



OCA 86-3192  
22 September 1986

MEMORANDUM FOR: See Distribution List  
FROM: Office of Congressional Affairs  
SUBJECT: Continuing Resolution for FY-87 (H.J. Res. 730)

1. Attached for your information is a copy of H.J. Res. 730, the "Continuing Resolution" (CR) for FY-87 Appropriations. At this stage of the enactment process, the CR is a moving target in the sense that it will change significantly as it works its way through both Houses of Congress. Since the CR is regarded as must legislation, other bills are tacked onto the CR because it is viewed as a "last opportunity" for the 99th Congress.

2. As is the current practice, when Congress nears adjournment, many other pieces of legislation are incorporated directly or by reference into an omnibus CR. In this connection it should be noted that the Military Construction Appropriations bill (HR 5052) has been so incorporated by reference (see page 4). Title II of this referenced bill deals with our Central American policy as well as the terms and conditions of aid to the Nicaraguan freedom fighters. Another bill folded into the CR by reference is the Department of Defense Appropriations Act of 1987 (HR 5438) (see page 48). A number of intelligence related provisions are contained in HR 5438: Title VIII concerns the CIA Retirement and Disability Fund and also provides funding for the Intelligence Community Staff; section 9037 places restrictions on reprogramming of funds for intelligence purposes; and section 9045 puts certain restrictions on aid for the Nicaraguan democratic resistance.

3. A number of DOD procurement reforms are directly included in the CR, beginning on page 13 through page 46. Also note that section 144 on page 58 provides for a 3% civilian pay raise.

3. OCA will attempt to keep you informed on the progress of the CR during the enactment process.



Legislation Division  
Office of Congressional Affairs

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Attachment  
as stated

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## Union Calendar No. 505

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

# H. J. RES. 730

[Report No. 99-831]

Making continuing appropriations for the fiscal year 1987, and for other purposes.

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### IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 17, 1986

Mr. WHITTEN, by direction of the Committee on Appropriations, reported the following joint resolution; which was committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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## JOINT RESOLUTION

Making continuing appropriations for the fiscal year 1987, and  
for other purposes.

1        *Resolved by the Senate and House of Representatives*  
2        *of the United States of America in Congress assembled,*  
3        That the following sums are hereby appropriated, out of any  
4        money in the Treasury not otherwise appropriated, and out of  
5        applicable corporate or other revenues, receipts, and funds,  
6        for the several departments, agencies, corporations, and other  
7        organizational units of the Government for the fiscal year  
8        1987, and for other purposes, namely:



1        SEC. 101. (a) Such amounts as may be necessary for  
2 programs, projects, or activities at the rate for operations and  
3 to the extent and in the manner provided for in H.R. 5177,  
4 the Agriculture, Rural Development, and Related Agencies  
5 Appropriations Act, 1987, as passed by the House of Repre-  
6 sentatives on July 24, 1986.

7        (b) Such amounts as may be necessary for programs,  
8 projects, or activities at the rate for operations and to the  
9 extent and in the manner provided for in H.R. 5161, the  
10 Departments of Commerce, Justice, and State, the Judiciary,  
11 and Related Agencies Appropriations Act, 1987, as passed  
12 by the House of Representatives on July 17, 1986.

13        (c) Such amounts as may be necessary for programs,  
14 projects, or activities at the rate for operations and to the  
15 extent and in the manner provided for in H.R. 5438, the  
16 Department of Defense Appropriations Act, 1987, as report-  
17 ed to the House of Representatives on August 14, 1986.

18        (d) Such amounts as may be necessary for programs,  
19 projects, or activities at the rate for operations and to the  
20 extent and in the manner provided for in H.R. 5175, the  
21 District of Columbia Appropriations Act, 1987, as passed by  
22 the House of Representatives on July 24, 1986.

23        (e) Such amounts as may be necessary for programs,  
24 projects, or activities at the rate for operations and to the  
25 extent and in the manner provided for in H.R. 5162, the

1 Energy and Water Development Appropriations Act, 1987,  
2 as passed by the House of Representatives on July 23, 1986.

3 (f) Such amounts as may be necessary for programs,  
4 projects, or activities at the rate for operations and to the  
5 extent and in the manner provided for in H.R. 5339, the  
6 Foreign Assistance and Related Programs Appropriations  
7 Act, 1987, as reported to the House of Representatives on  
8 August 5, 1986.

9 (g) Such amounts as may be necessary for programs,  
10 projects, or activities at the rate for operations and to the  
11 extent and in the manner provided for in H.R. 5313, the  
12 Department of Housing and Urban Development-Independ-  
13 ent Agencies Appropriations Act, 1987, as passed by the  
14 House of Representatives on September 12, 1986.

15 (h) Such amounts as may be necessary for programs,  
16 projects, or activities at the rate for operations and to the  
17 extent and in the manner provided for in H.R. 5234, the  
18 Department of the Interior and Related Agencies Appropria-  
19 tions Act, 1987, as passed by the House of Representatives  
20 on July 31, 1986.

21 (i) Such amounts as may be necessary for programs,  
22 projects, or activities at the rate for operations and to the  
23 extent and in the manner provided for in H.R. 5233, the  
24 Departments of Labor, Health and Human Services, and

1 Education, and Related Agencies Appropriations Act, 1987,  
2 as passed by the House of Representatives on July 31, 1986.

3 (j) Such amounts as may be necessary for programs,  
4 projects, or activities provided for in H.R. 5203, the Legisla-  
5 tive Branch Appropriations Act, 1987, to the extent and in  
6 the manner provided for in the conference report and joint  
7 explanatory statement of the committee of conference (House  
8 Report 99-805) as filed in the House of Representatives on  
9 August 15, 1986, as if enacted into law.

10 (k) Such amounts as may be necessary for programs,  
11 projects, or activities at the rate for operations and to the  
12 extent and in the manner provided for in H.R. 5052, the  
13 Military Construction Appropriations Act, 1987, as passed by  
14 the House of Representatives on June 25, 1986.

15 (l) Such amounts as may be necessary for programs,  
16 projects, or activities at the rate for operations and to the  
17 extent and in the manner provided for in H.R. 5205, the  
18 Department of Transportation and Related Agencies Appro-  
19 priations Act, 1987, as passed by the House of Representa-  
20 tives on July 30, 1986.

21 (m) Such amounts as may be necessary for programs,  
22 projects, or activities at the rate for operations and to the  
23 extent and in the manner provided for in H.R. 5294, the  
24 Treasury, Postal Service, and General Government Appro-

1 priations Act, 1987, as passed by the House of Representa-  
2 tives on August 6, 1986.

3 (n) Such amounts as may be necessary for continuing  
4 the following activities, not otherwise provided for in this  
5 joint resolution, which were conducted in the fiscal year  
6 1986, under the terms and conditions provided in applicable  
7 appropriations Acts for the fiscal year 1986, at the current  
8 rate or as otherwise provided herein: *Provided*, That no ap-  
9 propriation or fund made available or authority granted pur-  
10 suant to this subsection shall be used to initiate or resume  
11 any project or activity for which appropriations, funds, or  
12 authority were not available during fiscal year 1986 unless  
13 otherwise provided for herein:

14 Public health activities authorized by sections  
15 331-338, 513, 517, 1001, and 2010 of the Public  
16 Health Service Act;

17 Refugee and entrant assistance activities author-  
18 ized by title IV of the Immigration and Nationality  
19 Act, part B of title III of the Refugee Act of 1980,  
20 and section 501 of the Refugee Education Assistance  
21 Act of 1980 except that no activity authorized by such  
22 Acts shall be funded beyond September 30, 1987;

23 Programs authorized by the Head Start Act, as  
24 amended;



1           Dependent Care activities authorized by Chapter  
2           8-D of title VI-A of the Omnibus Budget Reconcilia-  
3           tion Act of 1981, as amended;

4           Activities authorized by the Native Americans  
5           Programs Act, as amended;

6           Activities authorized by the Community Services  
7           Block Grant Act, as amended;

8           Payment to the Local Government Fiscal Assist-  
9           ance Trust Fund to continue to carry out activities au-  
10          thorized by 31 U.S.C. 6701 et seq. under the terms,  
11          conditions, and at 75 percent of the rate provided in  
12          H.R. 1400 as if enacted into law which was reported  
13          by a vote of 28 to 10 on May 21, 1986, to the House  
14          of Representatives;

15          Activities authorized by the Follow Through Act;

16          Activities authorized by the Rehabilitation Act of  
17          1973;

18          Activities authorized by the Higher Education  
19          Act;

20          Activities authorized by the Mutual Education and  
21          Cultural Exchange Act;

22          Activities authorized by title XIII, part H, sub-  
23          part I of the Education Amendments of 1980;

24          Activities authorized by sections 405 and 406 of  
25          the General Education Provisions Act;

1           Economic Development Administration, "Eco-  
2           nomic development assistance programs", \$7,500,000,  
3           to remain available until expended, for a grant to con-  
4           tinue economic development facilities and related infra-  
5           structure activities of the Fort Worth Stockyards  
6           Project at full Federal expense: *Provided*, That in ad-  
7           dition, the Secretary of the Army, acting through the  
8           Chief of Engineers, using any funds heretofore, herein,  
9           and hereafter available to the Corps of Engineers, is  
10          authorized and directed to develop at full Federal ex-  
11          pense detailed plans and specifications and to construct  
12          measures in Tarrant County, Texas, to eliminate flood  
13          damage in the historical stockyards area along Tony's  
14          Creek and Marine Creek;

15                 Activities authorized by the Domestic Volunteer  
16          Service Act of 1973, as amended:

17                 United States Institute of Peace authorized by the  
18          United States Institute of Peace Act:

19                 From existing funds the Secretary of Defense  
20          shall take additional steps for further development of  
21          planning, research, and facilities for physical acoustics  
22          and related matters;

23                 For carrying out the Low Income Home Energy  
24          Assistance Program as authorized by title XXVI of the

1 Omnibus Budget Reconciliation Act of 1981, as  
2 amended, \$1,986,000,000; and

3 Activities authorized by the "Construction Indus-  
4 try Labor Law Amendments of 1985" as passed by the  
5 House of Representatives on April 17, 1986.

6 SEC. 102. Unless otherwise provided for in this joint  
7 resolution or in the applicable appropriations Act, appropria-  
8 tions and funds made available and authority granted pursu-  
9 ant to this joint resolution shall be available from October 1,  
10 1986, and shall remain available until (a) enactment into law  
11 of an appropriation for any project or activity provided for in  
12 this joint resolution, or (b) enactment of the applicable appro-  
13 priations Act by both Houses without any provision for such  
14 project or activity, or (c) September 30, 1987, whichever first  
15 occurs.

16 SEC. 103. Appropriations made and authority granted  
17 pursuant to this joint resolution shall cover all obligations or  
18 expenditures incurred for any program, project, or activity  
19 during the period for which funds or authority for such  
20 project or activity are available under this joint resolution.

21 SEC. 104. Expenditures made pursuant to this joint res-  
22 olution shall be charged to the applicable appropriation, fund,  
23 or authorization whenever a bill in which such applicable ap-  
24 propriation, fund, or authorization is contained is enacted into  
25 law.

1           SEC. 105. None of the funds in this Act may be used to  
2 issue regulations before June 1, 1987, to modify the formula  
3 used during fiscal year 1986 to divide funds among State  
4 agencies under section 17(i) of the Child Nutrition Act of  
5 1966 (42 U.S.C. 1786) to carry out the special supplemental  
6 food program for women, infants and children (WIC), or to  
7 implement such regulations before October 1, 1987.

8           SEC. 106. Notwithstanding any other provision of law,  
9 including section 502(c)(2) of the Housing Act of 1949 (42  
10 U.S.C. 1471 et seq.), none of the funds appropriated under  
11 this or any other Act shall be used in fiscal year 1987 to  
12 accept prepayment of any loan made under section 515 of the  
13 Housing Act of 1949, unless such loan was made at least  
14 twenty years prior to the date of prepayment.

15          SEC. 107. The Secretary of Agriculture may transfer  
16 surplus agricultural commodities from inventory in an amount  
17 not to exceed \$600,000 to the Department of Defense for use  
18 in complementing support provided by the Department of  
19 Defense to the Tenth International Pan American Games to  
20 be held in Indianapolis, Indiana.

21          SEC. 108. (a) Section 1001 of the Food Security Act of  
22 1985 (7 U.S.C. 1308) is amended—

23                   (1) by amending paragraph (1) to read as follows:

24                   “(1) For each of the 1986 and 1987 crops, the  
25                   total of payments that a person shall be entitled to re-

1       ceive under one or more of the programs established  
2       under the Agricultural Act of 1949 and the National  
3       Wool Act of 1954 may not exceed \$250,000."

4               (2) in paragraph (3)—

5                       (A) in the matter preceding subparagraph  
6                       (A), by striking "does not include" and inserting  
7                       "includes",

8                       (B) in subparagraph (A), by inserting "under  
9                       the Agricultural Act of 1949 and the National  
10                      Wool Act of 1954" before the semicolon,

11                      (C) in subparagraph (B), by inserting "under  
12                      the Agricultural Act of 1949 and the National  
13                      Wool Act of 1954" after "payment",

14                      (D) in subparagraph (G), by striking "or",

15                      (E) in subparagraph (H), by striking the  
16                      period at the end thereof and inserting "; and",  
17                      and

18                      (F) by adding at the end thereof the follow-  
19                      ing new subparagraph:

20                               "(I) any other payment received under  
21                               the Agricultural Act of 1949 and the Nation-  
22                               al Wool Act of 1954.",

23               (5) in paragraph (5)—

24                       (A) by striking "(A)",

25                       (B) by striking subparagraph (B), and

1                   (C) by redesignating clauses (i) and (ii) as  
2                   subparagraphs (A) and (B), respectively, and  
3                   (4) by striking out paragraph (6).

4           (b) The amendments made by subsection (a) shall not  
5 apply with respect to payments under agreements and con-  
6 tracts made before the date of the enactment of this Act.

7           SEC. 109. The Food Security Act of 1985 is amended  
8 by inserting at the end thereof the following new sentence:  
9 "Effective for each of the 1987 through 1990 crops, the Sec-  
10 retary may not deny a person status as a separate person  
11 under paragraph (1) solely on the ground that a family  
12 member cosigns for, or makes a loan to, such person and  
13 leases, loans, or gives such person equipment, land or labor,  
14 if such family-members were organized as separate units  
15 prior to December 31, 1985."

16           SEC. 110. Within the available funds of the Rural Elec-  
17 trification Administration loan authority made available by  
18 this Act, \$3,000,000 shall be provided to the Choctaw Elec-  
19 tric Cooperative to implement section 5 of the Rural Electri-  
20 fication Act.

21           SEC. 111. (a) NATIONAL SCHOOL LUNCH ACT.—Sec-  
22 tion 12(d)(5) of the National School Lunch Act (42 U.S.C.  
23 1760(d)(5)) is amended in the first sentence by striking  
24 "except private schools whose average yearly tuition exceeds  
25 \$1,500 per child,".

1 (b) CHILD NUTRITION ACT OF 1966.—Section 15(c) of  
2 the Child Nutrition Act of 1966 (42 U.S.C. 1784(c)) is  
3 amended in subparagraph (A) of the first sentence by striking  
4 “except private schools whose average yearly tuition exceeds  
5 \$1,500 per child.”.

6 (c) The amendments made by this section shall take  
7 effect July 1, 1987.

8 SEC. 112. Notwithstanding any provision of title I of  
9 the Local Public Works Capital Development and Invest-  
10 ment Act of 1976, as amended (Public Law 94-369), or any  
11 other provision of law to the contrary, any funds authorized  
12 and appropriated under title I of such Act, as amended, in  
13 any fiscal year for projects in (1) New York, New York, but  
14 obligated as of December 19, 1985 and not disbursed, shall  
15 remain available for obligation and expenditure through  
16 March 31, 1988 for any authorized project in New York,  
17 New York under title I of such Act, as amended, or for any  
18 project in New York, New York, determined to be eligible  
19 under title I of the Public Works and Economic Development  
20 Act of 1965, as amended, if the total amount of such funds is  
21 not finally determined by October 15, 1986.

22 SEC. 113. Notwithstanding any other provision of law  
23 or a contract to the contrary, the SEDA-COG Joint Rail  
24 Authority, Lewisburg, Pennsylvania, may sell any portion of  
25 the real property that was acquired in part with proceeds of a

1 grant from the Economic Development Administration (grant  
2 number 01-19-02563) and may retain all of the proceeds of  
3 any such sale so long as the proceeds are used for purposes  
4 which meet the criteria of and are approved by the Economic  
5 Development Administration.

6       SEC. 114. (a) DUTIES OF UNDER SECRETARY OF DE-  
7 FENSE FOR ACQUISITION.—Section 133 of title 10, United  
8 States Code (as redesignated by section 101(a) of the Gold-  
9 water-Nichols Department of Defense Reorganization Act of  
10 1986), is amended to read as follows:

11       **“§ 133. Under Secretary of Defense for Acquisition**

12       “(a) There is an Under Secretary of Defense for Acqui-  
13 sition, appointed from civilian life by the President, by and  
14 with the advice and consent of the Senate. The Under Secre-  
15 tary shall be appointed from among persons who have an  
16 extensive management background in the private sector.

17       “(b) Subject to the authority, direction, and control of  
18 the Secretary of Defense, the Under Secretary of Defense for  
19 Acquisition—

20               “(1) is responsible for setting overall policy for,  
21 and supervises, all acquisition activities of the Depart-  
22 ment of Defense; and

23               “(2) shall perform such duties and exercise such  
24 powers as the Secretary of Defense may prescribe.

25       “(c) The Under Secretary—



1           “(1) is the senior procurement executive for the  
2 Department of Defense for the purposes of section  
3 16(3) of the Office of Federal Procurement Policy Act  
4 (41 U.S.C. 414(3));

5           “(2) is the Defense Acquisition Executive for pur-  
6 poses of regulations and procedures of the Department  
7 providing for a Defense Acquisition Executive; and

8           “(3) to the extent directed by the Secretary, su-  
9 pervises all other officers in the Office of the Secretary  
10 of Defense who have acquisition responsibilities.

11          “(d) Supervision of the audit and oversight functions  
12 performed by the Defense Contract Audit Agency on the date  
13 of the enactment of this section shall be carried out in the  
14 same manner as in effect on such date.

15          “(e) The Secretary of Defense shall prescribe the prece-  
16 dence of the Under Secretary in the Department of  
17 Defense.”.

18          (b) INDEPENDENCE OF DIRECTOR OF OPERATIONAL  
19 TEST AND EVALUATION.—Section 138(d) of title 10, United  
20 States Code (relating to the Director of Operational Test and  
21 Evaluation), as redesignated by section 101(a) of the Gold-  
22 water-Nichols Department of Defense Reorganization Act of  
23 1986, is amended by inserting “personally” after “Secretary  
24 of Defense” in the first sentence.

1 (c) ARMED FORCES POLICY COUNCIL.—Section 171(a)  
 2 of such title (relating to the Armed Forces Policy Council) is  
 3 amended—

4 (1) by redesignating paragraphs (3) through (11)  
 5 as paragraphs (4) through (12), respectively;

6 (2) by inserting after paragraph (2) the following  
 7 new paragraph (3):

8 “(3) the Under Secretary of Defense for Acquisi-  
 9 tion;”; and

10 (3) by striking out “Under Secretaries of De-  
 11 fense” in paragraph (7) (as so redesignated) and insert-  
 12 ing in lieu thereof “Under Secretary of Defense for  
 13 Policy and the Director of Defense Research and  
 14 Engineering”.

15 (d) PREVENTION OF DUPLICATION OF CERTAIN CON-  
 16 TRACT AUDIT AND OVERSIGHT ACTIVITIES.—(1) Chapter  
 17 131 of title 10, United States Code, is amended by adding at  
 18 the end the following new section:

19 “§ 2214. **Audit and oversight of contractor activities:**  
 20 **coordination and prevention of duplicative**  
 21 **policies**

22 “(a) COORDINATION.—The Secretary of Defense shall  
 23 prescribe procedures to ensure that Department of Defense  
 24 policies for the audit and oversight of contractor activities are  
 25 coordinated and carried out in a manner to prevent duplica-

1 tion of audit and oversight activities by different elements of  
2 the Department.

3       “(b) CONSULTATION.—In carrying out this section, the  
4 Secretary shall consult with the Under Secretary of Defense  
5 for Acquisition and the Inspector General of the Department  
6 of Defense.”.

7       (2) The table of sections at the beginning of such chap-  
8 ter is amended by adding at the end the following new item:

“2214. Audit and oversight of contractor activities, coordination, and prevention of  
duplicative policies.”.

9       **SEC. 115. (a) SAFEGUARDING OF MILITARY WHISTLE-**  
10 **BLOWERS.**—The Congress makes the following findings:

11           (1) In the course of their duties, members of the  
12 Armed Forces may become aware of information evi-  
13 dencing wrongdoing or waste of funds.

14           (2) It is generally the duty of members of the  
15 Armed Forces to report such information through the  
16 chain of command.

17           (3) Reporting such information through the chain  
18 of command does not always result in correction and  
19 may, in some cases, be futile.

20           (4) Members of the Armed Forces who become  
21 aware of such information should be encouraged to dis-  
22 close it to an Inspector General or Member of Con-  
23 gress if necessary.

1           (5) Members of the Armed Forces who disclose  
2 such information should be protected from adverse per-  
3 sonnel consequences (or threats thereof) as a result of  
4 such disclosures.

5           (6) Members of the Armed Forces who believe  
6 they have been subject to retaliation (or the threat  
7 thereof) should have the right to a speedy Inspector  
8 General investigation and administrative review of  
9 their cases.

10       (b) WHISTLEBLOWER PROTECTION.—(1) Section 1034  
11 of title 10, United States Code, relating to communicating  
12 with a Member of Congress, is amended to read as follows:

13       “§ 1034. **Communicating with a Member of Congress or**  
14                                   **Inspector General**

15       “(a) RESTRICTING COMMUNICATIONS WITH MEMBERS  
16 OF CONGRESS AND INSPECTORS GENERAL PROHIBITED.—

17           “(1) GENERAL RULE.—No person may restrict a  
18 member of an armed force in communicating with a  
19 Member of Congress or an Inspector General.

20           “(2) EXCEPTIONS.—Paragraph (1) does not apply  
21 to a communication that—

22                           “(A) is unlawful; or

23                           “(B) violates a regulation necessary to the  
24 security of the United States.

1           “(b) PROHIBITION OF RETALIATORY PERSONNEL AC-  
2 TIONS.—No person may take (or threaten to take) an unfa-  
3 vorable personnel action, or withhold (or threaten to with-  
4 hold) a favorable personnel action, as a reprisal against a  
5 member of an armed force for making or preparing a commu-  
6 nication to a Member of Congress or an Inspector General  
7 that (under subsection (a)) may not be restricted.

8           “(c) INSPECTOR GENERAL INVESTIGATION.—

9           “(1) INVESTIGATION OF CERTAIN ALLEGA-  
10 TIONS.—The Inspector General of the Department of  
11 Defense shall expeditiously investigate an allegation by  
12 a member of the armed forces that a reprisal prohibited  
13 by subsection (b) has been taken (or threatened) against  
14 the member with respect to a communication to a  
15 Member of Congress or an Inspector General making a  
16 complaint or disclosing information that the member of  
17 the armed forces reasonably believes evidences—

18                   “(A) a violation of a law, rule, or regulation;

19                   or

20                   “(B) mismanagement, a gross waste of funds,  
21 an abuse of authority, or a substantial and specific  
22 danger to public health or safety.

23           “(2) TIME FOR ALLEGATION.—The Inspector  
24 General is not required to make an investigation under  
25 paragraph (1) in the case of an allegation made more

1       than 90 days after the reprisal (or threatened reprisal)  
2       that is the subject of the allegation.

3               “(3) INVESTIGATION OF SUBJECT MATTER OF  
4       DISCLOSURE.—If the Inspector General has not al-  
5       ready done so, the Inspector General shall commence a  
6       separate investigation of the information that the  
7       member believes evidences wrongdoing as described in  
8       subparagraph (A) or (B) of paragraph (1).

9               “(4) REPORT.—Not later than 10 days after com-  
10       pletion of an investigation under this subsection, the  
11       Inspector General shall submit a report on the results  
12       of the investigation to the Secretary of Defense. The  
13       Inspector General shall provide an unclassified copy of  
14       that report to the member concerned.

15               “(5) TIME FOR REPORT.—If, in the course of an  
16       investigation of an allegation under this section, the In-  
17       spector General determines that it is not possible to  
18       submit the report required by paragraph (2) within 30  
19       days of the date of receipt of the allegation being in-  
20       vestigated, the Inspector General shall provide to the  
21       Secretary of Defense and to the member making the  
22       allegation a notice—

23                       “(A) of that determination (including the rea-  
24                       sons why the report may not be submitted within  
25                       that time); and

1                   “(B) of the time when the report will be sub-  
2                   mitted.

3                   “(6) CONTENT OF REPORT.—The report on the  
4                   results of the investigation shall contain a thorough  
5                   review of the facts and circumstances relevant to the  
6                   allegation and the complaint or disclosure and shall in-  
7                   clude documents acquired during the course of the in-  
8                   vestigation, including summaries of interviews conduct-  
9                   ed. If a person agrees to be interviewed only on the  
10                  condition that the person's identity not be disclosed,  
11                  the report shall not contain any information about such  
12                  interview. The report shall contain no findings of dis-  
13                  puted fact or recommendations as to the disposition of  
14                  the complaint.

15                  “(7) DELEGATION.—The Inspector General of  
16                  the Department of Defense may delegate any function,  
17                  power, or duty of the Inspector General under this  
18                  subsection to any other Inspector General in the De-  
19                  partment of Defense.

20                  “(d) CORRECTION OF RECORDS.—

21                  “(1) BOARDS FOR CORRECTION OF MILITARY  
22                  RECORDS.—In resolving an allegation made by a  
23                  member of an armed force to whom the Inspector Gen-  
24                  eral has reported under subsection (c), a correction

1 board acting under section 1552 of this title, on the re-  
2 quest of the member or otherwise, may—

3 “(A) direct further investigation;

4 “(B) direct the production of evidence;

5 “(C) direct the examination of witness;

6 “(D) receive oral argument; or

7 “(E) direct or conduct an evidentiary  
8 hearing.

9 “(2) LEGAL ASSISTANCE.—A member to whom  
10 the Inspector General has reported under subsection (c)  
11 is entitled to the assistance of a judge advocate in  
12 filing a petition for correction under section 1552 of  
13 this title.

14 “(3) BOARD DECISIONS.—The Board shall issue a  
15 final decision with respect to the petition within 120  
16 days after the filing of such petition. If the Board fails  
17 to issue such a final decision within such time, the  
18 member shall be deemed to have exhausted administra-  
19 tive remedies under section 1552 of this title to the  
20 extent that such exhaustion may be required in any ju-  
21 dicial proceeding concerning the relief sought in the  
22 petition for correction. The decision of the Board shall  
23 be in writing and shall include findings of fact and a  
24 statement of reasons. The Board shall cause its deci-  
25 sion to be served on the petitioner by first class mail to



1 the address listed in the petition for correction within  
2 10 days of the date of the decision. A determination by  
3 the Board by a preponderance of the evidence that a  
4 personnel action adversely affecting a member would  
5 not have been taken in the absence of a complaint or  
6 disclosure of information described in subsection (c)(1)  
7 shall constitute a determination of a prohibited retaliatory  
8 personnel action under subsection (b).

9       “(4) CORRECTIVE ACTION.—The Board shall  
10 order such action as is necessary to correct the record  
11 and the effect of a prohibited retaliatory personnel  
12 action.

13       “(5) DISCIPLINARY ACTION.—If the Board deter-  
14 mines that a prohibited retaliatory personnel action, as  
15 defined in subsection (b), has occurred, the Board shall  
16 refer the record of the matter to the officer exercising  
17 general court-martial jurisdiction over the person who  
18 committed the prohibited retaliatory personnel action.

19       “(e) JUDICIAL REVIEW.—

20       “(1) RIGHT OF REVIEW.—(A) A member of an  
21 armed force aggrieved by a final order of the Board  
22 may obtain judicial review of the order by filing a peti-  
23 tion for review before the end of the 60-day period be-  
24 ginning on the later of—

1           “(i) the date the member received notice of  
2           the order of the Board; or

3           “(ii) the date on which the member was  
4           deemed to have exhausted administrative remedies  
5           under subsection (d)(3).

6           “(B) A petition for review under subparagraph (A)  
7           shall be filed with the United States Court of  
8           Appeals—

9           “(i) for the circuit in which the member  
10          resides;

11          “(ii) for the circuit in which the member is  
12          stationed; or

13          “(iii) in the Court of Appeals for the District  
14          of Columbia.

15          “(2) REVIEW OF RECORD.—With respect to any  
16          case for which a petition for review is filed under para-  
17          graph (1)(A), the court—

18          “(A) shall review the record; and

19          “(B) in any case in which it determines that  
20          the record fails to resolve significant issues of  
21          fact, may refer the case to the appropriate United  
22          States district court for a hearing de novo.

23          “(3) STANDARD OF REVIEW.—The court shall set  
24          aside any order of the Board that, upon completion of  
25          a review under paragraph (2), is determined to be—

1           “(A) arbitrary, capricious, an abuse of discre-  
2           tion, or otherwise not in accordance with law; or

3           “(B) not supported by substantial evidence.

4           “(4) ATTORNEYS FEES.—If, upon completion of a  
5           review under paragraph (2), the court finds that the  
6           claim of the member is meritorious, the court shall  
7           award such member reasonable attorneys fees and  
8           costs.

9           “(f) REGULATIONS.—The Secretary of Defense, and  
10          the Secretary of Transportation with respect to the Coast  
11          Guard when it is not operating as a service in the Navy, shall  
12          prescribe regulations to carry out this section. Such regula-  
13          tions shall include regulations for which violations are subject  
14          to section 892 of this title (article 92 of the Uniform Code of  
15          Military Justice).”

16          (2) The item relating to such section in the table of sec-  
17          tions at the beginning of chapter 53 of such title is amended  
18          to read as follows:

“1034. Communicating with a Member of Congress or Inspector General.”

19          (c) DEADLINE FOR REGULATIONS.—The Secretary of  
20          Defense and the Secretary of Transportation shall prescribe  
21          regulations required by subsection (e) of section 1034 of title  
22          10, United States Code, as added by subsection (a), not later  
23          than 120 days after the date of the enactment of this joint  
24          resolution.

1           SEC. 116. (a) PROTECTION OF CONTRACTOR EMPLOY-  
2   EES FROM REPRISAL FOR DISCLOSURE OF CERTAIN IN-  
3   FORMATION.—(1) Chapter 141 of title 10, United States  
4   Code, is amended by adding at the end the following new  
5   section:

6   “§ 2408. Contractor employees: protection from reprisal  
7                           for disclosure of certain information

8           “(a) PROHIBITION OF REPRISALS.—(1) A contractor of  
9   the Department of Defense may not take a reprisal action  
10  against any officer or employee of that contractor for disclos-  
11  ing to an appropriate Government official information relat-  
12  ing to a contract (or the negotiation or competition for a con-  
13  tract) between such contractor and the Department of De-  
14  fense which the officer or employee reasonably believes  
15  evidences—

16                   “(A) a violation of law, rule, or regulation; or

17                   “(B) mismanagement, a gross waste of funds, an  
18   abuse of authority, or a substantial and specific danger  
19   to public health or safety.

20           “(2) In this section, the term ‘appropriate Government  
21  official’ includes—

22                   “(A) an officer or employee of the Department of  
23   Defense;

24                   “(B) a Member of Congress or an officer or em-  
25   ployee of Congress, the General Accounting Office, the

1 Congressional Budget Office, or the Office of Technol-  
2 ogy Assessment;

3 “(C) any other officer or employee of the United  
4 States whose duties include the investigation or en-  
5 forcement of any law, rule, or regulation relating to  
6 defense acquisition; and

7 “(D) a member or employee of any authorized  
8 commission established for purposes related to defense  
9 acquisition.

10 “(b) REMEDIES.—(1) An officer or employee of a de-  
11 fense contractor who believes that such officer or employee  
12 has been subject to a reprisal prohibited by subsection (a)  
13 may file a complaint with the Secretary of Defense.

14 “(2)(A) Under procedures prescribed by the Secretary of  
15 Defense by regulation, the Secretary shall investigate each  
16 complaint filed under paragraph (1).

17 “(B) If, after an investigation under subparagraph (A),  
18 the Secretary believes there is a reasonable likelihood that a  
19 reprisal prohibited by subsection (a) has occurred, the Secre-  
20 tary shall provide the contractor with an opportunity to show  
21 cause why the Secretary should not order corrective action  
22 and assess penalties under subparagraph (C).

23 “(C) If, after considering the presentation of the con-  
24 tractor under subparagraph (B), the Secretary finds that a

1 reprisal prohibited by subsection (a) has occurred, the Secre-  
2 tary shall—

3           “(i) order the contractor to take action to elimi-  
4 nate the adverse effect of the reprisal on the complain-  
5 ant; and

6           “(ii) assess a monetary penalty against such  
7 contractor.

8           “(D) The Secretary shall impose penalties, which may  
9 include monetary fines and debarment from further contracts,  
10 against any contractor who fails to comply promptly with an  
11 order of the Secretary under subparagraph (C).

12           “(E) The Secretary shall issue a decision on a complaint  
13 filed under paragraph (1) within 45 days of receipt of the  
14 complaint.

15           “(3)(A) The decision of the Secretary under paragraph  
16 (2) shall be a final agency action for purposes of chapter 7 of  
17 title 5.

18           “(B) Failure of the Secretary to decide on a complaint  
19 within the period provided in paragraph (2)(E) shall be  
20 deemed to be final agency action for purposes of chapter 7 of  
21 title 5.

22           “(C) In any action brought under chapter 7 of title 5  
23 related to a reprisal under subsection (a), a court may assess  
24 against the defense contractor, or against the United States,  
25 reasonable attorney fees and other litigation costs reasonably

1 incurred by an officer or employee of the contractor who sub-  
2 stantially prevails in such action.

3       “(c) REGULATIONS.—The Secretary of Defense shall  
4 prescribe regulations to carry out this section (other than sub-  
5 section (b)(3)). Such regulations shall provide that any firm  
6 which negotiates with the Department of Defense for a con-  
7 tract or competes for a Department of Defense contract  
8 thereby submits to the jurisdiction of the Secretary of De-  
9 fense for purposes of this section.”.

10       (2) The table of sections at the beginning of such chap-  
11 ter is amended by adding at the end the following new item:

“2408. Contractor employees: protection from reprisal for disclosure of certain infor-  
mation.”

12       (b) INITIAL REGULATIONS.—The Secretary of Defense  
13 shall prescribe the regulations required by subsection (c) of  
14 section 2408 of title 10, United States Code, as added by  
15 subsection (a), not later than the end of the 90-day period  
16 beginning on the date of the enactment of this joint  
17 resolution.

18       (c) EFFECTIVE DATE.—Section 2408 of title 10,  
19 United States Code, as added by subsection (a), shall apply  
20 with respect to any reprisal action taken on or after the date  
21 of the enactment of this joint resolution.

22       SEC. 117. (a) CONFLICT-OF-INTEREST IN DEFENSE  
23 PROCUREMENT.—(1) Chapter 141 of title 10, United States

1 Code, is amended by inserting after section 2397a the follow-  
2 ing new sections:

3 **“§ 2397b. Certain former Department of Defense procure-**  
4 **ment officials: limitations on employment by**  
5 **contractors**

6 “(a)(1) Any person—

7 “(A) who is a former officer or employee of the  
8 Department of Defense or a former or retired member  
9 of the armed forces; and

10 “(B) who, during the two-year period preceding  
11 the person's separation from service in the Department  
12 of Defense, participated personally and substantially,  
13 and in a manner involving decisionmaking responsibil-  
14 ities, in a procurement function with respect to a con-  
15 tract through contact with the contractor.

16 may not accept compensation from that contractor for a  
17 period of two years following the person's separation from  
18 service in the Department of Defense.

19 “(2) In paragraph (1), the term ‘decisionmaking respon-  
20 sibilities’ includes the following activities with respect to a  
21 contract: approval or disapproval, or making recommenda-  
22 tions or engaging in negotiations, with regard to a procure-  
23 ment function.

24 “(3) For purposes of paragraph (1), whether or not a  
25 person is a contractor (as defined in subsection (f)(2)) is deter-



1 mined as of the date of the separation from service of the  
2 officer or employee of the Department of Defense or member  
3 of the armed forces involved.

4       “(4) Any person who knowingly violates paragraph (1)  
5 shall be imprisoned for not more than one year and shall be  
6 subject to a fine in the amount provided in title 18.

7       “(5) Any person who knowingly offers or provides any  
8 compensation to another person, and who knew or should  
9 have known that the acceptance of such compensation is or  
10 would be in violation of paragraph (1), shall be imprisoned for  
11 not more than one year and shall be subject to a fine in the  
12 amount provided in title 18.

13       “(b)(1) This section applies only to—

14               “(A) civilian positions for which the rate of pay is  
15 equal to or greater than the minimum rate of pay pay-  
16 able for grade GS-15 of the General Schedule; and

17               “(B) to positions held by members of the armed  
18 forces in a pay grade of O-4 or higher.

19       “(2)(A) When a vacancy occurs in a sensitive civilian  
20 procurement executive position, the Secretary of Defense,  
21 with the concurrence of the Director of the Office of Govern-  
22 ment Ethics, may exempt the person appointed to fill the  
23 vacancy from the provisions of subsection (a) by reason of  
24 service in such position.

1           “(B) For purposes of subparagraph (A), a sensitive civil-  
2   ian procurement executive position is a position—

3                   “(i) which is identified under paragraph (1);

4                   “(ii) which is a civilian position to which a person  
5   is appointed by the President, by and with the advice  
6   and consent of the Senate; and

7                   “(iii) with respect to which the Secretary of De-  
8   fense determines that the duties inherent in the posi-  
9   tion involve personal and substantial participation in  
10   procurement functions (to the extent to which subsec-  
11   tion (a)(1) applies) with so many contractors that im-  
12   plementation of subsection (a) with respect to persons  
13   serving in the position would seriously hamper the abil-  
14   ity of the Department of Defense to obtain the services  
15   of a highly qualified person to serve in the position.

16           “(C) An exemption granted under this paragraph shall  
17   not apply to the extent that the person granted the exemp-  
18   tion acts as a Government representative in the negotiation  
19   or settlement of a contract with a contractor.

20           “(D) Whenever the Secretary of Defense grants an ex-  
21   emption under this paragraph, the Secretary shall promptly  
22   submit to the Committees on Armed Services and Govern-  
23   mental Affairs of the Senate and the Committees on Armed  
24   Services and the Judiciary of the House of Representatives a

1 report describing the exemption and setting forth the specific  
2 reasons for the exemption.

3       “(c) The Secretary of Defense shall provide to each  
4 person separated from service in the Department of Defense  
5 in a position described in subsection (b)(1) who, within the  
6 two years preceding the date of such separation, participated  
7 in a procurement function of the Department a notice with  
8 respect to this section. Such notice shall include—

9               “(1) a written explanation of the provisions of this  
10 section; and

11               “(2) the name of each contractor from whom such  
12 person is prohibited from accepting compensation under  
13 this section.

14       “(d) This section does not apply—

15               “(1) to a contract for an amount less than  
16 \$100,000;

17               “(2) to compensation of a person by an entity that  
18 did not have a Department of Defense contract in  
19 excess of \$100,000 at the time the person participated  
20 personally and substantially in a procurement function  
21 (to the extent to which subsection (a)(1) applies) with  
22 respect to a contract with that entity; or

23               “(3) to a contractor that was awarded contracts  
24 by the Department of Defense during the preceding  
25 fiscal year in a total amount less than \$100,000.

1       “(e)(1) A person who is considering the propriety of ac-  
2 cepting compensation that might place the person in violation  
3 of subsection (a) may, before acceptance of such compensa-  
4 tion, apply to the Director of the Office of Government  
5 Ethics for advice on the applicability of this section to the  
6 acceptance of such compensation.

7       “(2) An application under paragraph (1) shall contain  
8 such information as the Director requires.

9       “(f) In this section:

10           “(1) The term ‘compensation’ includes any pay-  
11 ment, gift, benefit, reward, favor, or gratuity—

12                   “(A) which is provided, directly or indirectly,  
13 for services rendered; and

14                   “(B) which is valued in excess of \$250 at the  
15 prevailing market price.

16           “(2) The term ‘contractor’ means—

17                   “(A) a person that contracts to supply the  
18 Department of Defense with goods or services;  
19 and

20                   “(B) a person that controls, is controlled by,  
21 or is under common control with a person de-  
22 scribed in subparagraph (A).

23       Such term does not include a State or local govern-  
24 ment or an organization described in section 501(c)(3)

1 of the Internal Revenue Code of 1954 which is exempt  
2 from taxation under section 501(a) of such Code.

3 "(3) The term 'procurement function' includes,  
4 with respect to a contract, any function relating to—

5 "(A) the negotiation, award, administration,  
6 or approval of the contract;

7 "(B) the selection of a contractor;

8 "(C) the approval of changes in the contract;

9 "(D) quality assurance, operational and de-  
10 velopmental testing, the approval of payment, or  
11 auditing under the contract; or

12 "(E) the management of the procurement  
13 program.

14 "(4) The term 'armed forces' does not include the  
15 Coast Guard.

16 "(g) For the purposes of this section and section 2397c  
17 of this title, a member or former member of the armed forces  
18 shall be considered to have been separated from service in  
19 the Department of Defense upon the member's discharge or  
20 release from active duty.

21 **"§ 2397c. Defense contractors: requirements concerning**  
22 **former Department of Defense officials**

23 "(a)(1) With respect to a contractor that during a fiscal  
24 year enters into contracts with the Department of Defense  
25 for the procurement of goods and services in amounts aggre-

1 gating \$100,000 or more, each contract for procurement of  
2 goods or services entered into by the Department with that  
3 contractor during the next fiscal year shall include a provi-  
4 sion under which the contractor agrees not to provide com-  
5 pensation to a person if the acceptance of such compensation  
6 by such person would violate section 2397b(a)(1) of this title.

7       “(2) Such a contract shall also provide that if the con-  
8 tractor knowingly violates a contract provision required by  
9 paragraph (1) the contractor shall pay to the United States,  
10 as liquidated damages under the contract, an amount equal to  
11 the greater of—

12               “(A) \$100,000; or

13               “(B) three times the compensation paid by the  
14 contractor to the person in violation of such contract  
15 provision.

16       “(b)(1)(A) Each contractor subject during a calendar  
17 year to a contract term described in subsection (a) shall  
18 submit to the Secretary of Defense not later than April 1 of  
19 the next year a report covering the preceding calendar year.  
20 Each such report shall list the name of each person (together  
21 with other information adequate for the Government to iden-  
22 tify the person) who—

23               “(i) is a former officer or employee of the Depart-  
24 ment of Defense or a former or retired member of the  
25 armed forces; and

1           “(ii) was provided compensation by that contrac-  
2           tor during the preceding calendar year, if such compen-  
3           sation was provided within two years after such officer,  
4           employee, or member left service in the Department of  
5           Defense.

6           “(B) Each such listing shall—

7           “(i) show each agency in which the person was  
8           employed or served on active duty during the last two  
9           years of the person's service in the Government;

10           “(ii) show the person's job titles during the last  
11           two years of the person's service in the Government;

12           “(iii) contain a full and complete description of the  
13           duties of the person during the last two years of such  
14           service; and

15           “(iv) contain a description of the duties (if any)  
16           that the person is performing on behalf of the con-  
17           tractor.

18           “(2) A person who knowingly fails to file a report re-  
19           quired by paragraph (1) shall be fined not more than  
20           \$10,000.

21           “(3) The Secretary of Defense shall review each report  
22           under paragraph (1) to assess the report for accuracy and  
23           completeness and for the purpose of identifying possible vio-  
24           lations of paragraph (1) or section 2397b(a) of this title or of  
25           a contract provision required by subsection (a). The Secretary

1 shall report any such possible violation to the Attorney  
2 General.

3       “(c)(1) The Director of the Office of Government Ethics  
4 shall have access to the reports submitted under subsection  
5 (b)(1) and shall conduct an annual random review of the re-  
6 ports for violations of section 2397b(a) of this title and sub-  
7 sections (a) and (b)(1).

8       “(2) Not later than October 1 of each year, the Director  
9 shall submit to Congress a report on the operation of this  
10 section. Each such report shall include the findings of the  
11 Director based on the examination of reports for the preced-  
12 ing calendar year.

13       “(d) This section does not apply to a contract for an  
14 amount less than \$100,000.

15       “(e) The definition set forth in section 2397b(f) of this  
16 title apply to this section.”.

17       (2) The table of sections at the beginning of chapter 141  
18 of title 10, United States Code, is amended by inserting after  
19 the item relating to section 2397a the following new items:

“2397b. Certain former Department of Defense procurement officials; limitations of  
employment by contractors.

“2397c. Defense contractors; requirements concerning former Department of De-  
fense officials.”.

20       (b) REPEAL.—Effective on the effective date of this sec-  
21 tion, section 921 of the Defense Procurement Improvement  
22 Act of 1985 (title IX of Public Law 99-145; 10 U.S.C.  
23 2397a note) is repealed.



1 (c) EFFECTIVE DATES.—

2 (1) IN GENERAL.—Subject to paragraphs (1) and  
3 (2), this section and the amendments made by this sec-  
4 tion shall take effect 180 days after the date of the en-  
5 actment of this joint resolution.

6 (2) EFFECTIVE DATE FOR REGULATORY AU-  
7 THORITY.—Subsection (b) of section 2397b of title 10,  
8 United States Code, as added by subsection (a), shall  
9 take effect on the date of the enactment of this joint  
10 resolution. The Secretary of Defense shall prescribe  
11 and publish in the Federal Register regulations under  
12 that subsection not later than 180 days after such date.

13 (3) EFFECT ON EMPLOYMENT.—(A) The amend-  
14 ments made by this section—

15 (i) do not preclude the continuation of em-  
16 ployment that began before the effective date of  
17 this section or the acceptance of compensation for  
18 such employment; and

19 (ii) do not, except as provided in subpara-  
20 graph (B), apply to a person whose service in the  
21 Department of Defense terminates before the ef-  
22 fective date of this section.

23 (B) Subparagraph (A)(ii) does not preclude the ap-  
24 plication of the amendments made by this section to a  
25 person with respect to service in the Department of

1 Defense by such person on or after the effective date of  
2 this section.

3 (4) EFFECTIVE DATE FOR REPORTING REQUIRE-  
4 MENT.—The first report under section 2397c(c)(2) of  
5 title 10, United States Code, as added by subsection  
6 (a), shall be submitted not later than October 1, 1987.

7 SEC. 118. (a) LIMITATION ON USE OF FUNDS FOR UN-  
8 DEFINITIZED CONTRACTUAL ACTIONS.—

9 (1) LIMITATION ON USE OF FUNDS.—(A) On the  
10 last day of a fiscal quarter during a covered fiscal year,  
11 the amount of funds represented by undefinitized con-  
12 tractual actions (as determined under paragraph (3))  
13 entered into by the Secretary of Defense (with respect  
14 to the Defense Logistics Agency) or the Secretary of a  
15 military department during the reporting period with  
16 respect to such quarter may not exceed 10 percent of  
17 the amount of funds represented by all contractual ac-  
18 tions entered into by the Secretary during such period.

19 (B) If at the end of a fiscal quarter during a cov-  
20 ered fiscal year the amount of funds represented by un-  
21 definitized contractual actions under the jurisdiction of  
22 a Secretary that were entered into during the reporting  
23 period with respect to such quarter exceeds the limit  
24 established in subparagraph (A), the Secretary may not

1 enter into any additional undefinitized contractual ac-  
2 tions until the end of the following quarter.

3 (2) QUARTERLY REPORTS TO DEFENSE COMMIT-  
4 TEES.—(A) During each covered fiscal year, the Sec-  
5 retary of Defense and the Secretaries of the military  
6 departments shall each submit to the defense commit-  
7 tees a report at the end of each fiscal year quarter  
8 concerning—

9 (i) the amount of funds represented by con-  
10 tractual actions under the jurisdiction of the Sec-  
11 retary that were entered into during the reporting  
12 period with respect to the month for which the  
13 report is submitted; and

14 (ii) the amount of such funds represented by  
15 undefinitized contractual actions.

16 (B) A report required by subparagraph (A) shall  
17 be submitted not later than the end of the 45-day  
18 period beginning on the first day following the fiscal  
19 year quarter for which the report is submitted.

20 (C) The first reports required by subparagraph (A)  
21 shall be with respect to the fiscal year quarter ending  
22 on December 31, 1986.

23 (3) DETERMINATION OF AMOUNTS OF CONTRAC-  
24 TUAL ACTIONS.—For purposes of this section, the

1 amount of funds represented by a contractual action;  
2 shall be—

3 (A) the contractual price; or

4 (B) in the case of an undefinitized contractual  
5 action, the negotiated overall ceiling price.

6 (4) DEFINITIONS.—For purposes of this sub-  
7 section:

8 (A) The term “covered fiscal year” means  
9 fiscal year 1987 or 1988.

10 (B) The term “defense committees” means  
11 the Committees on Armed Services and on  
12 Appropriations of the Senate and House of  
13 Representatives.

14 (C) The term “reporting period” means, with  
15 respect to any month of a covered fiscal year, the  
16 period beginning on the first day of such fiscal  
17 year and ending on the last day of such month.

18 (D) The term “Secretary concerned”  
19 means—

20 (i) the Secretary of Defense, with re-  
21 spect to matters concerning the Defense Lo-  
22 gistics Agency; and

23 (ii) the Secretary of a military depart-  
24 ment, with respect to matters concerning  
25 that military department.

1           (E) The term "undefinitized contractual  
2           action" has the meaning given such term in sec-  
3           tion 2325(g) of title 10, United States Code (as  
4           added by section 3(a)(1)).

5           (b) **REQUIREMENTS WITH RESPECT TO UNDEFINITIZED**  
6           **CONTRACTUAL ACTIONS.**—(1)(A) Chapter 137 of title 10,  
7           United States Code, is amended by adding at the end the  
8           following new section:

9           "**§ 2325. Undefinitized contractual actions: restrictions**

10           "(a) **IN GENERAL.**—The head of an agency may not  
11           enter into an undefinitized contractual action unless—

12           "(1) the request to the head of the agency for au-  
13           thorization of the contractual action includes a descrip-  
14           tion of the anticipated effect on requirements of the  
15           military department if a delay is incurred for purposes  
16           of determining contractual terms, specifications, and  
17           price before performance is begun under the contrac-  
18           tual action; and

19           "(2) the contractual action provides for determina-  
20           tion of contractual terms, specifications, and price by  
21           the earlier of—

22           "(A) the end of the 180-day period beginning  
23           on the date that the contractual action is initiated;  
24           or

1                   “(B) the date on which the amount of funds  
2                   obligated or expended under the contract is equal  
3                   to 50 percent of the amount of the negotiated  
4                   overall ceiling price.

5                   “(b) LIMITATION ON OBLIGATION OF FUNDS.—(1)  
6                   Except as provided in paragraph (2), the contracting officer  
7                   for an undefinitized contractual action may not expend with  
8                   respect to such contractual action an amount that is equal to  
9                   more than 50 percent of the negotiated overall ceiling price  
10                  until the contractual terms, specifications, and price are de-  
11                  finitized for such contractual action.

12                  “(2) If a contractor submits a proposal to definitize an  
13                  undefinitized contractual action before an amount equal to  
14                  more than 50 percent of the negotiated overall ceiling price is  
15                  expended on such action, the contracting officer for such  
16                  action may not expend with respect to such contractual  
17                  action an amount that is equal to more than 75 percent of the  
18                  negotiated overall ceiling price until the contractual terms,  
19                  specifications, and price are definitized for such contractual  
20                  action.

21                  “(c) INCLUSION OF NON-URGENT REQUIREMENTS.—  
22                  Requirements for spare parts and support equipment that are  
23                  not needed on an urgent basis may not be included in an  
24                  undefinitized contractual action for spare parts and support

1 equipment that are needed on an urgent basis unless the head  
2 of the agency approves such inclusion as being—

3 “(1) good business practice; and

4 “(2) in the best interests of the United States.

5 “(d) MODIFICATION OF SCOPE.—The scope of an unde-  
6 finitized contractual action under which performance has  
7 begun may not be modified unless the head of the agency  
8 approves such modification as being—

9 “(1) good business practice; and

10 “(2) in the best interests of the United States.

11 “(e) ALLOWABLE PROFIT.—The head of an agency  
12 shall ensure that the profit allowed on an undefinitized con-  
13 tractual action for which the final price is negotiated after a  
14 substantial portion of the performance required is completed  
15 reflects—

16 “(1) the reduced cost risk of the contractor with  
17 respect to costs incurred during performance of the  
18 contract before the final price is negotiated; and

19 “(2) the reduced cost risk of the contractor with  
20 respect to costs incurred during performance of the re-  
21 maining portion of the contract.

22 “(f) APPLICABILITY.—This section does not apply to  
23 the Coast Guard or the National Aeronautics and Space  
24 Administration.





1 fense. The head of the Defense Acquisition Corps is the  
2 Under Secretary of Defense for Acquisition.

3       “(b) NUMBER.—The number of Defense Acquisition  
4 Corps positions in a military department shall be determined  
5 by the Secretary of Defense.

6 **“§ 1612. Appointments**

7       “The Secretary of Defense shall make appointments to  
8 the Defense Acquisition Corps from the best-qualified mili-  
9 tary personnel. The qualifications of such personnel shall be  
10 established based on levels of education, experience, and  
11 training and performance on examinations.”.

12       (b) COMPENSATION AND PERSONNEL MANAGEMENT  
13 INITIATIVE.—

14       (1) IN GENERAL.—The Secretary of Defense  
15 shall develop a plan for a compensation and personnel  
16 management initiative to enhance the professionalism  
17 of military personnel in the Defense Acquisition Corps.

18       (2) REPORT.—The Secretary shall submit to Con-  
19 gress a report describing the plan developed as re-  
20 quired by paragraph (1) not later than April 15, 1987.

21       (c) CLERICAL AMENDMENT.—The tables of chapters at  
22 the beginning of subtitle A of such title and at the beginning  
23 of part II of such subtitle are each amended by inserting after  
24 the item relating to chapter 83 the following new item:

“84. Defense Acquisition Corps..... 1611”.

1           SEC. 120. For the purposes of this joint resolution, sec-  
2 tion 9094 on page 80 of H.R. 5438, the Department of De-  
3 fense Appropriations Act, 1987, as reported to the House of  
4 Representatives on August 14, 1986, shall be deemed to  
5 read as follows:

6           "None of the funds appropriated or made available by  
7 this Act shall be available to overhaul the SSBN 642 or  
8 SSBN 624, unless a request to reprogram funds for the over-  
9 haul of SSBN 642 and SSBN 624 is submitted to and ap-  
10 proved by the Committees on Appropriations of the Senate  
11 and House of Representatives."

12

## TRANSFER OF FUNDS

13           SEC. 121. Of the funds made available in H.R. 5438,  
14 the Department of Defense Appropriations Act, 1987, as re-  
15 ported to the House of Representatives on August 14, 1986,  
16 \$1,500,000 for "Operation and maintenance, defense agen-  
17 cies" shall be transferred to the Department of Commerce,  
18 International Trade Administration, "Operations and admin-  
19 istration", for export administration activities.

20           SEC. 122. (a) The Secretary of Defense shall conduct  
21 through the Civilian Health and Medical Program of the Uni-  
22 formed Services (CHAMPUS) a demonstration project on the  
23 treatment of alcoholism designed to compare the use of chem-  
24 ical aversion therapy with the use of other treatments. The  
25 Secretary shall submit to the Committees on Appropriations  
26 and Armed Services of the Senate and House of Representa-

1 gives a report describing the proposed conduct of the demon-  
2 stration project not later than November 1, 1986. The Secre-  
3 tary shall implement the demonstration project not later than  
4 February 1, 1987. At the conclusion of the demonstration  
5 project, the Secretary shall submit to such committees a  
6 report on the results of the project.

7 (b) Until the report required by subsection (a) on the  
8 results of the demonstration project is submitted, the Secre-  
9 tary of Defense shall ensure that coverage of beneficiaries  
10 under section 1079(a) or 1086(a) of title 10, United States  
11 Code, shall provide for chemical aversion treatment of benefi-  
12 ciaries for alcoholism to the same extent as for any other  
13 treatment of beneficiaries relating to alcoholism.

14 SEC. 123. In addition to the funds appropriated or made  
15 available in the Department of Defense Appropriations Act,  
16 1987 (H.R. 5438), as reported to the House of Representa-  
17 tives on August 14, 1986, the following additional amounts  
18 are appropriated: \$37,200,000 for "Procurement of Ammu-  
19 nition, Army" and \$10,000,000 for "Other Procurement,  
20 Navy", to be offset by corresponding general reductions in  
21 the named appropriations.

22 SEC. 124. (a) GOVERNOR CONSENT FOR ACTIVE DUTY  
23 OF NATIONAL GUARD MEMBERS.—Section 501 of title 32,  
24 United States Code, is amended by adding at the end the  
25 following new subsection:

1       “(c) With regard to active duty outside the United  
2 States, its territories, and its possessions, the consent of the  
3 Governor described in sections 672(b) and 672(d) of title 10  
4 may not be withheld in whole or in part because of any objec-  
5 tion to the location, purpose, type, or schedule of such active  
6 duty.”.

7       (b) CONFORMING AMENDMENT.—Section 672 of title  
8 10, United States Code, is amended—

9               (1) by inserting “except as provided by section  
10 501(c) of title 32” after “as the case may be” in sub-  
11 section (b); and

12               (2) by inserting “except as provided by section  
13 501(c) of title 32” after “whichever is concerned” in  
14 subsection (d).

15       SEC. 125. None of the funds provided in this Act, or  
16 any other Act, may be used by the Corps of Engineers to  
17 lease, contract or otherwise transfer to a non-government  
18 entity any parks or recreation resources, or the management  
19 or operation thereof, located at Greers Ferry Lake or Little  
20 Red River in the State of Arkansas, for which such arrange-  
21 ments did not exist on or before September 1, 1986, until the  
22 Corps has studied the economic, environmental and public  
23 use impact of leasing to private enterprise the parks and  
24 other recreation resources at lakes, reservoirs and reaches of  
25 river under its jurisdiction and such study has been reviewed

1 by the Committees on Appropriations of the House of Repre-  
2 sentatives and the Senate, the Committee on Public Works  
3 and Transportation of the House of Representatives and the  
4 Committee on Environment and Public Works in the Senate.

5 SEC. 126. None of the funds made available by this Act  
6 or any other Act for any fiscal year may be used hereafter to  
7 study, to plan, to implement, to construct, or to issue any  
8 permit for the Northfield Mountain Water Supply Project,  
9 Massachusetts or the Millers and Tully Rivers Water Supply  
10 Project, Massachusetts: *Provided*, That this section shall not  
11 apply to environmental studies undertaken by the United  
12 States Fish and Wildlife Service.

13 SEC. 127. Within available funds, the Secretary of the  
14 Army acting through the Chief of Engineers is authorized  
15 and directed to modify the Black Warrior and Tombigbee  
16 Rivers, Alabama, project, to provide a safe channel and gen-  
17 eral navigation facilities in the vicinity of Jackson, Alabama,  
18 at an estimated cost of \$8,200,000. Necessary training works  
19 to provide a safe channel shall be constructed at full Federal  
20 expense as part of the Operation and Maintenance, General  
21 program. Development of general navigation facilities to pro-  
22 vide a spur canal for a port facility at Jackson, at an estimat-  
23 ed cost of \$2,300,000, shall be part of the Construction,  
24 General program and shall be cost shared under terms and  
25 conditions acceptable to the Secretary of the Army as set

1 forth in a binding agreement with a non-Federal sponsor de-  
2 siring to participate in project construction.

3 SEC. 128. Section 8 of the Act of June 3, 1960 (74  
4 Stat. 156; Public Law 86-488), is amended by inserting  
5 "(a)" after "Sec. 8." and by inserting at the end thereof the  
6 following new subsection:

7 "(b) Notwithstanding any other provision of law, none of  
8 the costs associated with, or resulting from, the following  
9 which have been or will be incurred shall be recovered by the  
10 Secretary, directly or indirectly, from power contractors of  
11 the Central Valley project:

12 "(1) the construction of such distribution systems  
13 and drains as are not constructed by local interests:

14 "(2) the construction of the San Luis interceptor  
15 drain; or

16 "(3) the construction or acquisition of any facili-  
17 ties by the United States or the Westlands Water  
18 District as partial or full alternatives to the San Luis  
19 interceptor drain."

20 SEC. 129. From within the amounts made available in  
21 section 101(e) for Atomic Energy Defense Activities, not less  
22 than \$664,600,000 shall be made available for defense waste  
23 and byproducts management.

24 SEC. 130. Notwithstanding the provisions of H.R.  
25 5339, the United States Governor of the Inter-American De-

1 velopment Bank may subscribe without fiscal year limitation  
2 to the callable capital portion of the United States share of  
3 such increase in capital stock in an amount not to exceed  
4 \$1,111,561,128.

5 SEC. 131. Of the amount made available in section  
6 101(g) for "DEPARTMENT OF HOUSING AND URBAN  
7 DEVELOPMENT—MANAGEMENT AND ADMINISTRA-  
8 TION—SALARIES AND EXPENSES", \$225,000 shall be avail-  
9 able only for expenses of the Department of Housing and  
10 Urban Development in operating a field office of the Depart-  
11 ment in Springfield, in the State of Illinois. The Secretary of  
12 Housing and Urban Development shall reopen such field  
13 office upon the enactment of this joint resolution and may  
14 not terminate operations at such office before Septem-  
15 ber 30, 1987.

16 SEC. 132. The Interagency Committee on Cigarette  
17 and Little Cigar Fire Safety, established pursuant to Public  
18 Law 98-567, shall have an additional six months to complete  
19 its final technical report and submit policy recommendations  
20 to the Congress.

21 SEC. 133. National Park Service. "Construction",  
22 \$5,000,000, in addition to funds made available by any other  
23 provision of this joint resolution and notwithstanding section  
24 102 of this joint resolution, to restore the Roundhouse at

1 Steamtown U.S.A. in Scranton, Pennsylvania, to remain  
2 available until expended.

3 SEC. 134. The funds appropriated for fiscal year 1987  
4 under this or any other Act to carry out part A of title IV of  
5 Public Law 92-318 (Indian Education Act) shall be distribut-  
6 ed under the same proof of eligibility requirements as applied  
7 in fiscal year 1986.

8 SEC. 135. Smithsonian Institution, "Salaries and Ex-  
9 penses", \$1,000,000, in addition to funds made available by  
10 any other provision of this joint resolution, for the acquisition,  
11 curation, care, maintenance, reproduction and dissemination,  
12 through publication and recording, of the Duke Ellington  
13 Collection.

14 SEC. 136. (a) Any individual who—

15 (1) on the day before the date on which food serv-  
16 ices operations for the House of Representatives are  
17 transferred by contract to a corporation or other  
18 person—

19 (A) is a congressional employee (as defined in  
20 section 2107 of title 5, United States Code), other  
21 than an employee of the Architect of the Capitol,  
22 engaged in providing such food services under the  
23 administrative control of the Architect of the Cap-  
24 itol; and



1 (B) is subject to subchapter III of chapter 83  
2 of title 5, United States Code, or chapter 84 of  
3 such title;

4 (2) as a result of such contract, ceases to be an  
5 employee described in paragraph (1); and

6 (3) becomes employed to provide such food serv-  
7 ices under contract, including a successor contract;

8 may, for purposes of the provisions of law specified in subsec-  
9 tion (b), elect to be treated, for so long as such individual  
10 continues to be employed (without a break in service) as de-  
11 scribed in paragraph (3), as if such individual had not ceased  
12 to be an employee described in paragraph (1). Such election  
13 shall be made on or before the day referred to in paragraph  
14 (1) and shall be available only to an individual whose transi-  
15 tion from the employment described in paragraph (1) to the  
16 employment described in paragraph (3) takes place without a  
17 break in service.

18 (b) The provisions of law referred to in subsection (a)  
19 are—

20 (1) subchapter III of chapter 83 of title 5, United  
21 States Code (including section 8339(m) of such title  
22 (which shall be applied, when an employee retires on  
23 an immediate annuity or dies, as if the employment at  
24 the time of retirement or death were under a formal  
25 leave system), with respect to unused sick leave to the

1 credit of an employee on the day referred to in subsec-  
2 tion (a)(1):

3 (2) chapter 84 of title 5, United States Code; and

4 (3) title III of the Federal Employees' Retirement  
5 System Act of 1986.

6 (c)(1) At the earliest practicable opportunity, the Direc-  
7 tor of the Office of Personnel Management shall, in consulta-  
8 tion with the Architect of the Capitol, prescribe regulations  
9 to carry out this section with respect to matters within the  
10 jurisdiction of the Office, including regulations under which—

11 (A) an individual who makes an election under  
12 subsection (a) shall pay into the Civil Service Retire-  
13 ment and Disability Fund any employee contributions  
14 which would be required if such individual were a Con-  
15 gressional employee; and

16 (B) the employer furnishing food services under a  
17 contract referred to in subsection (a) shall pay into the  
18 Civil Service Retirement and Disability Fund amounts  
19 equal to any agency contributions which would be re-  
20 quired if the individual were a Congressional employee.

21 (2) At the earliest practicable opportunity, the Execu-  
22 tive Director of the Federal Retirement Thrift Investment  
23 Board shall, in consultation with the Architect of the Capitol,  
24 prescribe regulations to carry out this section with respect to  
25 matters within the jurisdiction of the Board.

1           SEC. 137. (a) The Secretary of the Air Force may use  
2 not more than \$600,000 (from funds described in subsection  
3 (b)) to provide assistance, by grant or otherwise, to the Doug-  
4 las School District in Box Elder, South Dakota, near Ells-  
5 worth Air Force Base, South Dakota, for purposes of miti-  
6 gating any adverse impact on the schools in such district de-  
7 termined by the Secretary to result from deployment of the  
8 B-1 bomber or establishment of the strategic training center  
9 at such base.

10          (b) Assistance under subsection (a) shall be provided  
11 from funds appropriated to the Air Force for fiscal year 1987  
12 for military construction projects at Ellsworth Air Force  
13 Base, South Dakota, or from prior-year funds available for  
14 military construction projects at such base that are no longer  
15 required for the project for which originally made available.

16          SEC. 138. None of the equipment, boats, or personnel of  
17 the Coast Guard may be used after the date of the enactment  
18 of this Act for purposes of extending the navigation season on  
19 any of the Great Lakes or the Saint Lawrence River beyond  
20 January 15 of any year or conducting demonstration projects  
21 for the extension of the navigation season, unless such exten-  
22 sion is necessary because of emergency navigational or other  
23 emergency circumstances: *Provided*, That nothing in this sec-  
24 tion shall preclude the Coast Guard from performing routine  
25 search and rescue operations.

1           SEC. 139. Within 30 days of enactment, the Federal  
2   Aviation Administration shall initiate rulemaking action to  
3   consider the question of requiring the installation and car-  
4   riage of operating transponders with automatic altitude re-  
5   porting capability for all aircraft operating in terminal air-  
6   space where the Federal Aviation Administration provides  
7   radar service, and in all controlled airspace above a minimum  
8   altitude to be determined by the Federal Aviation Adminis-  
9   tration. This regulation shall be effective on the earliest feasi-  
10   ble date.

11           SEC. 140. The Secretary of Transportation shall ap-  
12   prove the construction of the Interstate Highway H-3 be-  
13   tween the Halawa Interchange to, and including, the Hale-  
14   kou Interchange (a distance of approximately 10.7 miles),  
15   and such construction shall proceed to completion notwith-  
16   standing section 158 of title 23 and section 303 of title 49,  
17   United States Code.

18           SEC. 141. Section 11321(b) of title 49, United States  
19   Code is amended by striking out in the first sentence "that is  
20   not operated through the Panama Canal and".

21           SEC. 142. The Administrator of the General Services  
22   Administration, under section 210(d) of the Federal Property  
23   and Administrative Services Act of 1949, as amended, shall  
24   acquire, by means of a lease of up to 30 years duration, space

1 for the United States Courts in Tacoma, Washington at the  
2 site of Union Station, Tacoma, Washington.

3       SEC. 143. None of the funds appropriated by this Act or  
4 any other Act shall be used for the processing of any applica-  
5 tion for a certificate of label approval for imported distilled  
6 spirits, malt beverages, or wine under section 205(e) of the  
7 Federal Alcohol Administration Act, unless each application  
8 is accompanied by appropriate documentation.

9       SEC. 144. (a) CIVILIAN PAY RAISE.—(1) Notwith-  
10 standing any other provision of law, in the case of fiscal year  
11 1987, the overall percentage of the adjustment under section  
12 5305 of title 5, United States Code, in the rates of pay under  
13 the General Schedule, and in the rates of pay under the other  
14 statutory pay systems, shall be an increase of 3 percent.

15       (2) Each increase in a pay rate or schedule which takes  
16 effect pursuant to paragraph (1) shall, to the maximum extent  
17 practicable, be of the same percentage, and shall take effect  
18 as of the first day of the first applicable pay period commenc-  
19 ing on or after January 1, 1987.

20       (3)(A) Notwithstanding any other provision of law, de-  
21 terminations relating to amounts to be appropriated in order  
22 to provide for the adjustment described in paragraph (1) shall  
23 be made based on the assumption that the various depart-  
24 ments and agencies of the Government will, in the aggregate,

1 absorb 50 percent of the increase in total pay for fiscal year  
2 1987.

3 (B) Subparagraph (A) does not apply with respect to the  
4 Department of Defense or pay for employees of the Depart-  
5 ment of Defense.

6 (4) For purposes of this subsection—

7 (A) the term "total pay" means, with respect to a  
8 fiscal year, the total amount of basic pay which will be  
9 payable to employees covered by the statutory pay sys-  
10 tems for service performed during such fiscal year;

11 (B) the term "increase in total pay" means, with  
12 respect to a fiscal year, that part of total pay for such  
13 year which is attributable to the adjustment taking  
14 effect under this section during such year; and

15 (C) the term "statutory pay system" has the  
16 meaning given such term by section 5301(e) of title 5,  
17 United States Code.

18 (b) **MILITARY PAY RAISE.**—(1) Any adjustment re-  
19 quired by section 1009 of title 37, United States Code, in  
20 elements of the compensation of members of the uniformed  
21 services to become effective during fiscal year 1987 shall not  
22 be made.

23 (2) The rates of basic pay, basic allowance for subsist-  
24 ence, and basic allowance for quarters of members of the uni-

1 formed services are increased by 3 percent effective on Janu-  
2 ary 1, 1987.

3 TITLE II  
4 OMNIBUS DRUG SUPPLEMENTAL  
5 APPROPRIATIONS ACT OF 1987  
6 CHAPTER I  
7 DEPARTMENT OF JUSTICE  
8 LEGAL ACTIVITIES

9 SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

10 For an additional amount for "Salaries and Expenses,  
11 United States Attorneys", \$31,000,000.

12 SALARIES AND EXPENSES, UNITED STATES MARSHALS  
13 SERVICE

14 For an additional amount for "Salaries and Expenses,  
15 United States Marshals Service", \$15,000,000.

16 SUPPORT OF UNITED STATES PRISONERS

17 For an additional amount for "Support of United States  
18 Prisoners", \$5,000,000 of which \$3,000,000, to be available  
19 until expended, is for the Cooperative Agreement Program.

20 DRUG ENFORCEMENT ADMINISTRATION  
21 SALARIES AND EXPENSES

22 For an additional amount for "Salaries and Expenses",  
23 \$114,000,000, of which \$54,000,000 shall be available for  
24 cooperative interdiction operations in the Bahamas.

1 FEDERAL PRISON SYSTEM

2 SALARIES AND EXPENSES

3 For an additional amount for "Salaries and Expenses",  
4 \$7,000,000.

5 BUILDINGS AND FACILITIES

6 For an additional amount for "Buildings and Facilities",  
7 \$140,000,000, to remain available until expended.

8 OFFICE OF JUSTICE PROGRAMS

9 JUSTICE ASSISTANCE

10 For an additional amount for "Justice Assistance",  
11 \$660,000,000, to remain available until expended, for grants  
12 for drug law enforcement programs authorized by title I of  
13 the Omnibus Crime Control and Safe Streets Act of 1968, as  
14 amended as passed the House on September 11, 1986.

15 THE JUDICIARY

16 COURTS OF APPEALS, DISTRICT COURTS, AND OTHER

17 JUDICIAL SERVICES

18 SALARIES AND EXPENSES

19 For an additional amount for "Salaries and Expenses",  
20 \$4,500,000, to carry out the provisions of the Drug and Al-  
21 cohol Dependent Offenders Treatment Act of 1986 as passed  
22 the House on September 11, 1986.



1 RELATED AGENCY  
2 UNITED STATES INFORMATION AGENCY  
3 SALARIES AND EXPENSES

4 For an additional amount for "Salaries and Expenses",  
5 \$2,000,000, to be available only for drug education programs  
6 abroad authorized in H.R. 5484 as passed the House on Sep-  
7 tember 11, 1986.

8 CHAPTER II  
9 FOREIGN ASSISTANCE  
10 BILATERAL ECONOMIC ASSISTANCE  
11 FUNDS APPROPRIATED TO THE PRESIDENT  
12 AGENCY FOR INTERNATIONAL DEVELOPMENT

13 Education and human resources development. Develop-  
14 ment Assistance:

15 For an additional amount to carry out chapter 1 of part  
16 1 of the Foreign Assistance Act of 1961, \$3,000,000: *Pro-*  
17 *vided*, That these funds shall be used pursuant to section  
18 126(b)(2) of the Foreign Assistance Act of 1961 for addition-  
19 al activities aimed at increasing awareness of the effects of  
20 production and trafficking of illicit narcotics on source and  
21 transit countries: *Provided further*, That funds made avail-  
22 able by this paragraph shall be available through the regular  
23 notification procedures of the Committees on Appropriations.

1                                   DEPARTMENT OF STATE  
2                                   INTERNATIONAL NARCOTICS CONTROL

3           For an additional amount to carry out the provisions of  
4 section 481 of the Foreign Assistance Act of 1961,  
5 \$35,000,000: *Provided*, That funds may be available for this  
6 purpose only if the President has submitted to the Congress:  
7 (1) a budget request for the funds, (2) a plan showing how the  
8 requested funds will be used, including a description of how  
9 regional cooperation on narcotics control matters would be  
10 promoted by the use of the funds: *Provided further*, That  
11 funds made available by this paragraph shall be available  
12 through the regular notification procedures of the Commit-  
13 tees on Appropriations.

14                                   CHAPTER III  
15                                   DEPARTMENT OF THE INTERIOR  
16                                   NATIONAL PARK SERVICE

17                                   OPERATION OF THE NATIONAL PARK SYSTEM

18           For an additional amount for "Operation of the National  
19 Park System", \$1,000,000.

20                                   BUREAU OF INDIAN AFFAIRS  
21                                   OPERATION OF INDIAN PROGRAMS

22           For an additional amount for "Operation of Indian pro-  
23 grams", \$19,860,000, of which the funds made available to  
24 tribes and tribal organizations through contracts authorized  
25 by the Indian Self-Determination and Education Assistance

1 Act of 1975 (88 Stat. 2203; 25 U.S.C. 450 et seq.) shall  
2 remain available until September 30, 1988.

3 CONSTRUCTION

4 For an additional amount for "Construction",  
5 \$34,000,000, to remain available until expended.

6 TERRITORIAL AND INTERNATIONAL AFFAIRS

7 ADMINISTRATION OF TERRITORIES

8 For an additional amount for "Administration of territo-  
9 ries", \$4,000,000, to remain available until expended.

10 DEPARTMENT OF HEALTH AND HUMAN

11 SERVICES

12 HEALTH RESOURCES AND SERVICES ADMINISTRATION

13 INDIAN HEALTH SERVICES

14 For an additional amount for "Indian health services",  
15 \$37,500,000; *Provided*, That funds made available to tribes  
16 and tribal organizations through grants and contracts author-  
17 ized by the Indian Self-Determination and Education Assist-  
18 ance Act of 1975 (88 Stat. 2203; 25 U.S.C. 450 et seq.)  
19 shall remain available until September 30, 1988.

20 INDIAN HEALTH FACILITIES

21 For an additional amount for "Indian health facilities",  
22 \$4,000,000, to remain available until expended.

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CHAPTER IV

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH

ADMINISTRATION

EMERGENCY SUBSTANCE ABUSE TREATMENT AND

PREVENTION

For carrying out drug abuse prevention and treatment activities authorized by title XIX of the Public Health Service Act as amended by title IX of the Omnibus Drug Enforcement, Education, and Control Act of 1986 (H.R. 5484), as passed the House of Representatives on September 11, 1986, \$280,000,000.

ALCOHOL, DRUG ABUSE AND MENTAL HEALTH

For an additional amount for carrying out the study on the coverage of drug abuse treatment and rehabilitation services authorized by title IX of the Omnibus Drug Enforcement, Education, and Control Act of 1986 (H.R. 5484) as passed the House of Representatives on September 11, 1986, \$1,000,000.

RELATED AGENCIES

ADVISORY COMMISSION ON THE COMPREHENSIVE

EDUCATION OF INTERCOLLEGIATE ATHLETES

SALARIES AND EXPENSES

For expenses necessary to carry out title IX of the Omnibus Drug Enforcement, Education, and Control Act of

66

1 1986 (H.R. 5484), as passed the House of Representatives  
2 on September 11, 1986, with respect to the Advisory Com-  
3 mission on the Comprehensive Education of Interscholastic  
4 Athletes, \$650,000.

5 DEPARTMENT OF EDUCATION

6 DRUG ABUSE EDUCATION AND PREVENTION

7 For carrying out the Drug Abuse Education and Pre-  
8 vention Act of 1986, as authorized by title VIII of the Omni-  
9 bus Drug Enforcement, Education, and Control Act of 1986  
10 (H.R. 5484), as passed the House of Representatives on Sep-  
11 tember 11, 1986, \$350,000,000 to remain available until  
12 September 30, 1988.

13 CHAPTER V

14 DEPARTMENT OF TRANSPORTATION

15 COAST GUARD

16 OPERATING EXPENSES

17 For an additional amount for "Operating expenses",  
18 \$59,000,000.

19 ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

20 For an additional amount for "Acquisition, construction,  
21 and improvements", \$59,000,000, to remain available until  
22 September 30, 1991.

23 RESERVE TRAINING

24 For an additional amount for "Reserve training",  
25 \$9,000,000.

1                                   CHAPTER VI  
2                                   TREASURY DEPARTMENT  
3                                   U.S. CUSTOMS SERVICE  
4                                   SALARIES AND EXPENSES

5           For an additional amount for "Salaries and expenses",  
6 \$52,431,000.

7           OPERATION AND MAINTENANCE, AIR INTERDICTION  
8                                   PROGRAM

9           For an additional amount for "Operation and Mainte-  
10 nance, Air Interdiction Program", \$147,000,000.

11                                  CUSTOMS FORFEITURE FUND

12           For an additional amount for the "Customs Forfeiture  
13 Fund", \$12,000,000, to be derived from deposits in the  
14 Fund.

15           PAYMENT TO THE GOVERNMENT OF PUERTO RICO

16           For payment of a grant to the government of Puerto  
17 Rico, \$7,800,000, to remain available until expended

18           EXECUTIVE OFFICE OF THE PRESIDENT

19           WHITE HOUSE CONFERENCE ON DRUG ABUSE AND  
20                                   CONTROL

21                                  SALARIES AND EXPENSES

22           For necessary expenses of the White House Conference  
23 on Drug Abuse and Control, \$5,000,000.