services Administration auction, plus accrued interest, in return for the release from any and all damages and claims against the United States Government with respect to the site and contamination.

(c) In the event that the purchaser of the Sale Parcel exercises its option to withdraw from the sale as provided in subsection (b)(3) of this section, the purchasers' deposit of $4,500,000 shall be returned by the General Services Administration and any funds eligible for reimbursement under subsection (b)(3) shall come from the funds made available to the Department of Defense by this Act.

(d) Notwithstanding any other provision of law, the account from which funds are used to carry out subsection (a) of this section, shall be reimbursed for up to $7,700,000 from the proceeds collected upon the closing of the aforementioned Sale Parcel.

SEC. 9067. None of the funds in this Act may be obligated or expended to conduct an Environmental Impact Study on the feasibility of purchasing acreage in Georgia for the proposed Southeast Weapons Range.

Reports.

SEC. 9068. None of the funds available to the Department of Defense or Navy shall be obligated or expended to (1) establish or operate Training and Administration of Reserves (TAR) enlisted detailing or any enlisted placement functions or billets at the Chief of Naval Personnel and the Naval Military Personnel Center headquarters, or (2) transfer any Naval TAR, seaman, fireman, and airman detailing functions and billets or reduce civilian and military personnel end strengths from the Naval Reserve Personnel Center and the Enlisted Personnel Management Center until sixty days after the Secretary of Defense submits a report, including complete review comments by the General Accounting Office, to the Committees on Appropriations of the House and Senate justifying any transfers, operations, or reductions in terms of (1) addressing

the overall mission and operations staffing of all detailing and placement functions for active and reserve personnel functions and commands; and (2) certifying that such realignments 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 the Navy Reserve; and will not adversely impact on the quality of life and economic benefits of the individual serviceman.

SEC. 9069. 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. 9070. (a) Congress makes the following findings—

(1) The United States Government relies on satellites for communications, early warning of attack, monitoring compliance with arms control agreements, and many other vital national security functions;

(2) Such satellites constitute vital integral parts of many United States weapons systems, command, control and communications systems, and other military systems;

(3) It is essential to the national security of the United States that United States Government satellites not be vulnerable to anti-satellite attacks;

(4) It is in the national security interests of the United States and its allies to deter the development and testing of anti-satellite weapons by the Soviet Union;

(5) It is in the national security interests of the United States to undertake a balanced response to Soviet anti-satellite capabilities, which includes a measured ASAT program;

(6) Key agencies of the Executive Branch are examining options for specific anti-satellite arms control measures; Therefore:

(b)(1) The Executive Branch should conclude its examination of specific anti-satellite arms control options and rules of the road for space activities without delay, and include its recommendations and conclusions from this examination in the report to Congress already required by the Conference Report on the Fiscal Year 1989 Dire Emergency Supplemental Appropriations Act; Reports. Space.

(2) The President shall—with a view toward considering how to improve United States ASAT arms control monitoring capabilities—assess the national security implications for the United States of a mutual deployment of cooperative monitoring and verification technologies; the results of such assessment shall be included in the above-mentioned report; President of U.S.

(3) As soon as practicable, the President should take advantage of the forum provided by the ongoing Defense and Space Talks with the Soviet Union to explore—consistent with the conclusions of the above-mentioned report—adequately verifiable limitations on the development, testing, production, and deployment of weapons capable of directly threatening United States military satellites.

SEC. 9071. 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. 9072. The appropriation "Research, Development, Test and Evaluation, Army" contained in the Department of Defense Appropriations Act, 1989 (Public Law 100-463) is amended by striking out the proviso following "intercommunications system:" and ending with "support vehicles:".

102 Stat. 2270-12.

SEC. 9073. None of the funds in this Act may be available for the procurement of Multibeam Sonar Mapping Systems which are not manufactured in the United States: *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. 9074. The $100,000,000 provided for Shipbuilding and Conversion, Navy under the appropriation "Special Operations Forces Fund" contained in the Department of Defense Appropriations Act, 1989 (Public Law 100-463) shall remain available for obligation until September 30, 1990.

Animals. Wildlife. Conservation.

SEC. 9075. Effective for only fiscal year 1990, whenever the Secretary of the Army captures and removes wild horses and burros from White Sands Missile Range, the Secretary may transfer such horses and burros to the Secretary of the Interior as excess animals. Upon receipt of any horse or burro pursuant to this section, the Secretary of the Interior shall treat such animals as excess animals removed under section 3(b)(2) of the Wild Free-Roaming Horses and Burros Act (16 U.S.C. 1333(b)(2)): *Provided*, That the cost of processing such animals incurred by the Department of the Interior shall be reimbursed by the Secretary of the Army, not to exceed $200,000.

SEC. 9076. 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. 9077. 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. 9078. 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.

Contracts.

SEC. 9079. None of the funds appropriated by this Act or hereafter shall be obligated for the second career training program authorized by Public Law 96-347.

10 USC 2241 note.

SEC. 9080. None of the funds appropriated or otherwise made available in this Act shall be obligated or expended for salaries or expenses during the current fiscal year for the purposes of demilitarization of surplus nonautomatic firearms less than .50 caliber.

SEC. 9081. No funds available to the Department of Defense during the current fiscal year and hereafter may be used to enter into any contract with a term of eighteen months or more or to extend or renew any contract for a term of eighteen months or more, for any vessel, aircraft or vehicles, through a lease, charter, or similar agreement without previously having been submitted to the Committees on Appropriations of the House of Representatives and the Senate in the budgetary process: *Provided,* That any contractual agreement which imposes an estimated termination liability (excluding the estimated value of the leased item at the time of termination) on the Government exceeding 50 per centum of the original purchase value of the vessel, aircraft, or vehicle must have specific authority in an appropriation Act for the obligation of 10 per centum of such termination liability.

10 USC 2401 note.

Contracts.
Maritime affairs.
Aircraft and air carriers.
Motor vehicles.

SEC. 9082. Of the funds made available to the Department of the Air Force in this Act, not less than $6,700,000 shall be available for the Civil Air Patrol.

SEC. 9083. 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. 9084. 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.

Wages.
Government organization and employees.

SEC. 9085. 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.

SEC. 9086. From the amounts appropriated in this Act, funds shall be available for Naval Aviation Depots to perform manufacturing in order to compete for production contracts of Defense articles: *Provided,* That the Navy shall certify that successful bids between Naval Aviation Depots and private companies for such production contracts include comparable estimates of all direct and indirect costs: *Provided further,* That competitions conducted under this authority shall not be subject to section 2461 or 2464 of title 10,

Contracts.
Business and industry.

United States Code, or to Office of Management and Budget Circular A-76.

50 USC app. 2410a note.

SEC. 9087. (a) PROHIBITION.—During the period beginning on the date of the enactment of this Act and through December 28, 1991, no product manufactured or assembled by Toshiba America, Incorporation, or Toshiba Corporation (or any of its affiliates or subsidiaries) may be purchased by the Department of Defense for the purpose of resale of such product in a military exchange store or in any other morale, welfare, recreation, or resale activity operated by the Department of Defense (either directly or by concessionaire).

(b) EXCEPTION.—The prohibition in subsection (a) shall not apply to microwave ovens manufactured or assembled in the United States.

SEC. 9088. Of the funds made available in this Act for military personnel appropriations, $3,000,000 shall be available for the payment of bonuses to officers of the Army Nurse Corps, the Navy Nurse Corps and officers designated as Air Force nurses. A bonus, in an amount not to exceed $6,000, may be paid, under such regulations and conditions as the Secretary of Defense deems appropriate, to such an officer: *Provided,* That the officer is on active duty under a call or order to active duty for a period of not less than one year: *Provided further,* That the officer is qualified and performing as an anesthetist: *And provided further,* That this provision shall not be effective unless specifically authorized.

Health care professionals.

SEC. 9089. 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, 182,011 civilian workyears: *Provided,* That workyears shall be applied as defined in the Federal Personnel Manual Supplement 298-2, Book IV: *Provided further,* That workyears expended in dependent student hiring programs for disadvantaged youth shall not be included in this workyear limitation.

Disadvantaged persons.

SEC. 9090. 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.

Contracts. State and local governments. Employment and unemployment.

SEC. 9091. Notwithstanding any other provision of law, each contract awarded by the Department of Defense in fiscal year 1990 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 De-

fense may waive the requirements of this section in the interest of national security.

SEC. 9092. No more than $178,419,000 of the funds appropriated by this Act shall be available for the payment of unemployment compensation benefits.

SEC. 9093. 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.

10 USC 2488 note.

Alcohol and alcoholic beverages. State and local governments.

(TRANSFER OF FUNDS)

SEC. 9094. 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, but shall be available only for the 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, 1986/90": T-AGOS SURTASS ship program, $3,600,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1987/91":

CG-47 cruiser program, $147,100,000;

T-AGOS SURTASS ship program, $8,500,000;

Outfitting program, $14,900,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1985/89": T-AO fleet oiler program, $72,000,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1986/90":

MCM mine countermeasures ship program, $5,800,000;

T-AO fleet oiler program, $11,100,000;

Under the heading, "Shipbuilding and Conversion, Navy, 1987/91":

AOE fast combat support ship program, $51,900,000;

T-AO fleet oiler program, $6,300,000; and

Under the heading, "Shipbuilding and Conversion, Navy, 1989/93": T-AGOS SURTASS ship program, $27,000,000.

SEC. 9095. The total amount appropriated to or for the use of the Department of Defense by this Act is reduced by $37,000,000. The Secretary of Defense shall allocate the amount of the reduction

Aircraft and air carriers. Government organization and employees. Contracts.

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.

Fellowships and scholarships.

SEC. 9096. (a) Of the amounts available to the Department of Defense for fiscal year 1990, not less than $10,500,000 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.

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

22 USC 2770.

SEC. 9097. Section 30(a) of chapter 2B of the Arms Export Control Act, Public Law 97-392, is amended by inserting "either (i)" immediately after the phrase "such a company" in the first sentence thereof and by adding immediately before the period at the end of that sentence "or (ii) in the case of ammunition parts subject to subsection (b) of this section, using commercial practices which restrict actual delivery directly to a friendly foreign country or international organization pursuant to approval under section 38 of this Act".

Aircraft and air carriers.
Motor vehicles.
Maritime affairs.
Business and industry.

SEC. 9098. Notwithstanding any other provision of law, during the current fiscal year, the Secretary of Defense may acquire the depot maintenance and repair of aircraft, vehicles, vessels and components, 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.

SEC. 9099. Of the funds appropriated by this Act, no more than $2,500,000 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. 9100. 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.

Health and medical care. Health care facilities. Uniformed services. Contracts.

SEC. 9101. For the purpose of conducting a demonstration project, to test methods of increasing collections from third-party payers of reasonable inpatient hospital care costs incurred on behalf of retirees and dependents pursuant to section 1095 of title 10, United States Code, the Secretary of Defense is authorized to modify existing Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) regional fiscal intermediary contracts to assist in the administration of activities in connection with such collections: *Provided,* That amounts collected under this section from a third-party payer for the costs of inpatient hospital care provided at a facility of the uniformed services shall be credited to the appropriation supporting the maintenance and operation of the facility.

16 USC 396f note.

SEC. 9102. USE OF ACCOUNTS FOR SALES OF PROPERTIES BY AGENCIES.—(a) AVAILABILITY OF AMOUNTS IN ACCOUNTS.—

(1) IN GENERAL.—Notwithstanding any other law, in addition to the purposes for which they are now available, amounts in the accounts described in paragraph (2) shall, after December 22, 1987, be available for use in any fiscal year for all purposes (including use for purchase) involving any public sale of property by an agency of the United States. In conducting any such sale, such an agency shall accept, in the same manner as cash, any amount tendered from such an account, and the balance of the account shall be adjusted by the Secretary of the Treasury or the Administrator of General Services, as applicable, to reflect that transaction.

(2) ACCOUNTS DESCRIBED.—The accounts referred to in subparagraph (B) are—

(A) the account in the Treasury established by the Secretary of the Treasury pursuant to section 12(b) of Public Law 94-204 (43 U.S.C. 1611 note), referred to in that section as the "Cook Inlet Region, Incorporated property account"; and

(B) the surplus property account established by the Administrator of General Services pursuant to section 317 of Public Law 98-146 (16 U.S.C. 396f).

(b) TREATMENT OF AMOUNT RECEIVED BY AGENCIES FROM ACCOUNTS.—In any case in which an agency of the United States that conducts a public sale of property is authorized by law to use the proceeds of such sale for a specific purpose, the Secretary of the Treasury shall, without restriction, treat as cash receipts any amount which is—

(1) tendered from an account described in subsection (b)(2);

(2) received by the agency as proceeds of such a sale; and

(3) used by the agency for that specific purpose.

(c) AVAILABILITY OF FUNDS.—The Secretary of the Treasury shall hereafter use funds in the Treasury not otherwise appropriated to make any cash transfer that is necessary under subsection (b) to allow an agency to use the proceeds of a public sale of property.

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

(1) any instrumentality of the United States; and

(2) any element of an agency.

Indians.

SEC. 9103. 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.

Contracts. Regulations.

22 USC 2321i.

SEC. 9104. (a) Section 515(d) of the Foreign Assistance Act of 1961 is amended by striking out "October 1, 1982" and inserting in lieu thereof "October 1, 1989" and by striking out "including" and inserting in lieu thereof "excluding".

22 USC 2792.

(b)(1) Section 43(b) of the Arms Control Act is amended by striking out "and" at the end of paragraph (1), by striking out the period at the end of paragraph (2) and inserting "; and" in lieu thereof, and by adding the following paragraph at the end of the subsection:

"(3) such expenses are neither salaries of the Armed Forces of the United States nor represent unfunded estimated costs of civilian retirement and other benefits.".

22 USC 2392.

(2) Section 632(d) of the Foreign Assistance Act of 1961 is amended by adding at the end of the second sentence thereof "(other than salaries of the Armed Forces of the United States and unfunded estimated costs of civilian retirement and other benefits)".

22 USC 2761.

(c) Section 21(e) of the Arms Export Control Act is amended—

(1) by inserting immediately before the semicolon at the end of paragraph (1)(A) "as specified in section 43(b) and section 43(c) of this Act";

(2) by inserting immediately before the semicolon at the end of paragraph (1)(C) "(except for equipment wholly paid for either from funds transferred under section 503(a)(3) of the Foreign Assistance Act of 1961 or from funds made available on a nonrepayable basis under section 23 of this Act)";

(3) by repealing paragraph (1)(B) and relettering paragraphs (1)(C) and (1)(D) as paragraphs (1)(B) and (1)(C), respectively; and

(4) by striking out "paragraphs (1)(B) and (1)(C)" in subsection (e)(2) and inserting in lieu thereof "paragraph (1)(B)".

(d) Section 1606 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 is amended—

Post, p. 1599.

(1) by striking out "One-Year" in the heading of the section and inserting in lieu thereof "Three-Month";

(2) by striking out "One-Year" in subsection (a) and inserting in lieu thereof "Three-Month";

(3) by striking out "October 1, 1990" in subsection (a) and inserting in lieu thereof "January 1, 1990"; and

(4) by striking out "fiscal year 1990" in subsection (a) and inserting in lieu thereof "the first quarter of fiscal year 1990".

Research and development.

SEC. 9105. The Secretary of the Air Force shall transfer not less than $5,000,000 from funds available to the Air Force for research, development, test and evaluation for fiscal year 1990 to the Army for the sole purpose of funding highest priority security improvements at the Kwajalein Test Range. The Secretary of the Army shall provide $2,500,000 for the same purpose from funds available to the Army for research, development, test and evaluation for fiscal year 1990. Funds made available by the Secretary of the Army for such purpose may not be made available from funds otherwise available for the United States Army Kwajalein Atoll Command.

SEC. 9106. From any appropriations in this Act, $1,000,000 shall be made available for maintenance and repair of equipment and facilities and for tooling at the government owned William Langer Jewel Bearing Plant.

(TRANSFER OF FUNDS)

SEC. 9107. 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 of all transfers made pursuant to this authority and that such transfer authority shall be in addition to that provided elsewhere in this Act.

Disaster assistance.

(TRANSFER OF FUNDS)

SEC. 9108. Up to $20,000,000 of funds available to the Department of Defense in fiscal year 1990 may be transferred to, and consolidated with, funds made available to carry out the provisions of section 23 of the Arms Export Control Act and may be used for any of the purposes for which such funds may be used, notwithstanding section 10 of Public Law 91-672 or any other provision of law: *Provided,* That funds transferred pursuant to this section shall be made available only for Jordan to maintain previously purchased United States-origin defense articles: *Provided further,* That funds transferred pursuant to this section shall be available to Jordan on a grant basis notwithstanding any requirement for repayment: *Provided further,* That for purposes of section 10 of Public Law 91-672, funds so transferred shall be deemed to be authorized to be appropriated for the account into which they are transferred: *Provided further,* That the Speaker of the House of Representatives and the President of the Senate and the Committee on Foreign Affairs of the House of Representatives, the Committee on Foreign Affairs of the House of Representatives, the Committee on Foreign Relations of the Senate, and the Committees on Appropriations and Armed Services of the Senate and House of Representatives shall be notified through regular reprogramming procedures prior to the transfer of funds pursuant to the authority granted in this section.

Jordan.

(TRANSFER OF FUNDS)

SEC. 9109. During the current fiscal year, the Secretary of Defense may transfer not more than $135,000,000 of funds available to the Department of Defense to the appropriation "Atomic Energy Defense Activities", to be merged with and to be available for the same purposes and for the same time period as the appropriation to which transferred: *Provided,* That none of the funds to be transferred shall be from procurement or military construction appropriation accounts.

SEC. 9110. (a) Congress makes the following findings:

(1) The United States, as executive agent for the United Nations Command, plays a key role in preserving the armistice

which has maintained peace on the Korean peninsula for 36 years.

(2) Partly because of the significant contribution that the United States has made toward preserving the peace, the Republic of Korea has been able to focus national efforts on economic and political development.

(3) The United States remains committed to the security and territorial integrity of the Republic of Korea under the terms of the Mutual Defense Treaty of 1954.

(b) It is the sense of Congress that—

(1) until North Korea abandons its desire to reunite the Korean peninsula by force and ceases to seek modern weapon systems from foreign powers, the threat to the Republic of Korea will remain clear and present and the United States military presence in the Republic of Korea will continue to be vital to the deterrence of North Korean aggression toward the Republic of Korea;

(2) although a United States military presence is essential until the Republic of Korea has achieved a balance of military power with the Democratic Peoples Republic of Korea, the United States should reassess the force structure required for the security of the Republic of Korea and the protection of the United States interests in northeast Asia;

(3) the United States should not remove any armed forces from the Korean peninsula until a thorough study has been made of the present and projected roles, missions, and force levels of the United States forces in the Republic of Korea; and

President of U.S. Reports. Korea.

(4) before April 1, 1990, the President should submit to Congress a report that contains a detailed assessment of the need for a United States military presence in the Republic of Korea, including—

(A) an assessment of (i) the current imbalance between the armed forces of the Republic of Korea and the armed forces of the Democratic Peoples Republic of Korea, and (ii) the efforts by the Republic of Korea to eliminate the current adverse imbalance;

(B) the means by which the Republic of Korea can increase its contributions to its own defense and permit the United States to assume a supporting role in the defense of the Republic of Korea;

(C) the ways in which the roles and missions of the United States forces in Korea are likely to be revised in order to reflect the anticipated increases in the national defense contributions of the Republic of Korea and to effectuate an equal partnership between the United States and the Republic of Korea in the common defense of the Republic of Korea;

(D) an assessment of the actions taken by the Republic of Korea in conjunction with the United States to reduce the cost of stationing United States military forces in the Republic of Korea;

(E) an assessment of the willingness of the South Korean people to sustain and support a continued United States military presence on the Korean peninsula; and

(F) a discussion of the plans for a long-term United States military presence throughout the Pacific region, the anticipated national security threats in that region, the roles and

missions of the Armed Forces of the United States for the protection of the national security interests of the United States in that region, the force structure necessary for the Armed Forces to perform those roles and missions, and any force restructuring that could result in a reduction in the cost of performing such roles and missions effectively.

SEC. 9111. 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.

New Jersey.
Real property.

SEC. 9112. The Secretary of the Army shall execute such documents and take such other action as may be necessary to release to the New Jersey Turnpike Authority, a corporate body organized under the laws of the State of New Jersey, the reversionary right, described in subsection (b), reserved to the United States in and to that parcel of land conveyed by the United States to the New Jersey Turnpike Authority pursuant to the Act entitled "An Act to authorize the conveyance of certain lands within Caven Point Terminal and Ammunition Loading Pier, New Jersey, to the New Jersey Turnpike Authority", approved February 18, 1956 (70 Stat. 19). The release provided for in this section shall be made without consideration by the New Jersey Turnpike Authority.

(b) The reversionary right referred to in subsection (a) is the right reserved to the United States by section 6 of the Act referred to in subsection (a) which provides that in the event the property conveyed by the United States pursuant to such Act ceases to be used for street or road purposes and other purposes connected therewith or related thereto for a period of two consecutive years, the title to such land, including all improvements made by the New Jersey

Turnpike Authority, shall immediately revert to the United States without any payment by the United States.

Reports. Nevada. Public lands. Aviation.

SEC. 9113. (a) The Congress of the United States finds that—

(1) Public Law 99-606 requires that a report (Special Nevada Report), evaluating the impact on Nevada of the cumulative effect of continued or renewed land and airspace withdrawals by the military, be submitted to Congress no later than November 1991;

(2) Public Law 99-606 also requires that appropriate mitigation measures be developed to offset any negative impacts caused by the military land and airspace withdrawal; and

(3) the military has continued to propose additional land and airspace withdrawals prior to submitting the Special Nevada Report required under Public Law 99-606 to Congress;

(b) Therefore, it is the sense of the Congress that, absent critical national security requirements, the further withdrawal of public domain lands or airspace in Nevada be halted until the Special Nevada Report is submitted to Congress as required under Public Law 99-606.

Wages. Government organization and employees.

SEC. 9114. (a) Such sums as may be necessary for fiscal year 1990 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

(b) Sums appropriated in title I of this Act, Military Personnel, are reduced by $63,000,000, which will be realized by reducing active duty personnel by 5,000: *Provided,* That this subsection does not apply to the reserve components.

(c) Sums appropriated in title II of this Act, Operation and Maintenance, are reduced by $75,000,000, which will be realized by reducing civilian personnel by 2,500: *Provided,* That this subsection does not apply to the reserve components.

SEC. 9115. Of the funds made available in this Act and in the Military Construction Appropriations Act, 1990 for fiscal year 1990 for research, development, test, and evaluation of the Rail Garrison MX and Small ICBM systems, procurement of Mark 21 reentry systems, advance procurement of Rail Garrison MX components or materials, and construction of facilities to support the Rail Garrison MX system, $150,000,000 is hereby reduced as determined by the Secretary of Defense: *Provided,* That section 101(a)(1) that follows "1991"; 101(c); 102(a)(2); 221(b); 702(a); 702(b) and 704(b) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (H.R. 1487) (including amendments made thereunder), and section 1204 of the Foreign Service Act of 1980 as amended by section 149(b) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991; section 505(e)(3) of title V of the United States Information and Educational Exchange Act of 1948, as amended by section 205 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991; and section 404(b) of The Asia Foundation Act as amended by section 501 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991; are hereby waived during fiscal years 1990 and 1991: *Provided further,* That so much of the preceding proviso as pertains to the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991, shall take effect only on the date of enactment of that Act.

Effective date.

Reports. Louisiana. Research and development. Animals.

SEC. 9116. 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.

Animals. Research and development.

SEC. 9117. None of the funds appropriated by this Act shall be available for bone trauma research at Letterman Army Institute of Research until the Secretary of the Army has certified to the Committees on Appropriations of the House and Senate that this research has a military application, it is being conducted in accordance with the standards set by an animal care and use committee, and the research is not duplicative of research already conducted by a manufacturer or any other research organization.

Drugs and drug abuse. Law enforcement and crime.

SEC. 9118. (a) It is the sense of the Congress that United States participation in a multilateral 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 law enforcement and anti-drug abuse agencies, and that consideration 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.

(b) 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. 9119. STEWART B. MCKINNEY HOMELESS ASSISTANCE ACT TECHNICAL AMENDMENT.—(a) IN GENERAL.—Section 739 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11449) is amended—

(1) by striking subsection (b);

(2) by striking "; Availability of Funds" in the section heading;

(3) in subsection (a) by striking "(a) AUTHORIZATION OF APPROPRIATIONS.—";

(4) by striking "(1)" and inserting "(a) AUTHORIZATION OF APPROPRIATIONS.—";

(5) by striking "(2)" and inserting "(b) RATABLE REDUCTION.—"; and

(6) by striking "(3)" and inserting "(c) SPECIAL RULE.—".

42 USC 11449 note.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to funds obligated during fiscal year 1988 and each fiscal year thereafter.

This Act may be cited as the "Department of Defense Appropriations Act, 1990".

Approved November 21, 1989.

LEGISLATIVE HISTORY—H.R. 3072:

HOUSE REPORTS: No. 101-208 (Comm. on Appropriations) and No. 101-345 (Comm. of Conference).
SENATE REPORTS: No. 101-132 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 135 (1989):
Aug. 4, considered and passed House.
Sept. 21, 25-28, considered and passed Senate, amended.
Nov. 15, House agreed to conference report; receded and concurred in certain Senate amendments, in others with amendments; and disagreed to certain Senate amendments.
Nov. 17, Senate agreed to conference report; receded and concurred in certain House amendments, in another with an amendment.
Nov. 19, House concurred in Senate amendment.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 25 (1989):
Nov. 21, Presidential statement.