

Public Law 103-335<sup>\*</sup>  
103d Congress

## An Act

Making appropriations for the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes.

Sept. 30, 1994  
[H.R. 4650]

*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, 1995, for military functions administered by the Department of Defense, and for other purposes, namely:

## TITLE I

## MILITARY PERSONNEL

## MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; \$20,609,770,000.

## MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; \$17,569,137,000.

## MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of

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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; \$5,774,871,000.

#### MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; \$17,181,479,000.

#### RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 265, 3021, and 3038 of title 10, United States Code, or while serving on active duty under section 672(d) of title 10, United States Code, in connection with performing duty specified in section 678(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 2131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; \$2,161,620,000.

#### 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; and for payments to the Department of Defense Military Retirement Fund; \$1,401,809,000.

#### 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; and for payments to the Department of Defense Military Retirement Fund; \$348,748,000.

#### 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; and for payments to the Department of Defense Military Retirement Fund; \$768,834,000.

#### 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; and for payments to the Department of Defense Military Retirement Fund; \$3,339,505,000.

#### 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; and for payments to the Department of Defense Military Retirement Fund; \$1,233,429,000.

### TITLE II

Short title.  
*Post*, p. 2659.

#### OPERATION AND MAINTENANCE

#### OPERATION AND MAINTENANCE, ARMY

##### (INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed \$14,437,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority

of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes; \$17,507,088,000 and, in addition, \$50,000,000 shall be derived by transfer from the National Defense Stockpile Transaction Fund: *Provided*, That of the funds appropriated in this paragraph, not less than \$388,599,000 shall be made available only for conventional ammunition care and maintenance: *Provided further*, That of the funds appropriated in this paragraph, \$5,800,000 shall be made available only for the removal of equipment and the repair and restoration of structures at the National Center for Toxicological Research, Jefferson, Arkansas: *Provided further*, That of the funds appropriated under this heading, not less than \$5,000,000 shall be made available only for payment to the DOD 50th Anniversary of World War II Commemoration Appropriation: *Provided further*, That of the funds appropriated under this heading, \$9,500,000 shall be made available only to purchase an easement for use by the Army's Schofield Barracks Military Reservation for the purpose of waste water disposal: *Provided further*, That notwithstanding Army Regulation 200-1, the Secretary of the Army may obligate not to exceed \$2,000,000 through the Army Corps of Engineers to contribute to a multi-party remediation effort at the Alaska Roundhouse site at Cordova, Alaska: *Provided further*, That such funds may only be obligated to match contributions made by other private, State or Municipal authorities to the remediation effort.

#### OPERATION AND MAINTENANCE, NAVY

##### (INCLUDING TRANSFER OF FUNDS)

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 \$4,301,000 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; \$21,054,470,000 and, in addition, \$50,000,000 shall be derived by transfer from the National Defense Stockpile Transaction Fund: *Provided*, That of the funds appropriated under this heading, not less than \$45,874,000 shall be made available only for the Pacific Missile Range Facility, Hawaii: *Provided further*, That of the funds appropriated under this heading, \$46,300,000 shall be made available only for naval shipyard modernization projects to remain available for obligation until September 30, 1996.

#### 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; \$1,988,215,000.

#### OPERATION AND MAINTENANCE, AIR FORCE

##### (INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed \$8,762,000 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; \$18,763,427,000 and, in addition, \$50,000,000 shall be derived by transfer from the National Defense Stockpile Transaction Fund: *Provided*, That the Secretary of the Air Force may acquire all right, title and interest of any party in and to two parcels of real property, including improvements thereon, consisting of approximately 27 acres, located near King Salmon Air Force Station: *Provided further*, That this authority may be exercised only for the purpose of conducting a response action in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601-9675) and the Air Force Installation Restoration Program.

#### OPERATION AND MAINTENANCE, DEFENSE-WIDE

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; \$10,500,104,000, of which not to exceed \$25,000,000 may be available for the CINC initiative fund account; and of which not to exceed \$23,768,000 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: *Provided*, That of the funds appropriated under this heading, \$20,000,000 shall be made available only for the repair and maintenance of federally owned education facilities located on military installations.

#### 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; \$1,243,209,000: *Provided*, That the Undersecretary of Defense for Policy, shall, not later than October 15, 1994, transmit, in unclassified and classified forms, the Rand Corporation Study, published on or about December 1993, on The United States Role in Possible Middle East Peace Settlements to the congressional defense, intelligence and foreign affairs committees.

#### 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; \$831,219,000.

#### OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities

and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; \$81,862,000.

#### OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; \$1,471,505,000.

#### 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); \$2,440,288,000: *Provided*, That of the funds appropriated in this paragraph, \$10,000,000 shall be made available only for a National Guard Outreach Program in the Los Angeles School District.

#### OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For operation and maintenance of the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, repair, and other necessary expenses of facilities for the training and administration of the Air National Guard, including repair of facilities, maintenance, operation, and modification of aircraft; transportation of things; hire of passenger motor vehicles; supplies, materials, and equipment, as authorized by law for the Air National Guard; and expenses incident to the maintenance and use of supplies, materials, and equipment, including such as may be furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; \$2,772,928,000: *Provided*, That of the funds appropriated under this heading, \$9,200,000 shall be made available only for the operation of Air National Guard C-130 operational support aircraft of the 159th Air National Guard Fighter Group, the 146th Airlift Wing, and the South Carolina Air National Guard 169th Fighter Group unit.

## 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 operation and maintenance of rifle ranges; the instruction of citizens in marksmanship; the promotion of rifle practice; the conduct of the national matches; the sale 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 \$2,544,000.

## COURT OF MILITARY APPEALS, DEFENSE

For salaries and expenses necessary for the United States Court of Military Appeals; \$6,126,000, of which not to exceed \$2,500 can be used for official representation purposes.

## ENVIRONMENTAL RESTORATION, DEFENSE

## (INCLUDING TRANSFER OF FUNDS)

For the Department of Defense; \$1,780,200,000, 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, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes (including programs and operations at sites formerly used by the Department of Defense), transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense as the Secretary may designate, to be merged with and to be available for the same purposes and for the same time period as the appropriations of funds to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

## SUMMER OLYMPICS

For logistical support 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 1996 Games of the XXVI Olympiad and the X Paralympiad to be held in Atlanta, Georgia) provided by any component of the Department of Defense to the 1996 Games of the XXVI Olympiad and the X Paralympiad; \$14,400,000: *Provided*, That funds appropriated under this heading shall remain available for obligation until September 30, 1997.

## 1995 SPECIAL OLYMPICS WORLD GAMES

For logistical support 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 1995 Special Olympics World Games to be held in New Haven, Connecticut) provided by any component of the Department of Defense to the 1995 Special Olympics World Games; \$3,000,000.

## HUMANITARIAN ASSISTANCE

For transportation for humanitarian relief for the people of Afghanistan, the Kurdish population and other minorities of northern Iraq, and the people of sub-Saharan Africa, acquisition and shipment of transportation assets to assist in the distribution of such relief, and for transportation and distribution of humanitarian relief supplies, and excess non-lethal property; \$65,000,000 of which \$10,000,000 shall be made available only for activities to support the clearing of landmines for humanitarian purposes.

## FORMER SOVIET UNION THREAT REDUCTION

For assistance to the republics of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for providing incentives for demilitarization; for establishing programs to prevent the proliferation of weapons, weapons components, and weapon-related technology and expertise; for programs relating to the training and support of defense and military personnel for demilitarization and protection of weapons, weapons components and weapons technology and expertise; for supporting the demilitarization of military technologies and production infrastructure; \$400,000,000 to remain available until expended: *Provided*, That of the funds appropriated under this heading, \$10,000,000 shall be made available only for the continuing study, assessment, and identification of nuclear waste disposal by the former Soviet Union in the Arctic and North Pacific regions.

Short title.  
*Post*, p. 2659.

## TITLE III

## PROCUREMENT

## AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; \$1,063,164,000, to remain available for obligation until September 30, 1997: *Provided*, That the Secretary of the Army will report to the House and

Reports.



Senate Committees on Appropriations on the concept, organization, requirements, and mission need documents for the High Capacity Air Ambulance, utilizing low cost fixed wing aircraft, no later than April 15, 1995.

#### 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; \$813,795,000, to remain available for obligation until September 30, 1997.

#### 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; \$1,151,914,000, to remain available for obligation until September 30, 1997.

#### 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 by section 2854, title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; \$1,181,221,000, to remain available for obligation until September 30, 1997: *Provided*, That of the amounts appropriated for the ARMS program in "Procurement of Ammunition, Army, 1993/1995", \$43,000,000 may be available to fund subsidy costs of loan guarantees authorized to be made under that program.

#### OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and nontracked combat

vehicles; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; \$2,673,148,000, to remain available for obligation until September 30, 1997.

#### 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; \$4,627,645,000, to remain available for obligation until September 30, 1997.

#### 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 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; \$2,159,080,000, to remain available for obligation until September 30, 1997: *Provided*, That, in addition to the foregoing purposes, funds appropriated under this heading shall be available to liquidate deficiencies in appropriations provided under this heading in prior Department of Defense appropriations Acts without regard to any provision of law limiting or restricting amounts which may be charged to currently available appropriations with respect to funds provided in prior appropriations Acts.

#### PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

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 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; \$417,779,000, to remain available for obligation until September 30, 1997.

#### 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:

Carrier replacement program, \$2,284,925,000;

CVN Refuelings, \$38,328,000;

DDG-51 destroyer program, \$2,660,690,000;

LHD-1 amphibious assault ship program, \$50,000,000: *Provided*, That such funds shall not be obligated or expended until such time that there are sufficient funds made available for the LHD ship program to execute an existing contract option or any extension thereto for LHD-7: *Provided further*,

That such funds shall not be transferred, reprogrammed, or used for any purpose other than the LHD ship program: *Provided further*, That such funds shall remain available for obligation until expended: *Provided further*, That the Secretary of the Navy shall extend this existing contract option for the LHD-7 ship for not less than one year and shall negotiate any change in option price made necessary by such extension;

Nuclear submarine main steam condenser industrial base, \$1,000,000;

For craft, outfitting, post delivery, conversions, and first destination transportation, \$377,521,000;

In all: \$5,412,464,000, and, in addition, \$1,200,000,000 shall be derived by transfer from the National Defense Sealift Fund for additional funding for the Carrier replacement program, all to remain available for obligation until September 30, 1999: *Provided*, That additional obligations may be incurred after September 30, 1999, 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 facilities for the construction of major components 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.

Contracts.

#### OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of not to exceed 262 passenger motor vehicles, of which 162 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 contractor-owned equipment layaway; \$3,329,171,000, to remain available for obligation until September 30, 1997: *Provided*, That of the funds appropriated under this heading, not less than \$23,900,000 shall be made available only for the Pacific Missile Range Facility, Hawaii.

#### PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, 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 the purchase of not to exceed 103 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; \$422,410,000, to remain available for obligation until September 30, 1997.

#### 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; \$6,379,962,000, to remain available for obligation until September 30, 1997: *Provided*, That the Department of the Air Force shall initiate procurement of non-developmental airlift aircraft no later than September 30, 1995.

#### 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; \$3,650,262,000, to remain available for obligation until September 30, 1997.

## PROCUREMENT OF AMMUNITION, AIR FORCE

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 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; \$288,401,000, to remain available for obligation until September 30, 1997.

## OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed 678 passenger motor vehicles 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; \$6,965,201,000, to remain available for obligation until September 30, 1997.

## PROCUREMENT, DEFENSE-WIDE

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 437 passenger motor vehicles, of which 431 shall be for replacement only; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; \$2,088,230,000, to remain available for obligation until September 30, 1997.

## 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; \$800,000,000, to remain available for obligation until September 30, 1997.

Short title.  
Post, p. 2659.

## 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; \$5,521,413,000, to remain available for obligation until September 30, 1996.

## 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; \$8,796,168,000, to remain available for obligation until September 30, 1996: *Provided*, That for continued research and development programs at the National Center for Physical Acoustics, centering on ocean acoustics as it applies to advanced antisubmarine warfare acoustics issues with focus on ocean bottom acoustics, seismic coupling, sea-surface and bottom scattering, oceanic ambient noise, acoustically active surfaces, machinery noise, propagation physics, solid state acoustics, electrorheological fluids, transducer development, ultrasonic sensors, and other such projects as may be agreed upon, \$1,000,000 shall be made available, as a grant, to the Mississippi Resource Development Corporation, of which not to exceed \$250,000 of such sum may be used to provide special equipment as may be required for particular projects: *Provided further*, That none of the funds appropriated in this paragraph may be obligated or expended to develop or purchase equipment for an Aegis destroyer variant (commonly known as "Flight IIA") whose initial operating capability is budgeted to be achieved prior to the initial operating capability of the Ship Self-Defense program, nor to develop sensor, processor, or display capabilities which duplicate in any way those being developed in the Ship Self-Defense program: *Provided further*, That funds appropriated in this paragraph for development of the LPD-17 ship may not be obligated unless the baseline design of the ship includes cooperative engagement capability and sufficient own-ship self-defense capability against advanced sea-skimming antiship cruise missiles in the baseline design to achieve an estimated probability of survival from attack by such missiles at a level no less than any other Navy ship.

## 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; \$12,202,572,000, to remain available for obligation until September 30, 1996: *Provided*, That not less than \$12,000,000 of the funds appropriated in this paragraph shall be made available only for the Joint Seismic Program and Global Seismic Network administrated by the Incorporated Research Institutions for Seismology: *Provided further*, That not less than \$20,000,000 of the funds appropriated in this paragraph shall be

made available only for the National Center for Manufacturing Sciences: *Provided further*, That not less than \$13,000,000 of the funds appropriated in this paragraph shall be made available only to continue the establishment and operation of an image information processing center supporting the Air Force Maui Space Surveillance Site.

#### RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

##### (INCLUDING TRANSFER OF FUNDS)

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; \$9,099,387,000, to remain available for obligation until September 30, 1996: *Provided*, That not less than \$75,000,000 of the funds appropriated in this paragraph shall be made available only for the Sea-Based Wide Area Defense (Navy Upper-Tier) program: *Provided further*, That \$50,000,000 shall be made available only to cover the costs (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5))) of loan guarantees issued pursuant to subsection (b)(3) of such section: *Provided further*, That of the funds appropriated in this paragraph, \$15,000,000 shall be transferred to the Department of Energy to address environmental restoration and management needs through the Center for Bioenvironmental Research: *Provided further*, That not less than \$20,000,000 of the funds appropriated in this paragraph shall be made available only for an Experimental Program to Stimulate Competitive Research (EPSCOR) in the Department of Defense which shall include all states eligible as of the date of enactment of this Act for the National Science Foundation Experimental Program to Stimulate Competitive Research.

#### DEVELOPMENTAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, of independent activities of the Director, 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; \$238,003,000, to remain available for obligation until September 30, 1996.

#### 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; \$12,501,000, to remain available for obligation until September 30, 1996.

Short title.  
Post, p. 2659.

## TITLE V

## REVOLVING AND MANAGEMENT FUNDS

## DEFENSE BUSINESS OPERATIONS FUND

For the Defense Business Operations Fund; \$945,238,000.

## NATIONAL DEFENSE SEALIFT FUND

(INCLUDING TRANSFER OF FUNDS)

For National Defense Sealift Fund programs, projects, and activities, \$724,400,000, to remain available until expended: *Provided*, That \$25,000,000 shall be transferred to the Secretary of Transportation for title XI loan guarantees: *Provided further*, That none of the funds provided in this paragraph shall be used to award a new contract that provides for the acquisition of any of the following major components unless such components are manufactured in the United States: auxiliary equipment, including pumps, for all ship-board services; propulsion system components (that is; engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes: *Provided further*, That the exercise of an option in a contract awarded through the obligation of previously appropriated funds shall not be considered to be the award of a new contract: *Provided further*, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That not to exceed \$43,000,000 may be used for the purchase or construction of vessels for the Ready Reserve Force component of the National Defense Reserve Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744): *Provided further*, That \$110,000,000 may be used for the acquisition and conversion of one maritime prepositioning ship for use by the Marine Corps MPS Enhancement Program, and notwithstanding any other provision of law, that such conversion shall be performed in a United States shipyard.

Short title.  
Post, p. 2659.

## TITLE VI

## OTHER DEPARTMENT OF DEFENSE PROGRAMS

## DEFENSE HEALTH PROGRAM

For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense, as authorized by law; \$9,930,759,000, of which \$9,601,170,000 shall be for Operation and maintenance, of which \$329,589,000, to remain available for obligation until September 30, 1997, shall be for Procurement: *Provided*, That the Department shall continue to competitively contract during fiscal year 1995 for mail service pharmacy for at least two multi-state regions in addition to the ongoing solicitations for Florida, South Carolina, Georgia, Delaware, New Jersey, Penn-

Contracts.  
Health care.  
State listing.



sylvania, and Hawaii, as well as each base closure area not supported by an at-risk managed care plan; that such services shall be procured independent of any other Department managed care contracts; that one multi-state region shall include the State of Kentucky and that one multi-state region shall include the State of New Mexico: *Provided further*, That of the funds appropriated under this heading, \$5,000,000 shall be made available only for nursing research: *Provided further*, That of the funds appropriated under this heading, \$14,500,000 shall be made available for obtaining emergency communications services for members of the Armed Forces and their families from the American National Red Cross as authorized by law: *Provided further*, That until the end of September 30, 1995, the Secretary of the Air Force shall, through contract or otherwise, continue to provide health care in the base hospital at Plattsburgh Air Force Base, New York, to persons entitled to health care in facilities of the uniformed services: *Provided further*, That of the funds appropriated under this heading, not more than \$3,400,000 shall be made available to permit private sector or non-Federal physicians, who have used and will use the antibacterial treatment method based upon the excretion of dead and decaying spherical bacteria, to work in conjunction with the Walter Reed Army Medical Center on a treatment protocol and related studies for Desert Storm Syndrome-affected veterans.

Contracts.  
Health care.  
New York.

#### 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 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, \$575,449,000, of which \$355,784,000 shall be for Operation and maintenance, \$198,965,000 shall be for Procurement to remain available until September 30, 1997, and \$20,700,000 shall be for Research, development, test and evaluation to remain available until September 30, 1996.

#### DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

##### (INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for Operation and maintenance; for Procurement; and for Research, development, test and evaluation; \$721,266,000, of which \$10,000,000 is hereby transferred to the "Military Construction, Navy" appropriation for construction of a Relocatable Over-the-Horizon Radar in Puerto Rico: *Provided*, That section 9136 of Public Law 102-396 is amended by adding the words "purchasing or" before the word "leasing" and by changing the designation "T-47" to "OT-47B": *Provided further*, That the funds appropriated by this paragraph shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: *Provided further*, That the transfer authority

106 Stat. 1938.

provided in this paragraph is in addition to any transfer authority contained elsewhere in this Act.

#### 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; \$140,872,000, of which \$139,872,000 shall be for Operation and maintenance, of which not to exceed \$400,000 is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on his certificate of necessity for confidential military purposes; and of which \$1,000,000, to remain available until September 30, 1997, shall be for Procurement.

Short title.  
Post, p. 2659.

#### TITLE VII

##### RELATED AGENCIES

##### CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System; \$198,000,000.

##### NATIONAL SECURITY EDUCATION TRUST FUND

For the purposes of title VIII of Public Law 102-183, \$8,500,000 to be derived from the National Security Education Trust Fund, to remain available until expended.

##### COMMUNITY MANAGEMENT ACCOUNT

For necessary expenses of the Community Management Account; \$92,684,000: *Provided*, That of the funds appropriated in this paragraph, no more than \$2,000,000 may be available for the purchase of information system upgrades at the Department of State Bureau of Intelligence and Research.

##### KAHO'OLAWA ISLAND CONVEYANCE, REMEDIATION, AND ENVIRONMENTAL RESTORATION TRUST FUND

For payment to the Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Trust Fund, as authorized by law, \$50,000,000 to remain available until expended.

Short title.  
Post, p. 2659.

#### TITLE VIII

##### GENERAL PROVISIONS

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

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

10 USC 1584  
note.

Wages.  
Government  
employees.

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

Turkey.

SEC. 8003. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

SEC. 8004. 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.

## (TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed \$2,000,000,000 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 or any other authority in this Act.

## (TRANSFER OF FUNDS)

SEC. 8006. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: *Provided*, That transfers may be made between such funds and the "Foreign Currency Fluctuations, Defense" and "Operation and Maintenance" appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts

appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 8007. Using funds available by this Act or any other Act, the Secretary of the Air Force, pursuant to a determination under section 2690 of title 10, United States Code, may implement cost-effective agreements for required heating facility modernization in the Kaiserslautern Military Community in the Federal Republic of Germany: *Provided*, That in the City of Kaiserslautern such agreements will include the use of United States anthracite as the base load energy for municipal district heat to the United States Defense installations: *Provided further*, That at Landstuhl Army Regional Medical Center and Ramstein Air Base, furnished heat may be obtained from private, regional or municipal services, if provisions are included for the consideration of United States coal as an energy source.

Germany.  
Defense  
installations.  
Energy.

SEC. 8008. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 calendar days in session in advance to the Committees on Appropriations and Armed Services of the Senate and House of Representatives.

SEC. 8009. None of the funds contained in this Act available for the Civilian Health and Medical Program of the Uniformed Services shall be available for payments to physicians and other authorized individual health care providers in excess of the amounts allowed in fiscal year 1994 for similar services, except that: (a) for services for which the Secretary of Defense determines an increase is justified by economic circumstances, the allowable amounts may be increased in accordance with appropriate economic index data similar to that used pursuant to title XVIII of the Social Security Act; and (b) for services the Secretary determines are overpriced based on allowable payments under title XVIII of the Social Security Act, the allowable amounts shall be reduced by not more than 15 percent (except that the reduction may be waived if the Secretary determines that it would impair adequate access to health care services for beneficiaries). The Secretary shall solicit public comment prior to promulgating regulations to implement this section. Such regulations shall include a limitation, similar to that used under title XVIII of the Social Security Act, on the extent to which a provider may bill a beneficiary an actual charge in excess of the allowable amount.

Regulations.

Contracts.

SEC. 8010. 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:

- MK19-3 grenade machine guns;
- M16A2 rifles;
- M249 Squad Automatic Weapons;
- M4 carbine rifles.

SEC. 8011. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported to Congress on September 30 of each year: *Provided*, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99-239: *Provided further*, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

10 USC 401 note.

SEC. 8012. Notwithstanding any other provision of law, a qualified Indian Tribal corporation or Alaska Native Corporation furnishing the product of a responsible small business concern shall not be denied the opportunity to compete for and be awarded a procurement contract pursuant to section 2323 of title 10, United States Code, solely because the Indian Tribal corporation or Alaska Native Corporation is not the actual manufacturer or processor of the product to be supplied under the contract.

SEC. 8013. (a) The provisions of section 115(a)(4) of title 10, United States Code, shall not apply with respect to fiscal year 1995 or with respect to the appropriation of funds for that year.

(b) During fiscal year 1995, 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 1996 budget request for the Department of Defense as well as all justification material and other documenta-

tion supporting the fiscal year 1996 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 1996.

SEC. 8013A. 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, its territories, and the District of Columbia, 125,000 civilian workyears: *Provided*, That workyears shall be applied as defined in the Federal Personnel Manual: *Provided further*, That workyears expended in dependent student hiring programs for disadvantaged youths shall not be included in this workyear limitation.

SEC. 8014. 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. 8015. 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. 8016. 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 person 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. 8017. Notwithstanding any other provision of law, during the current fiscal year and hereafter, proceeds from the investment of the Fisher House Investment Trust Fund will be used to support the operation and maintenance of Fisher Houses associated with Army medical treatment facilities.

SEC. 8018. (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,

Labor and  
employment.  
Children and  
youth.  
Disadvantaged  
persons.

Securities.  
10 USC 1074  
note.

1989, under a program continued or established by the Secretary of Defense in fiscal year 1991 to test the cost-effective use of special recruiting incentives involving not more than nineteen noncombat arms skills approved in advance by the Secretary of Defense: *Provided further*, That this subsection applies only to active components of the Army.

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

SEC. 8019. 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. 8020. 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 Javits-Wagner-O'Day Act; (2) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or (3) is planned to be converted to performance by a qualified firm under 51 percent Native American ownership.

SEC. 8021. All new Department of Defense procurements shall separately identify software costs in the work breakdown structure defined by MIL-STD-881 in those instances where software is considered to be a major category of cost.

Contracts.  
Computer  
technology.

SEC. 8021A. Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protege Program may be transferred to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protege Program developmental assistance agreement pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 10 U.S.C. 2301 note), as amended, under the authority of this provision or any other transfer authority contained in this Act.

SEC. 8022. 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. 8023. Funds appropriated or made available in this Act shall be obligated and expended to continue to fully utilize the facilities at the United States Army Engineer's Waterways Experiment Station, including the continued availability of the supercomputer capability: *Provided*, That none of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the Armed Services and Appropriations Committees of Congress that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

SEC. 8024. 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) and by the Budget Enforcement Act of 1990 (Public Law 101-508), 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, 1995, 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 reports, and the P-1 and R-1 budget justification documents as subsequently modified by Congressional action: *Provided*, That the following exception to the above definition shall apply:

For the Military Personnel and the Operation and Maintenance accounts, the term "program, project, and activity" is defined as the appropriations accounts contained in the Department of Defense Appropriations Act: *Provided further*, That at the time the President submits his budget for fiscal year 1996, the Department of Defense shall transmit to the Committees on Appropriations and the Committees on Armed Services of the Senate and the House of Representatives a budget justification document to be known as the "O-1" which shall identify, at the budget activity, activity group, and subactivity group level, the amounts requested by the President to be appropriated to the Department of Defense for operation and maintenance in any budget request, or amended budget request, for fiscal year 1996.

SEC. 8025. Of the funds appropriated to the Army, \$203,736,000 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) 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;

(4) unless the Program Manager (PM) charter makes the PM accountable to the Chief of the National Guard Bureau



and fully defines his authority, responsibility, reporting channels and organizational structure;

(5) to pay the salaries of individuals assigned to the RCAS program management office unless such organization is comprised of personnel chosen jointly by the Chiefs of the National Guard Bureau and the Army Reserve;

(6) to pay contracted costs for the acquisition of RCAS unless RCAS is an integrated system consisting of software, hardware, and communications equipment and unless such contract continues to preclude the use of Government furnished equipment, operating systems, and executive applications software; and

(7) unless RCAS performs its own classified information processing;

*Provided further*, That notwithstanding any other provision of law, none of the funds appropriated shall be available for procurement of computers for the Army Reserve Component which are used to network or expand the capabilities of existing or future information systems or duplicate functions to be provided under the RCAS contract unless the procurement meets the following criteria: (A) at sites scheduled to receive RCAS equipment prior to September 30, 1995, RCAS ADP equipment may be procured and only in the numbers and types allocated by the RCAS program to each site; and at sites scheduled to receive RCAS equipment after September 30, 1995, RCAS ADP equipment or ADP equipment from a list of RCAS compatible equipment approved by the Chief of the National Guard Bureau or his designee, may be procured and only in the numbers and types allocated by the RCAS program to each site; (B) the requesting organizational element has insufficient ADP equipment to perform administrative functions but not to exceed the number of work stations determined by the RCAS program for that site; (C) replacement equipment will not exceed the minimum required to maintain the reliability of existing capabilities; (D) replacement will be justified on the basis of cost and feasibility of repairs and maintenance of present ADP equipment as compared to the cost of replacement; and (E) the procurement under this policy must be approved by the Chief of the National Guard Bureau or his designee, provided that the procurement is a one for one replacement action of existing equipment.

SEC. 8025A. 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), and according to regulations which shall be promulgated by the Secretary of Defense within 90 days of the passage of this Act.

SEC. 8026. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: *Provided*, That for the purpose of this section manufactured will include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): *Provided further*,

Contracts.  
Regulations.

That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: *Provided further*, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

Arms and  
munitions.

SEC. 8026A. During the current fiscal year, none of the funds available to the Department of Defense may be used to procure or acquire (1) defensive handguns or defensive handgun ammunition unless such handguns or handgun ammunition are the M9 9mm Department of Defense standard handgun or ammunition for such handguns, or (2) offensive handguns and ammunition except for the Special Operations Forces: *Provided*, That the foregoing shall not apply to handguns and ammunition for marksmanship competitions.

(TRANSFER OF FUNDS)

SEC. 8027. Notwithstanding any other provision of law, the Department of Defense may transfer prior year, unobligated balances and funds appropriated in this Act to the operation and maintenance appropriations for the purpose of providing military technician and Department of Defense medical personnel pay and medical programs (including CHAMPUS) the same exemption from sequestration set forth in the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177) as amended by the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987 (Public Law 100-119) and by the Budget Enforcement Act of 1990 (Public Law 101-508) 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) and by the Budget Enforcement Act of 1990 (Public Law 101-508): *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 calendar days in session before any such transfer of funds under this provision.

SEC. 8028. 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. 8029. None of the funds appropriated by this Act available for the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) shall be available for the reimbursement

of any health care provider for inpatient mental health service for care received when a patient is referred to a provider of inpatient mental health care or residential treatment care by a medical or health care professional having an economic interest in the facility to which the patient is referred: *Provided*, That this limitation does not apply in the case of inpatient mental health services provided under the program for the handicapped under subsection (d) of section 1079 of title 10, United States Code, provided as partial hospital care, or provided pursuant to a waiver authorized by the Secretary of Defense because of medical or psychological circumstances of the patient that are confirmed by a health professional who is not a Federal employee after a review, pursuant to rules prescribed by the Secretary, which takes into account the appropriate level of care for the patient, the intensity of services required by the patient, and the availability of that care.

Mental health.  
Regulations.

SEC. 8030. Notwithstanding any other provision of law, none of the funds appropriated in this Act may be used to purchase, install, replace, or otherwise repair any lock on a safe or security container which protects information critical to national security or any other classified materials and which has not been certified as passing the security lock specifications contained in regulation FF-L-2740 dated October 12, 1989, and has not passed all testing criteria and procedures established through February 28, 1992: *Provided*, That the Director of Central Intelligence may waive this provision, on a case-by-case basis only, upon certification that the above cited locks are not adequate for the protection of sensitive intelligence information.

SEC. 8031. 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.

SEC. 8032. Notwithstanding any other provision of law, funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to American Samoa: *Provided*, That notwithstanding any other provision of law, funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to the Indian Health Service when it is in conjunction with a civil-military project.

SEC. 8033. Notwithstanding any other provision of law, during the current fiscal year, the Secretary of Defense may, by Executive Agreement, establish with host nation governments in NATO member states a separate account into which such residual value amounts negotiated in the return of United States military installations in NATO member states may be deposited, in the currency of the host nation, in lieu of direct monetary transfers to the United States Treasury: *Provided*, That such credits may be utilized only for the construction of facilities to support United States military forces in that host nation, or such real property maintenance and base operating costs that are currently executed through monetary transfers to such host nations: *Provided further*, That the Department of Defense's budget submission for fiscal year 1996 shall identify such sums anticipated in residual value settlements, and identify such construction, real property maintenance or base operating costs that shall be funded by the host nation through

Reports.

such credits: *Provided further*, That all military construction projects to be executed from such accounts must be previously approved in a prior Act of Congress: *Provided further*, That each such Executive Agreement with a NATO member host nation shall be reported to the Committees on Appropriations and Armed Services of the House of Representatives and the Senate thirty days prior to the conclusion and endorsement of any such agreement established under this provision.

SEC. 8034. None of the funds available to the Department of Defense in this Act shall be used to demilitarize or dispose of more than 310,784 unserviceable M1 Garand rifles and M1 Carbines.

SEC. 8035. 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. 8036. 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. 8037. Of the funds appropriated by this Act, no more than \$18,500,000 shall be available for the mental health care demonstration project at Fort Bragg, North Carolina: *Provided*, That adjustments may be made for normal and reasonable price and program growth.

SEC. 8038. 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: *Provided*, That funds necessary for the care of animals covered by this contract are allowed.

SEC. 8039. None of the funds provided in this Act or any other Act shall be available to conduct bone trauma research at any Army Research Laboratory until the Secretary of the Army certifies that the synthetic compound to be used in the experiments is of such a type that its use will result in a significant medical finding, the research has military application, the research will be conducted in accordance with the standards set by an animal care and use committee, and the research does not duplicate research already conducted by a manufacturer or any other research organization.

SEC. 8040. The Secretary of Defense shall include in any base closure and realignment plan submitted to Congress after the date of enactment of this Act, a complete review for the five-year period beginning on October 1, 1994, which shall include expected force structure and levels for such period, expected installation requirements for such period, a budget plan for such period, the cost savings expected to be realized through realignments and closures of military installations during such period, an economics model to identify the critical local economic sectors affected by proposed closures and realignments of military installations and an assess-

Base closure.  
10 USC 2687  
note.

ment of the economic impact in each area in which a military installation is to be realigned or closed.

SEC. 8041. No more than \$50,000 of the funds appropriated or made available in this Act shall be used for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and Senate that such a relocation is required in the best interest of the Government: *Provided further*, That no funds appropriated or made available in this Act shall be used for the relocation into the National Capital Region of the Air Force Office of Medical Support located at Brooks Air Force Base.

SEC. 8041A. Notwithstanding any other provision of law, each contract awarded by the Department of Defense in fiscal year 1995 for construction or service performed in whole or in part in a State which is not contiguous with another State and has an unemployment rate in excess of the national average rate of unemployment as determined by the Secretary of Labor shall include a provision requiring the contractor to employ, for the purpose of performing that portion of the contract in such State that is not contiguous with another State, individuals who are residents of such State and who, in the case of any craft or trade, possess or would be able to acquire promptly the necessary skills: *Provided*, That the Secretary of Defense may waive the requirements of this section in the interest of national security.

Contracts.

SEC. 8042. During the current fiscal year, funds appropriated or otherwise available for any Federal agency, the Congress, the judicial branch, or the District of Columbia may be used for the pay, allowances, and benefits of an employee as defined by section 2105 of title 5 or an individual employed by the government of the District of Columbia, permanent or temporary indefinite, who—

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

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

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

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

(3) requests and is granted—

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

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

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

Government employees.

SEC. 8043. None of the funds appropriated by this Act shall be available to perform any cost study pursuant to the provisions of OMB Circular A-76 if the study being performed exceeds a period of twenty-four months after initiation of such study with respect to a single function activity or forty-eight months after initiation of such study for a multi-function activity.

SEC. 8044. Funds appropriated by this Act for the American Forces Information Service shall not be used for any national or international political or psychological activities.

SEC. 8045. Notwithstanding any other provision of law or regulation, the Secretary of Defense may adjust wage rates for civilian employees hired for certain health care occupations as authorized for the Secretary of Veterans Affairs by section 7455 of title 38, United States Code.

SEC. 8046. Of the funds made available in this Act, not less than \$24,565,000 shall be available for the Civil Air Patrol, of which \$13,105,000 shall be available for Operation and Maintenance.

SEC. 8047. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve, if such action would reduce the WC-130 Weather Reconnaissance mission below the levels funded in this Act.

SEC. 8048. (a) Of the funds for the procurement of supplies or services appropriated by this Act, qualified nonprofit agencies for the blind or other severely handicapped shall be afforded the maximum practicable opportunity to participate as subcontractors and suppliers in the performance of contracts let by the Department of Defense.

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

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

SEC. 8049. During the current fiscal year, net receipts pursuant to collections from third party payers pursuant to section 1095 of title 10, United States Code, shall be made available to the local facility of the uniformed services responsible for the collections and shall be over and above the facility's direct budget amount.

SEC. 8050. Notwithstanding any other provision of law or regulation, ships designated T-AGS 63, T-AGS 64 and T-AGS 65 must utilize remanufactured milspec SASS multibeam sonars: *Provided*, That the Secretary of the Navy may waive this restriction by certifying in writing to the Committees on Appropriations that an alternative acquisition must be made in order to acquire capability for national security purposes.

SEC. 8050A. None of the funds available to the Department of Defense during fiscal year 1995 may be obligated for low rate initial production of the ALR-67(V)3 Advanced Special Receiver

Contracts.  
Small business.  
Handicapped  
persons.

(ASR) until 30 days after the congressional defense committees have received the following:

(1) A certification by the Director, Operational Test and Evaluation, Defense, that, based on the results of the joint Developmental Test/Operational Test flight tests and of the Operational Assessment intended to address the readiness of the ASR for low rate initial production, ASR is potentially operationally effective and potentially operationally suitable and ready to enter low rate initial production;

(2) A comprehensive report by the Commander, Navy Operational Test and Evaluation Force as to the test objectives and results of the joint Developmental Test/Operational Test flight tests and of the Operational Assessment intended to address the readiness of the ASR for low rate initial production;

(3) A comprehensive report by the Assistant Secretary of the Navy (Research, Development and Acquisition) as to the test objectives and results of the Developmental Flight Tests and Technical Evaluation, along with her certification that, based on these results, the ASR is ready to enter low rate initial production.

SEC. 8051. Section 8060 of the Department of Defense Appropriations Act, 1994 (Public Law 103-139) is hereby repealed, which contained authority for acquisition of LANDSAT 7.

15 USC 5611  
note.

SEC. 8052. Notwithstanding any other provision of law, of the funds appropriated for the Defense Health Program during this fiscal year and hereafter, the amount payable for services provided under this section shall not be less than the amount calculated under the coordination of benefits reimbursement formula utilized when CHAMPUS is a secondary payor to medical insurance programs other than Medicare, and such appropriations as necessary shall be available (notwithstanding the last sentence of section 1086(c) of title 10, United States Code) to continue Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) benefits, until age 65, under such section for a former member of a uniformed service who is entitled to retired or retainer pay or equivalent pay, or a dependent of such a member, or any other beneficiary described by section 1086(c) of title 10, United States Code, who becomes eligible for hospital insurance benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) solely on the grounds of physical disability, or end stage renal disease: *Provided*, That expenses under this section shall only be covered to the extent that such expenses are not covered under parts A and B of title XVIII of the Social Security Act and are otherwise covered under CHAMPUS: *Provided further*, That no reimbursement shall be made for services provided prior to October 1, 1991.

10 USC 1086  
note.

SEC. 8053. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed \$250,000,000 for purposes specified in section 2350j(c) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: *Provided*, That, upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriation or fund which incurred such obligations.

Kuwait.

SEC. 8054. (a) Funds appropriated in this Act to finance activities of Department of Defense (DoD) Federally Funded Research and Development Centers (FFRDCs) may not be obligated or

expended for a FFRDC if a member of its Board of Directors or Trustees simultaneously serves on the Board of Directors or Trustees of a profit-making company under contract to the Department of Defense unless the FFRDC has a DoD approved conflict of interest policy for its members.

(b) None of the funds appropriated in this Act are available to establish a new FFRDC, either as a new entity, or as a separate entity administered by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other nonprofit entities.

(c) The Secretary of Defense may not obligate more than one-half of the funds available for each defense FFRDC, and more than one-half of the total amount available for defense FFRDCs, until the congressional defense committees receive the annual funding ceilings for fiscal year 1995 for each defense FFRDC and each subcomponent of a defense FFRDC identified as a separate sub-entity due to the significantly unique nature of its functions.

Effective date.

(d) LIMITATION ON COMPENSATION.—No employee or executive officer of a defense FFRDC may be compensated at a rate exceeding Executive Schedule Level I by that FFRDC: *Provided*, That the restriction contained in this subsection shall not take effect until July 1, 1995.

Effective date.

(e) LIMITATION ON COMPENSATION.—No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC may be compensated for his or her services as a member of such entity except under the same conditions, and to the same extent, as members of the Defense Science Board: *Provided*, That a member of any such entity shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties: *Provided further*, That the restriction contained in this subsection shall not take effect until July 1, 1995.

(f) Notwithstanding any other provision of law, none of the funds available to the Department of Defense from any source during fiscal year 1995 may be used by a defense FFRDC, through a fee or other payment mechanism, for charitable contributions, for construction of new buildings, for payment of cost sharing for projects funded by government grants, or for absorption of contract overruns.

(g) Notwithstanding any other provision of law, of the amounts available to the Department of Defense during fiscal year 1995, not more than \$1,252,650,000 may be obligated for financing activities of FFRDCs: *Provided*, That the total amount appropriated in title IV of this Act is hereby reduced by \$100,000,000 to reflect the funding ceiling contained in this subsection.

(h) The total amount appropriated to or for the use of the Department of Defense in title IV of this Act is reduced by an additional \$251,534,000 to reflect savings from the decreased use of non-FFRDC consulting services by the Department of Defense.

(i) The total amount appropriated to or for the use of the Department of Defense in title IV of this Act is reduced by an additional \$19,055,000 to reflect savings from the decreased use of major nonprofit federally funded research institutions and university-affiliated research centers by the Department of Defense.

SEC. 8055. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy or armor steel



plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: *Provided*, That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: *Provided further*, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That these restrictions shall not apply to contracts which are in being as of the date of enactment of this Act.

SEC. 8055A. None of the unobligated balances available in the National Defense Stockpile Transaction Fund during the current fiscal year may be obligated or expended to finance any grant or contract to conduct research, development, test and evaluation activities for the development or production of advanced materials, unless amounts for such purposes are specifically appropriated in a subsequent appropriations Act.

SEC. 8056. For the purposes of this Act, the term "congressional defense committees" means the Committees on Armed Services, the Committees on Appropriations, and the subcommittees on Defense of the Committee on Appropriations, of the Senate and the House of Representatives.

SEC. 8057. Notwithstanding any other provision of law, during the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: *Provided*, That the Senior Acquisition Executive of the military department or defense agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: *Provided further*, That Office of Management and Budget Circular A-76 shall not apply to competitions conducted under this section.

SEC. 8058. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary's blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

41 USC 10b-2.

(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding, between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.

(b) The Secretary of Defense shall submit to Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 1995. Such report shall separately indicate

Reports.

the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

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

10 USC 2488  
note.

SEC. 8058A. None of the funds appropriated by this Act shall be used for the support of any nonappropriated funds 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 within 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 only 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.

Alcohol and  
alcohol abuse.

SEC. 8059. (a) Of the funds made available in this Act in title II, Operation and Maintenance, Army, \$1,000,000 shall be available only to execute the cleanup of uncontrolled hazardous waste contamination affecting the Sale Parcel at Hamilton Air Force Base, in Novato, in the State of California.

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

Real property.  
California.

(c) In the event that the purchaser purchases only a portion of the Sale Parcel and exercises its option to withdraw from the sale as to the rest of the Sale Parcel, the portion of the Sale Parcel that is not purchased (other than Landfill 26 and an appropriate buffer area around it and the groundwater treatment facility site), together with any of the land referred to in section 9099(e) of Public Law 102-396 that is not purchased by the purchaser, shall be sold to the City of Novato, in the State of California, for the sum of One Dollar as a public benefit transfer for school, classroom or other educational use, for use as a public park or recreation area or for further conveyance as provided herein, subject to the following restrictions: (1) if the City sells any portion of such land to any third party within ten years after the transfer to the City, which sale may be made without the foregoing use restrictions, any proceeds received by the City in connection with

such sale, minus the demonstrated reasonable costs of conducting the sale and of any improvements made by the City to the land following its acquisition of the land (but only to the extent such improvements increase the value of the portion sold), shall be immediately turned over to the Army in reimbursement of the withdrawal payment made by the Army to the contract purchaser and the costs of cleaning up the Landfill and (2) until one year following completion of the cleanup of contaminated soil in the Landfill and completion of the groundwater treatment facilities, the sale must be at a per-acre price for the portion sold that is at least equal to the per-acre contract price paid by the purchaser for the portion of the Sale Parcel purchased under the Agreement and Modification, as amended, and thereafter must be at a price at least equal to the fair market value of the portion sold. The foregoing restrictions shall not apply to a transfer to another public or quasi-public agency for public uses of the kind described above. The deed to the City shall contain a clause providing that, if any of the proceeds referred to in clause (1) are not delivered to the Army within 30 days after sale, or any portion of the land not sold as provided herein is used for other than educational, park or recreational uses, title to the applicable portion of such land shall revert to the United States Government at the election of the General Services Administration. The Army shall agree to deliver into the applicable closing escrow an acknowledgement of receipt of any proceeds described in clause (1) above and a release of the reverter right as to the affected land, effective upon such receipt.

(d) Notwithstanding any other provision of law, the Air Force shall be reimbursed for expenditures in excess of \$15,000,000 in connection with the total clean-up of uncontrolled hazardous waste contamination on the aforementioned Sale Parcel from the proceeds collected upon the closing of any portion of the Sale Parcel purchased by the contract purchaser under the Agreement and Modification, as amended.

(e) Notwithstanding any other provision of law, the purchaser's reimbursement claims shall be audited by the Defense Contract Audit Agency for reasonableness and accuracy before the Department of Defense provides any funds under the purchaser's withdrawal and reimbursement rights.

Claims.

SEC. 8060. Notwithstanding any other provision of law, the Secretary of Defense may, when he considers it in the best interest of the United States, cancel any part of an indebtedness, up to \$2,500, that is or was owed to the United States by a member or former member of a uniformed service if such indebtedness, as determined by the Secretary, was incurred in connection with Operation Desert Shield/Storm: *Provided*, That the amount of an indebtedness previously paid by a member or former member and cancelled under this section shall be refunded to the member.

10 USC 2774  
note.

SEC. 8061. Appropriations contained in this Act that remain available at the end of the current fiscal year as a result of energy cost savings realized by the Department of Defense shall remain available for obligation for the next fiscal year to the extent, and for the purposes, provided in section 2865 of title 10, United States Code.

SEC. 8062. During the current fiscal year, voluntary separation incentives payable under 10 U.S.C. 1175 may be paid in such

amounts as are necessary from the assets of the Voluntary Separation Incentive Fund established by section 1175(h)(1).

(INCLUDING TRANSFER OF FUNDS)

SEC. 8063. Amounts deposited during fiscal years 1994 and 1995 to the special account established under 40 U.S.C. 485(h)(2) and to the special account established under 10 U.S.C. 2667(d)(1) are appropriated and shall be available until transferred by the Secretary of Defense to current applicable appropriations or funds of the Department of Defense under the terms and conditions specified by 40 U.S.C. 485(h)(2) (A) and (B) and 10 U.S.C. 2667(d)(1)(B), to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred.

Energy.

SEC. 8064. In order to maintain an electric furnace capacity in the United States, preference for the purchase of chromite ore and manganese ore authorized for disposal from the National Defense Stockpile shall be given to domestic producers of high carbon ferrochromium and high carbon ferromanganese—

(A) whose primary output during the three preceding years has been ferrochromium or ferromanganese; and

(B) who guarantee to use the chromite and manganese ore for domestic purposes.

SEC. 8064A. Notwithstanding any other provision of law, any statutorily-required analysis of the impact on the defense technology and industrial base of terminations and significant reductions of major research and development programs and procurement programs of the Department of Defense shall address only those actions recommended by the Defense Department in its annual budget request and amendments thereto, supplemental requests, or proposed rescissions.

SEC. 8065. None of the funds in this or any other Act shall be available for the preparation of studies on—

(a) the feasibility of removal and transportation of unitary chemical weapons from the eight chemical storage sites within the continental United States: *Provided*, That this prohibition shall not apply to non-stockpile material in the United States or to studies needed for environmental analysis required by the National Environmental Policy Act, or for General Accounting Office studies requested by a Member of Congress or a Congressional Committee; and

(b) the potential future uses of the nine chemical disposal facilities other than for the destruction of stockpile chemical munitions and as limited by section 1412(c)(2), Public Law 99-145: *Provided*, That this prohibition does not apply to future use studies for the CAMDS facility at Tooele, Utah.

SEC. 8066. During the current fiscal year, appropriations available to the Department of Defense may be used to reimburse a member of a reserve component of the Armed Forces who is not otherwise entitled to travel and transportation allowances and who occupies transient government housing while performing active duty for training or inactive duty training: *Provided*, That such members may be provided lodging in kind if transient government quarters are unavailable as if the member was entitled to such allowances under subsection (a) of section 404 of title 37, United States Code: *Provided further*, That if lodging in kind is provided, any authorized service charge or cost of such lodging may be paid

directly from funds appropriated for operation and maintenance of the reserve component of the member concerned.

SEC. 8067. For fiscal year 1995, the total amount appropriated to fund the Uniformed Services Treatment Facilities program, operated pursuant to section 911 of Public Law 97-99 (42 U.S.C. 248c), is limited to \$329,000,000, of which not more than \$300,000,000 may be provided by the funds appropriated by this Act.

SEC. 8068. None of the funds available in this Act may be used to support in any manner, including travel or other related expenses, the "Tailhook Association": *Provided*, That investigations by the Secretary of the Navy or consultation with the Tailhook Association are not prohibited by this provision.

SEC. 8069. The President shall include with each budget for a fiscal year submitted to the Congress under section 1105 of title 31, United States Code, materials that shall identify clearly and separately the amounts requested in the budget for appropriation for that fiscal year for salaries and expenses related to administrative activities of the Department of Defense, the military departments, and the Defense Agencies.

President.  
Federal budget.  
Wages.  
10 USC 221 note.

SEC. 8070. None of the funds available to the Department of Defense may be obligated or expended for construction of Ground Wave Emergency Network (GWEN) sites in Fiscal Year 1995.

SEC. 8071. Notwithstanding any other provision of law, the Naval shipyards of the United States shall be eligible to participate in any manufacturing extension program financed by funds appropriated in this or any other Act.

SEC. 8072. During the current fiscal year, amounts contained in the Department of Defense Overseas Military Facility Investment Recovery Account established by section 2921(c)(1) of the National Defense Authorization Act of 1991 (Public Law 101-510; 10 U.S.C. 2687 note) shall be available until expended for the payments specified by section 2921(c)(2) of that Act.

SEC. 8073. During the current fiscal year, annual payments granted under the provisions of section 4416 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-428; 106 Stat. 2714) shall be made from appropriations in this Act which are available for the pay of reserve component personnel.

SEC. 8074. Of the funds appropriated or otherwise made available by this Act, not more than \$119,200,000 shall be available for payment of the operating costs of NATO Headquarters.

SEC. 8075. None of the funds appropriated by this Act shall be used to procure aircraft fuel cells unless the fuel cells are produced or manufactured in the United States by a domestic-operated entity: *Provided*, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8075A. None of the funds available to the Department of the Air Force shall be available to establish or support any organic depot maintenance support activity for the B-2 bomber until the Under Secretary of Defense, Acquisition and Technology reviews the existing infrastructure for the private sector and Air Force Depot support and maintenance of the B-2 and reports to

the Congressional Defense Committees the most efficient and cost effective utilization of public and private facilities to support the B-2.

SEC. 8076. During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than \$50,000.

SEC. 8077. During the current fiscal year, appropriations available for the pay and allowances of active duty members of the Armed Forces shall be available to pay the retired pay which is payable pursuant to section 4403 of Public Law 102-484 (10 U.S.C. 1293 note) under the terms and conditions provided in section 4403.

SEC. 8078. (a) During the current fiscal year, none of the appropriations or funds available to the Defense Business Operations Fund shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Defense Business Operations Fund if such an item would not have been chargeable to the Defense Business Operations Fund during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.

(b) The fiscal year 1996 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 1996 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 1996 procurement appropriation and not in the supply management business area or any other area or category of the Defense Business Operations Fund.

SEC. 8079. None of the funds provided in this Act shall be available for use by a Military Department to modify an aircraft, weapon, ship or other item of equipment, that the Military Department concerned plans to retire or otherwise dispose of within five years after completion of the modification: *Provided*, That this prohibition shall not apply to safety modifications: *Provided further*, That this prohibition may be waived by the Secretary of a Military Department if the Secretary determines it is in the best national security interest of the United States to provide such waiver and so notifies the congressional defense committees in writing.

SEC. 8080. 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. 8081. None of the funds appropriated by this Act shall be available for payment of the compensation of personnel assigned to or serving in the National Foreign Intelligence Program in excess of 94 percent of such personnel actually assigned to or serving in the National Foreign Intelligence Program on September 30, 1992: *Provided*, That in making any reduction in the number of such personnel that may be required pursuant to this section, the percentage of reductions to Senior Intelligence Service positions

shall be equal to or exceed the percentage of reductions to non-Senior Intelligence Service positions: *Provided further*, That in making any reduction in the number of such personnel that may be required pursuant to this section, the percentage of reductions to positions in the National Capital Region shall be equal to or exceed the percentage of reductions to positions outside of the National Capital Region.

SEC. 8081A. In addition to amounts appropriated or otherwise made available by this Act, \$67,000,000 is hereby appropriated and shall be made available only for liquidating deficiencies in the amounts specified in the appropriations "National Guard Personnel, Army, 1993", \$55,000,000; and "Reserve Personnel, Army, 1993", \$12,000,000.

SEC. 8082. 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 obligated and deobligated appropriations into the Reserve for Contingencies of the Central Intelligence Agency.

SEC. 8083. 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, 1996.

SEC. 8084. The classified Annex prepared by the Committee on Appropriations to accompany the report on the Department of Defense Appropriations Act, 1995 is hereby incorporated into this Act: *Provided*, That the amounts specified in the classified Annex are not in addition to amounts appropriated by other provisions of this Act: *Provided further*, That the President shall provide for appropriate distribution of the classified Annex, or of appropriate portions of the classified Annex, within the executive branch of the Government.

Incorporation.  
10 USC 114 note.

SEC. 8085. Notwithstanding any other provision of law, funds made available in this Act for the Defense Intelligence Agency may be used for the design, development, and deployment of General Defense Intelligence Program intelligence communications and intelligence information systems for the Services, the Unified and Specified Commands, and the component commands.

SEC. 8086. None of the funds appropriated by this Act may be used to pay health care providers under the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) for services determined under the CHAMPUS Peer Review Organization (PRO) Program to be not medically or psychologically necessary. The Secretary of Defense may by regulation adopt any quality and utilization review requirements and procedures in effect for the Peer Review Organization Program under title XVIII of the Social Security Act (Medicare) that the Secretary determines necessary, and may adapt the Medicare requirements and procedures to the circumstances of the CHAMPUS PRO Program as the Secretary determines appropriate.

SEC. 8087. Notwithstanding any other provision of law, reimbursements received from the North Atlantic Treaty Organization for the E-3 Airborne Warning and Control System (AWACS) Radar System Improvement Program (RSIP) attributable to development work for fiscal years 1987 through 1992 shall be available to the Air Force until September 30, 1995, for meeting that service's financial commitments for the AWACS RSIP.

SEC. 8088. (a) None of the funds appropriated or otherwise made available in this Act may be used to transport or provide for the transportation of chemical munitions to the Johnston Atoll for the purpose of storing or demilitarizing such munitions.

(b) The prohibition in subsection (a) shall not apply to any obsolete World War II chemical munition of the United States found in the World War II Pacific Theater of Operations.

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

SEC. 8089. Notwithstanding any other provision of law, funds made available in this Act and in the fiscal year 1994 Department of Defense Appropriations Act (Public Law 103-139) under the heading "Procurement, Defense-Wide" shall be available to pay equitable adjustments to which the contractor is legally entitled for Coastal Patrol Craft that were procured in prior fiscal years.

SEC. 8090. Notwithstanding any other provision of law, funds appropriated in this Act for the High Performance Computing Modernization Program shall be made available only for the upgrade, purchase, or modernization of supercomputing capability and capacity at Department of Defense (DoD) science and technology sites under the cognizance of the Director of Defense Research and Engineering and DoD test and evaluation facilities under the Director of Test and Evaluation, OUSD (A&T): *Provided*, That the contracts, contract modifications, contract options, or other agreements are awarded as the result of full and open competition based upon the requirements of the user.

SEC. 8091. Amounts collected for the use of the facilities of the National Science Center for Communications and Electronics during the current fiscal year pursuant to section 1459(g) of the Department of Defense Authorization Act, 1986 and deposited to the special account established under subsection 1459(g)(2) of that Act are appropriated and shall be available until expended for the operation and maintenance of the Center as provided for in subsection 1459(g)(2).

Reports.

SEC. 8092. The Secretary of Defense and the Director of Central Intelligence shall deliver, no later than January 1, 1995, a report providing the following information about all research and development projects involving the implementation, monitoring, or verification of current and projected international arms control agreements: (a) annual and total budgets, goals, schedules, and priorities; (b) relationships among related projects being funded by the Department of Defense, the National Foreign Intelligence Program, and other departments and agencies of the Federal Government; and (c) comments by the Arms Control and Disarmament Agency about the relevance of each project to the arms control priorities of the United States.

SEC. 8093. Notwithstanding any other provision of law, none of the funds appropriated in this or any other Act shall be used for the purchase of a totally enclosed lifeboat survival system, which consists of the lifeboat and associated davits and winches, if less than 50 percent of the entire system's components are manufactured in the United States, and if less than 50 percent of the labor in the manufacture and assembly of the entire system is performed in the United States.

SEC. 8093A. None of the funds appropriated in this Act may be used to fill the commander's position at any military medical



facility with a health care professional unless the prospective candidate can demonstrate professional administrative skills.

SEC. 8094. (a) None of the funds appropriated in this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American Act. For purposes of this subsection, the term "Buy American Act" means title III of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933 (41 U.S.C. 10a et seq.).

(b) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a "Made in America" inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

Labeling.

SEC. 8094A. Of the funds appropriated to the Department of Defense (DOD) for Operation and Maintenance, Defense-Wide, not less than \$8,000,000 shall be made available until expended to the Administration for Native Americans within 90 days of enactment of this Act: *Provided*, That such funds shall be made available only for the mitigation of environmental impacts, including training and technical assistance to tribes, related administrative support, the gathering of information, documenting of environmental damage, and developing a system for prioritization of mitigation, on Indian lands resulting from Department of Defense activities: *Provided further*, That the Department of Defense shall provide to the Committees on Appropriations of the Senate and House of Representatives by September 30, 1995, a summary report of all environmental damage that has occurred on Indian land as a result of DOD activities, to include, to the extent feasible, a list of all documents and records known to the Department that describe the activity or action causing or relating to such environmental damage.

Reports.  
Records.

SEC. 8095. 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.

SEC. 8096. None of the funds appropriated or otherwise made available by this Act may be used for a defense technology reinvestment project that is not selected pursuant to the applicable competitive selection and other procedures set forth in chapter 148 of title 10, United States Code: *Provided*, That notwithstanding any other provision of law, funds appropriated for the Advanced Research Projects Agency defense reinvestment program element under the heading "Research, Development, Test and Evaluation, Defense-Wide" shall not be obligated until the Secretary of Defense has ensured that the Assistant Secretaries for Research, Development, and Acquisition of the separate Military Departments are full members of the Defense Technology Conversion Council and are fully integrated into the process of selecting dual-use technology focus areas for such programs and evaluating proposals for such projects: *Provided further*, That notwithstanding any other provision of law, of the funds appropriated for defense reinvestment programs under the heading "Research, Development, Test and Evaluation,

Defense-Wide", \$75,000,000 may only be obligated for projects selected as a result of a competition held by the Advanced Research Projects Agency in focus areas selected exclusively by the Assistant Secretaries for Research, Development, and Acquisition of the separate Military Departments: *Provided further*, That in addition to the restriction contained in the preceding provisos, the competition in focus areas shall be conducted in accordance with other unaffected statutory provisions of the Defense Conversion, Reinvestment, and Transition Assistance Amendments of 1993.

SEC. 8097. None of the funds appropriated in this Act are available for development of bi-static active capability in SURTASS unless the acoustic signal processing for this capability is hosted exclusively on the AN/UYS-2 in the operational system.

SEC. 8097A. (a) Not later than April 1, 1995, the Secretary of Defense shall submit to the Congressional defense committees a management plan for the major university-affiliated research centers which support the Department of Defense.

(b) The master plan required by the preceding subsection shall—

(1) establish annual funding and manpower ceilings for each institution, and a total annual funding and manpower ceiling;

(2) describe in detail what specific actions are being taken to increase management of these institutions by the Office of the Secretary of Defense, and to reduce future annual funding; and

(3) explain the contracting arrangement with each institution, including an evaluation of whether contracts for future efforts should be competitively awarded.

(c) For the purposes of this section, the term "major" shall apply to institutions which receive more than \$2,000,000 annually from the Department of Defense.

SEC. 8098. 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—

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

(2) 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

(3) 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.

## (TRANSFER OF FUNDS)

SEC. 8099. Upon enactment of this Act, the Secretary of Defense shall make the following transfers of funds: *Provided*, That the amounts transferred shall be available for the same purposes as the appropriations to which transferred, and for the same time period as the appropriation from which transferred: *Provided further*, That the amounts shall be transferred between the following appropriations in the amounts specified:

From:

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

CG-47 cruiser program, \$6,000,000;  
 LSD-41 landing ship dock program, \$1,700,000;  
 T-AGOS ocean surveillance ship program, \$5,000,000;  
 For craft, outfitting, post delivery, and cost growth,  
 \$2,438,000;

To:

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

SSN-688 attack submarine program, \$11,719,000;  
 MSH coastal mine hunter program, \$3,419,000;

From:

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

TRIDENT ballistic missile submarine program,  
 \$650,000;  
 DDG-51 destroyer program, \$633,000;  
 CG-47 cruiser program, \$283,000;  
 T-AO fleet oiler program, \$2,800,000;  
 AO conversion program, \$400,000;  
 For craft, outfitting, and post delivery, \$5,900,000;  
 Weapons Procurement, Navy, 1993/1995, \$18,069,000;  
 National Guard and Reserve Equipment, 1994/1996,  
 \$5,145,000;

To:

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

SSN-688 attack submarine program, \$18,496,000;  
 AOE fast combat support ship program, \$15,384,000;

From:

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

CG-47 cruiser program, \$15,351,000;  
 LSD-41 cargo variant ship program, \$4,773,000;  
 LHD-1 amphibious assault ship program, \$7,028,000;  
 AO conversion program, \$1,900,000;  
 Aircraft Procurement, Navy, 1993/1995, \$100,642,000;

To:

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

TRIDENT ballistic missile submarine program,  
 \$6,035,000;  
 SSN-688 attack submarine program, \$19,659,000;  
 CVN nuclear aircraft carrier program, \$104,000,000;

From:

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

LHD-1 amphibious assault ship program, \$3,400,000;

T-AO fleet oiler program, \$3,488,000;

T-AGOS surveillance ship program, \$3,197,000;

AO conversion program, \$1,300,000;

Weapons Procurement, Navy, 1993/1995, \$178,000;

Other Procurement, Navy, 1993/1995, \$22,400,000;

Research, Development, Test and Evaluation, Navy, 1994/1995, \$41,700,000;

To:

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

SSN-688 attack submarine program, \$18,939,000;

SSN-21 attack submarine program, \$37,123,000;

MHC coastal mine hunter program, \$1,700,000;

AOE combat support ship program, \$17,901,000;

From:

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

TRIDENT ballistic missile submarine program, \$2,400,000;

Aircraft carrier service life extension program, \$346,000;

MCM mine countermeasures program, \$657,000;

Oceanographic ship program, \$3,964,000;

LCAC landing craft air cushion program, \$1,188,000;

Aircraft Procurement, Navy, 1993/1995, \$6,000,000;

Weapons Procurement, Navy, 1993/1995, \$6,753,000;

Other Procurement, Navy, 1994/1996, \$1,297,000;

To:

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

SSN-688 attack submarine program, \$9,046,000;

MHC coastal mine hunter program, \$3,575,000;

AOE combat support ship program, \$9,984,000;

From:

Under the heading, "Shipbuilding and Conversion, Navy, 1991/1995":

TRIDENT ballistic missile submarine program, \$39,500,000;

DDG-51 destroyer program, \$8,200,000;

LSD-41 dock landing ship cargo variant ship program, \$22,427,000;

Aircraft Procurement, Navy, 1994/1996, \$17,000,000;

Other Procurement, Navy, 1994/1996, \$666,000;

Procurement, Marine Corps, 1993/1995, \$6,600,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy, 1991/1995":

SSN-21 attack submarine program, \$48,240,000;

LHD-1 amphibious assault ship program, \$43,600,000;

MHC coastal mine hunter program, \$2,553,000;

From:

Aircraft Procurement, Navy, 1993/1995, \$42,000,000;

Other Procurement, Navy, 1994/1996, \$29,261,000;

National Guard and Reserve equipment, 1994/1996,  
\$5,183,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy,  
1992/1996":

DDG-51 destroyer program, \$64,958,000;

MHC coastal mine hunter program, \$11,486,000;

From:

Weapons Procurement, Navy, 1993/1995, \$30,000,000;

Other Procurement, Navy, 1994/1996, \$38,438,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy,  
1993/1997":

DDG-51 destroyer program, \$26,894,000;

LSD-41 cargo variant ship program, \$5,663,000;

MHC coastal mine hunter program, \$7,615,000;

AOE combat support ship program, \$28,266,000;

From:

Weapons Procurement, Navy, 1994/1996, \$14,000,000;

Other Procurement, Navy, 1994/1996, \$763,000;

National Guard and Reserve Equipment, 1994/1996,  
\$4,672,000;

To:

Under the heading, "Shipbuilding and Conversion, Navy,  
1994/1998":

LHD-1 amphibious assault ship program, \$15,131,000;

Oceanographic ship program, \$4,304,000.

SEC. 8100. It is the sense of Congress that none of the funds appropriated or otherwise made available by this Act should be available for the purposes of deploying United States Armed Forces to participate in the implementation of a peace settlement in Bosnia-Herzegovina, unless previously authorized by the Congress.

SEC. 8101. Not later than May 1, 1995, the Secretary of Defense shall submit to the Committees on Appropriations of the House and Senate an independent cost effectiveness study of Air Force bomber programs: *Provided*, That of the total amounts available to the Department of Defense for financing the activities of defense federally funded research and development centers during fiscal year 1995, \$4,500,000 shall be made available within 30 days after the enactment of this Act for the purposes of the aforementioned study.

SEC. 8102. Funds appropriated by this Act for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 1995 until the enactment of the Intelligence Authorization Act for fiscal year 1995.

SEC. 8103. (1) Except as provided in subsection (C) below, it is the sense of the Congress that none of the funds appropriated by this Act should be obligated or expended for costs incurred by the United States Armed Forces units serving in any international peacekeeping or peace-enforcement operations under the authority of Chapter VI or Chapter VII of the United Nations Charter and under the authority of a United Nations Security Council Resolution, or for costs incurred by United States Armed Forces serving in any significant international humanitarian, peacekeeping or peace-enforcement operations, unless—

(a) the President initiates consultations with the bipartisan leadership of Congress, including the leadership of the relevant committees, regarding such operations; these consultations should be initiated at least fifteen days prior to the initial deployment of United States Armed Forces units to participate in such an operation, whenever possible, but in no case later than forty-eight hours after such a deployment; and these consultations should continue on a periodic basis throughout the period of the deployment;

(b) such consultation should include discussion of—

(1) the goals of the operation and the mission of any United States Armed Forces units involved in the operation;

(2) the United States interests that will be served by the operation;

(3) the estimated cost of the operation;

(4) the strategy by which the President proposes to fund the operation, including possible supplemental appropriations or payments from international organizations, foreign countries or other donors;

(5) the extent of involvement of armed forces and other contributions of personnel from other nations; and

(6) the operation's anticipated duration and scope;

(c) subsection (a) does not apply with respect to an international humanitarian assistance operation carried out in response to natural disasters; or to any other international humanitarian assistance operation if the President reports to Congress that the estimated cost of such operation is less than \$50,000,000.

(2) Further, it is the sense of the Congress that the President should seek supplemental appropriations for any significant deployment of United States Armed Forces when such forces are to perform or have been performing international humanitarian, peacekeeping or peace-enforcement operations.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8104. Balances of the funds appropriated in Public Laws 102-172, 102-396, and 103-139, under the headings "World University Games", "Summer Olympics", and "World Cup USA 1994" in title II of those Acts shall be merged with the appropriation heading entitled "Summer Olympics" appearing under title II of this Act and shall be available only for purposes described under that heading.

SEC. 8104A. The Secretary of Defense shall ensure that all applicable DOD regulations and component command, installation, or agency policies and procedures governing temporary duty travel on official military business to the States of Hawaii and Alaska require no higher levels of approval or stricter controls than travel within the continental United States.

SEC. 8105. None of the funds available to the Department of Defense may be used to support the relocation of P-3 aircraft squadrons or other aircraft or units from the Naval Air Station at Barbers Point, Hawaii unless such relocation was specifically stated in the 1993 Report to the President of the Defense Base Closure and Realignment Commission.

SEC. 8106. (a) None of the funds made available by this Act may be obligated for design, development, acquisition, or operation

of more than 47 Titan IV expendable launch vehicles, or for satellite mission-model planning for a Titan IV requirement beyond 47 vehicles.

(b) Of the funds provided in the Department of Defense Appropriations Act, 1994 (Public Law 103-139), the Secretary of Defense shall transfer a total of \$60,000,000 to the National Aeronautics and Space Administration (NASA): *Provided*, That of that amount, \$25,000,000 shall be transferred from Procurement, Defense-Wide, 1994/1996, and shall only be used for LANDSAT 7: *Provided further*, That of that amount, \$35,000,000 shall be transferred from Research, Development, Test and Evaluation, Defense-Wide, 1994/1995, and shall only be used for Single-Stage-to-Orbit research and development at Phillips Laboratory, Albuquerque, New Mexico and, pursuant to the President's call for a supporting role for DOD in this technology, the funds shall be used in activities to support NASA-led construction of an Advanced Technology Demonstrator X-vehicle and to finish the original flight test program of the DC-X1 test vehicle.

(c) \$30,000,000 made available in this Act for Research, Development, Test and Evaluation, Air Force and \$10,000,000 made available in the Department of Defense Appropriations Act, 1994 (Public Law 103-139) for Research, Development, Test and Evaluation, Defense-Wide, 1994/1995, may only be obligated for development of a new family of medium-lift and heavy-lift expendable launch vehicles evolved from existing technologies: *Provided*, That the \$30,000,000 in fiscal year 1995 funds shall not be available for obligation until the Secretary of Defense submits a detailed plan describing the proposed development program for the new family of expendable launch vehicles.

SEC. 8106A. In the case of members who separate from active duty or full-time National Guard duty in a military department pursuant to a Special Separation Benefits program (10 U.S.C. 1174a) or a Voluntary Separation Incentive program (10 U.S.C. 1175) at any time after the enactment of this Act, the separation payments paid such members who are also paid any bonus provided for in chapter 5, title 37, United States Code, during the same years in which they separate shall be reduced (but in no event to an amount less than zero) by an amount equal to any such bonus: *Provided*, That any future bonus payments to which such members would otherwise be entitled are rescinded: *Provided further*, That this measure will not apply to members who separate during the last year of a bonus paid pursuant to chapter 5, title 37, United States Code: *Provided further*, That civilian employees of the Department of Defense are prohibited from receiving voluntary separation payments if such employees are rehired by any agency of the Federal Government within one hundred and eighty days of separating from the Department of Defense: *Provided further*, That members who separate from active duty or full-time National Guard duty in a military department at any time after the enactment of this Act, are prohibited from receiving Special Separation Benefits program (10 U.S.C. 1174a) or Voluntary Separation Incentive program (10 U.S.C. 1175) payments if rehired in a civilian position by the Department of Defense within one hundred and eighty days of separating from active duty or full-time National Guard duty.

SEC. 8107. Notwithstanding any other provision of law, of the funds appropriated to the Department of the Navy for Operation

10 USC 1174a  
note.

and Maintenance, not less than \$4,500,000 shall be obligated and expended only for operation and maintenance, automatic data processing equipment, transition assistance or in-house central design development and activities for the Naval Reserve Force Information Systems Office, the Naval Reserve Personnel Center, the Enlisted Personnel Management Center, and the collocated Naval Computer and Telecommunications Station: *Provided*, That notwithstanding any other provision of law, of the funds appropriated to the Department of Defense for Procurement and Operation and Maintenance, Defense-Wide not less than \$18,000,000 shall be obligated and expended only for automatic data processing equipment or software, in-house central design development and activities, and transition assistance for the Naval Reserve Force Information Systems Office, the Naval Reserve Personnel Center, the Enlisted Personnel Management Center and the collocated Naval Computer and Telecommunications Station, of which \$8,000,000 shall be available in procurement funds and \$5,000,000 shall be available in operation and maintenance funds only for the establishment of a Continuity of Operations (COOP) center that shall be collocated with the Naval Reserve Force Information Systems Office, the Enlisted Personnel Management Center, and the collocated Naval Computer and Telecommunications Station for the contingency preservation of computer data for the Department of Defense Data and Megacenter consolidation initiative: *Provided further*, That the Secretary of the Navy shall establish the Naval Reserve Force Information Systems Office and the Enlisted Personnel Management Center, supported by the collocated Naval Computer and Telecommunications Station, as the central design activities for development, integration, coding, documentation, and system management for the software development and maintenance of the Naval active and reserve single Source Data Collection System: *Provided further*, That the Bureau of Naval Personnel shall remain as the Program Manager for definition of functional requirements and priorities: *Provided further*, That the last proviso of section 8023 of Public Law 103-139, is hereby repealed.

Establishment.

107 Stat. 1443.

## (TRANSFER OF FUNDS)

SEC. 8107A. In addition to amounts appropriated or otherwise made available in this Act, \$8,000,000 shall be made available for pay and allowances for the Office of the Assistant Secretary of Defense for Reserve Affairs to be available only for support of Civil-Military Cooperation program operations, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code: *Provided*, That the funds made available by this paragraph shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: *Provided further*, That the transfer authority provided in this paragraph is in addition to any transfer authority contained elsewhere in this Act.

SEC. 8108. No funds available to the Department of Defense in this Act may be used to establish additional field operating agencies of any element of the Department during fiscal year 1995, except for field operating agencies funded within the National Foreign Intelligence Program.

SEC. 8108A. Notwithstanding any other provision of law, for resident classes entering the war colleges after September 30, 1996,

Colleges and  
universities.  
10 USC note  
prec. 2161.



the Department of Defense shall require that not less than 20 percent of the total of United States military students at each war college shall be from military departments other than the hosting military department: *Provided*, That each military department will recognize the attendance at a sister military department war college as the equivalent of attendance at its own war college for promotion and advancement of personnel.

SEC. 8109. None of the funds provided in this Act may be expended for the refurbishment of M61/20 mm Gatling Gun assets for domestic or foreign military sales unless the Department of the Air Force competes this work among qualified depots and commercial contractors.

SEC. 8110. None of the funds provided in this Act may be obligated or expended for the sale of zinc in the National Defense Stockpile if zinc commodity prices decline more than five percent below the London Metals Exchange market price reported on the date of enactment of this Act.

SEC. 8111. Funds made available to the Department of the Navy for the EA-6B program in this Act and prior Department of Defense Appropriations Acts may be used to procure any lower costs alternative to the ADVCAP upgrade program considered by the Department of the Navy to be appropriate and cost effective.

(TRANSFER OF FUNDS)

SEC. 8112. For the rehabilitation of damage caused to Rongelap Atoll by the nuclear testing program and for the resettlement of Rongelap Atoll, \$5,000,000 is appropriated to the Department of Defense, which shall be transferred to the Department of the Interior for deposit into the Rongelap Resettlement Trust Fund.

SEC. 8113. PROHIBITION ON USE OF FUNDS FOR CERTAIN ACTIVITIES AT CAMERON STATION, VIRGINIA.—(a) PROHIBITION.—None of the funds appropriated in this Act or otherwise made available to the Department of Defense may be obligated or expended by the Secretary of Defense for the execution pursuant to subsection (f) of section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411) of a lease, permit, or deed of conveyance for use to assist the homeless of any property described in subsection (b) until the Secretary of Health and Human Services, appropriate representatives of the City of Alexandria, Virginia, and representatives of the homeless whose applications for use of such property to assist the homeless have been approved by the Secretary of Health and Human Services under subsection (e)(3) of such section jointly determine that such use is reasonable under the redevelopment plan for Cameron Station, Virginia.

(b) COVERED PROPERTY.—Subsection (a) applies to the public buildings and real property located at Cameron Station, Virginia, which installation was approved for closure pursuant to the provisions of title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

SEC. 8114. The Assistant Secretary of Defense for Command, Control, Communications and Intelligence shall establish and implement a master plan for all acquisitions of automated document conversion systems, equipment, and technologies: *Provided*, That none of the funds in this Act may be used to develop technologies or to acquire new automated document conversion equipment, services, or systems which cost more than \$5,000,000 after April 1,

Homeless  
persons.  
Real property.

1995 unless such acquisitions are approved in advance by the Assistant Secretary or his designee: *Provided further*, That of the funds appropriated to the Department of Defense for Procurement, Defense-Wide, not less than \$20,000,000 shall be used only to integrate the Automated Document Conversion System into the Joint Engineering Data Management and Information Control System.

10 USC 1401a  
note.

SEC. 8114A. (a) FISCAL YEAR 1995 COST-OF-LIVING ADJUSTMENT FOR MILITARY RETIREES.—(1) The fiscal year 1995 increase in military retired pay shall (notwithstanding subparagraph (B) of section 1401a(b)(2) of title 10, United States Code) first be payable as part of such retired pay for the month of March 1995.

(2) For the purposes of subsection (a):

(A) The term “fiscal year 1995 increase in military retired pay” means the increase in retired pay that, pursuant to paragraph (1) of section 1401a(b) of title 10, United States Code, becomes effective on December 1, 1994.

(B) The term “retired pay” includes retainer pay.

(b) FUTURE COST-OF-LIVING ADJUSTMENTS FOR MILITARY RETIREES.—

(1) Subject to paragraph (2), subparagraph (B) of section 1401a(b)(2) of title 10, United States Code, is amended—

(A) in the heading, by striking out “THROUGH 1998” and inserting in lieu thereof “THROUGH 1996”; and

(B) in clause (ii)—

(i) by striking out “THROUGH 1998” and inserting in lieu thereof “AND 1996”;

(ii) by striking out “of 1994, 1995, 1996, or 1997” and inserting in lieu thereof “of 1994 or 1995”; and

(iii) by striking out “September” and inserting in lieu thereof “March”.

(2) Paragraph (1) shall be effective only if—

(A) the President, in the budget of the President for fiscal year 1996, proposes legislation which if enacted would be qualifying offsetting legislation; and

(B) there is enacted during the first session of the 104th Congress qualifying offsetting legislation.

(3) If the conditions in paragraph (2) are met, then the amendments by paragraph (1) shall take effect on January 1, 1996.

(4) For purposes of this subsection:

(A) The term “qualifying offsetting legislation” means legislation (other than an appropriations Act) that includes provisions that—

(i) offset fully the increased outlays for each of fiscal years 1996, 1997, and 1998 to be made from the Department of Defense Military Retirement Fund by reason of the amendment made by paragraph (1);

(ii) expressly state that they are enacted for the purpose of the offset described in clause (i); and

(iii) are included in full on the PayGo scorecard.

(B) The term “PayGo scorecard” means the estimates that are made with respect to fiscal years through fiscal year 1998 by the Director of the Congressional Budget Office and the Director of the Office of Management and Budget under section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Effective date.

SEC. 8115. Notwithstanding any other provision of law, none of the funds provided in this Act may be used to procure vessel propellers six feet in diameter and greater unless such propellers are manufactured in the United States incorporating only castings which are poured and finished in the United States. Nor may any of the funds provided in this Act be used to procure ship propulsion shafting unless such ship propulsion shafting is 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.

## (TRANSFER OF FUNDS)

SEC. 8115A. In addition to amounts appropriated or otherwise made available by this Act, \$11,200,000 is hereby appropriated to the Department of Defense and shall be available only for transfer to the United States Coast Guard for a 2.6 percent pay increase for uniformed members.

SEC. 8116. Such additional sums as may be necessary for fiscal year 1995 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 8117. After April 15, 1995, none of the funds provided in this Act may be obligated for payment on new contracts on which allowable costs charged to the government include payments for individual compensation at a rate in excess of \$250,000 per year.

SEC. 8118. None of the funds available in this Act may be used to reduce the authorized positions for military (civilian) technicians of the Army National Guard, the Air National Guard, Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military (civilian) technicians, unless such reductions are a direct result of a reduction in military force structure: *Provided*, That the Department of Defense shall prepare and submit to the Congressional defense committees a report on reductions of civilian technicians which may be required to align civilian technician positions with force structure changes in the Reserve component.

SEC. 8119. During the current fiscal year and hereafter, the Department of State and the Department of Defense are authorized to provide interagency courier service on a non-reimbursable basis.

SEC. 8120. 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.

SEC. 8121. (a) STUDY.—The Secretary of Defense shall conduct a study of the receipt of benefits under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.) by the members of the Armed Forces. The study shall include the following elements:

- (1) The number of members of the Armed Forces who are eligible to receive benefits under that Act.
- (2) The number of such members who receive benefits under that Act.
- (3) The location by State and region of the members referred to in paragraphs (1) and (2).

Reports.

10 USC 2241  
note.

(4) An estimate of the cost of raising the rate of basic pay of members of the Armed Forces to a rate at which such members would no longer be eligible to receive benefits under that Act.

(b) REPORT.—The Secretary shall submit to Congress a report on the study required under subsection (b) not later than 180 days after the date of the enactment of this Act.

Reports.

SEC. 8122. (a) The Secretary of Defense shall submit, on a quarterly basis, a report to the appropriate congressional committees setting forth all costs (including incremental costs) incurred by the Department of Defense during the preceding quarter in implementing or supporting resolutions of the United Nations Security Council, including any such resolution calling for international sanctions, international peacekeeping operations, and humanitarian missions undertaken by the Department of Defense. The quarterly report shall include an aggregate of all such Department of Defense costs by operation or mission.

(b) The Secretary of Defense shall detail in the quarterly reports all efforts made to seek credit against past United Nations expenditures and all efforts made to seek compensation from the United Nations for costs incurred by the Department of Defense in implementing and supporting United Nations activities.

(c) As used in this section, the term "appropriate congressional committees" means—

(1) the Committees on Appropriations of the House of Representatives and the Senate;

(2) the Committees on Armed Services of the House of Representatives and the Senate; and

(3) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

SEC. 8123. During the current fiscal year, funds appropriated in this Act are available to compensate members of the National Guard for duty performed pursuant to a plan submitted by a Governor of a State and approved by the Secretary of Defense under section 112 of title 32, United States Code: *Provided*, That during the performance of such duty, the members of the National Guard shall be under State command and control: *Provided further*, That such duty shall be treated as full-time National Guard duty for purposes of sections 3686(2) and 8686(2) of title 10, United States Code.

**SEC. 8124. SENSE OF THE CONGRESS CONCERNING THE REPUBLIC OF BULGARIA.**

(a) FINDINGS.—The Congress finds that:

(1) In the spring of 1990, Bulgaria held its first round-table discussions and held its first free, democratic elections in June 1990;

(2) In August 1990, the Bulgarian Grand National Assembly elected Dr. Zhelyu Zhelev as President of the Republic;

(3) On July 12, 1991 the Parliament of Bulgaria adopted the new Constitution of the Republic of Bulgaria, which proclaims that Bulgaria is governed by the rule of law;

(4) In addition, the Bulgarian Constitution establishes the principles of a market economy in Bulgaria, including Article 17 which guarantees and protects the right to property and inheritance and proclaims the inviolability of private property,

and Article 19 which states that the economy of Bulgaria is based on free economic enterprise;

(5) In October 1991, Bulgaria held its second parliamentary elections;

(6) Since 1990, the Bulgarian Parliament has passed more than 220 laws establishing legal protections for a free market economy including the Law on Land Ownership, the Law on the Protection of Competition, the Law on Commerce, the Law on Privatization, the Law on Accounting and the Law on Banking;

(7) The Bulgarian private sector has grown from 5 percent of GNP in 1990 to 22 percent of GNP in 1993, and by the end of 1993, 47 percent of Bulgarian farm land had been returned to its owners prior to 1948;

(8) In June 1990, Bulgaria established diplomatic relations with NATO and on February 14, 1994, joined the Partnership for Peace;

(9) Since October 1991, the Bulgarian minister of defense has been a civilian and this practice is scheduled to be institutionalized when the Bulgarian Law on Armed Forces is adopted in September 1994.

(b) SENSE OF CONGRESS.—Therefore, it is the sense of the Congress that:

(1) The Republic of Bulgaria is making swift and important progress to join the West and should be strongly commended for its efforts;

(2) The Republic of Bulgaria is making significant progress toward establishing democratic institutions, a free market economy, civilian control of the armed forces and the rule of law;

(3) As the President evaluates increased defense cooperation with central and eastern Europe, Bulgaria's extensive reform efforts should be given every possible consideration.

SEC. 8125. STUDY OF C-130s.—(a) REPORT.—Within six months of enactment of this Act, the Chairman of the Joint Chiefs of Staff (JCS) shall recommend to the Secretary of Defense a master stationing plan for C-130 aircraft for the active and reserve components based on the National Military Strategy and current contingency plans of the Joint Chiefs of Staff. The report shall include:

(1) a review of existing Air Reserve Component C-130s; and

(2) a master plan for basing future Air Reserve Component C-130s over the next twenty years.

(b) INTERIM REDUCTIONS.—No reductions of primary authorized C-130 aircraft (PAA) shall be permitted until after completion of the report.

(c) APPROVAL.—Within 2 months of receipt of the report from the Chairman of the JCS, the Secretary of Defense shall approve the final master stationing plan for C-130 aircraft and shall provide it to the congressional defense committees. The Secretary shall also provide the final report to the Air Force and to the National Guard Bureau for implementation.

Aircraft.

Reports.

SEC. 8126. Funds appropriated for the Army by this Act may not be expended to deactivate or to take any action necessary to deactivate any Army Reserve Officers' Training Corps unit, or to reduce any such unit for the purpose of eventually deactivating that unit, unless the Secretary of the Army has determined that the unit has been placed in, and has been evaluated for a full

evaluation period under, the Effective Management Program of the Army Cadet Command.

**SEC. 8127. PREFERENCE FOR LOCAL AND SMALL BUSINESSES TO CARRY OUT ENVIRONMENTAL RESTORATION AND REMEDIATION OF KAHO'OLAWA ISLAND, HAWAII.**

Contracts.

(a) **PREFERENCE REQUIRED.**—In entering into contracts with private entities to carry out environmental restoration and remediation of Kaho'olawe Island, Hawaii, and the waters surrounding that island, the Secretary of the Navy shall, to the maximum extent practicable, give a preference to small business concerns and small disadvantaged business concerns located in the State of Hawaii. In giving the preference, the Secretary shall give special preference to businesses owned by Native Hawaiians.

(b) **DEFINITIONS.**—In this section:

(1) The term "small business concern" means a business concern meeting the requirements of section 3 of the Small Business Act (15 U.S.C. 632).

(2) The term "small disadvantaged business concern" means the business concerns referred to in section 7(d)(1) of such Act (15 U.S.C. 637(d)(1)).

(3) The term "Native Hawaiian" means any individual who is a descendent of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now comprises the State of Hawaii.

Reports.

**SEC. 8128.** The Secretary of Defense shall report to the congressional defense committees the existing standards for the provision of concurrent retirement and disability benefits to members of the Armed Forces with not less than twenty years of service: *Provided*, That this evaluation will address the number of individuals retired from the Armed Forces under conditions of total disability; the cost of extending concurrent benefits to these individuals; the comparability of the policy to Office of Personnel Management guidelines for civilian Federal employees; the comparability of this policy to prevailing private sector standards; the number of individuals potentially eligible for concurrent benefits who now receive other forms of Federal assistance and the cost of that assistance: *Provided further*, That the Secretary shall submit this report not later than March 15, 1995.

10 USC 12681  
note.

**SEC. 8129. IMPLEMENTATION OF AGREEMENT ON THE RESTRUCTURING OF THE ARMY NATIONAL GUARD AND THE ARMY RESERVE.**

(a) **FINDING.**—Congress finds that the implementation of the off-site agreement may result in the loss to the Armed Forces of military personnel who have significant military experience and expertise.

(b) **REASSIGNMENT OF MEMBERS.**—(1) To the maximum extent practicable, the Secretary of the Army shall ensure that members of the Armed Forces who would otherwise be separated from service as a result of the deactivation of military units of the Army National Guard and the Army Reserve under the off-site agreement be reassigned instead to units that are not being deactivated.

(2) The reassignment of a member under paragraph (1) shall not affect the grade or rank in grade of the member.

(c) **REPORTS.**—Not later than April 15 and October 15 of each calendar year while the off-site agreement is in effect, the Secretary of the Army shall submit to the congressional defense committees

a semi-annual report on the number of members of the Armed Forces who were reassigned under subsection (b)(1) during the preceding six months.

(d) DEFINITIONS.—In this section:

(1) The term “congressional defense committees” means the Committees on Armed Services and the Committees on Appropriations of the Senate and the House of Representatives.

(2) The term “off-site agreement” means the agreement on the restructuring of the Army National Guard and the Army Reserve.

SEC. 8130. Funds appropriated in this Act for operation and maintenance of the Military Departments, Unified and Specified Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence support to Unified Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the General Defense Intelligence Program and the Consolidated Cryptologic Program: *Provided*, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

SEC. 8131. (a) No project for the construction of any facility, or improvement to any facility, having an estimated Federal cost in excess of \$300,000, may be undertaken in any fiscal year unless specifically identified as a separate item in the President's annual fiscal year budget request or otherwise specifically authorized and appropriated if such facility or improvement would be used primarily by personnel of the intelligence community.

50 USC 403-2a.

(b) As used in this section, the term “intelligence community” has the same meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

SEC. 8132. The Secretary of Defense, from within funds provided in this Act, may obligate not to exceed \$75,000 to fulfill Department of Defense obligations under the Educational Loan Repayment Programs for State-sponsored student loan programs not covered under title IV, part B or E of the Higher Education Act of 1965 (title 20 U.S.C. 1071-1087).

SEC. 8133. Notwithstanding any other provision of law, the Secretary of the Navy shall obligate, within sixty days of this Act becoming law, not less than \$39,750,000 from the funds appropriated in this Act or previous Acts under the heading “Aircraft Procurement, Navy”, solely to procure, integrate, and install, on an urgent basis, AN/USH-42 mission recorders modified for use in S-3B aircraft.

SEC. 8134. Subparagraph (B) of section 7306(d)(1) of title 10, United States Code, shall not apply with respect to the transfer by the Secretary of the Navy under section 7306(a) of such title of the aircraft carrier U.S.S. Saratoga (CV-60) to the U.S.S. Saratoga Museum Foundation, Inc., a foundation organized under the laws of the State of Florida.

#### RESTRICTION ON FUNDING UNITED STATES MILITARY PERSONNEL IN SOMALIA

SEC. 8135. None of the funds appropriated by this Act may be used for the continuous presence in Somalia of United States

military personnel, except for the protection of United States personnel, after September 30, 1994.

**SEC. 8136. SENATE ADVICE AND CONSENT TO CHANGES IN OBLIGATIONS UNDER THE CFE TREATY.**

(a) FINDINGS.—

(1) On November 25, 1991, the Senate gave its advice and consent to ratification of the CFE Treaty.

(2) The President would need to seek the Senate's advice and consent to any change in obligation of the States parties under the CFE Treaty, unless such change were a minor matter of an administrative or technical nature.

(3) A change in the allowed holdings of treaty limited equipment in the area of application or any geographic subzone of the area of application would constitute a change in obligation for which the Senate's advice and consent would be required.

(b) REAFFIRMATION OF SENATE'S TREATY-MAKING POWERS.—

The President shall submit for the Senate's advice and consent any change in the obligations of any State party under the CFE Treaty, unless such change is a minor matter of an administrative or technical nature.

(c) CFE TREATY DEFINED.—For the purpose of this section, the CFE Treaty means the Treaty on Conventional Armed Forces in Europe, signed in Paris on November 19, 1990, and associated protocols.

10 USC 113 note.

SEC. 8137. (a)(1) The Secretary of Defense shall develop a plan for establishing and implementing a requirement for disbursing officials of the Department of Defense to match disbursements to particular obligations before making the disbursements. The Secretary shall transmit the plan to Congress not later than March 1, 1995.

(2) The Inspector General of the Department of Defense shall review the plan and submit the Inspector General's independent assessment of the plan to the congressional defense committees.

(b)(1) Not later than July 1, 1995, the Secretary of Defense shall require that each disbursement by the Department of Defense in an amount in excess of \$5,000,000 be matched to a particular obligation before the disbursement is made.

(2) Not later than October 1, 1995, the Secretary of Defense shall require that each disbursement by the Department of Defense in an amount in excess of \$1,000,000 be matched to a particular obligation before the disbursement is made.

(c) The Secretary shall ensure that a disbursement in excess of the threshold amount applicable under subsection (b) is not divided into multiple disbursements of less than that amount for the purpose of avoiding the applicability of such subsection to that disbursement.

(d) The Secretary of Defense may waive a requirement for advance matching of a disbursement of the Department of Defense with a particular obligation in the case of (1) a disbursement involving deployed forces, (2) a disbursement for an operation in a war declared by Congress or a national emergency declared by the President or Congress, or (3) a disbursement under any other circumstances for which the waiver is necessary in the national security interests of the United States, as determined by the Sec-



retary and certified by the Secretary to the congressional defense committees.

(e) This section shall not be construed to limit the authority of the Secretary of Defense to require that a disbursement not in excess of the amount applicable under subsection (b) be matched to a particular obligation before the disbursement is made.

**SEC. 8138. SENSE OF SENATE ON NEGOTIATION OF LIMITATIONS ON NUCLEAR WEAPONS TESTING.**

(a) **FINDINGS.**—The Senate finds the following:

(1) On January 25, 1994, the United States joined with 37 other nations to begin negotiations for a comprehensive treaty to ban permanently all nuclear weapons testing.

(2) On March 14, 1994, the President decided to extend the current United States nuclear testing moratorium at least through September 1995.

(3) Germany and the Group of 21 Non-Aligned States have publicly stated their support for the completion of a comprehensive nuclear test ban treaty by 1995.

(4) On June 6, 1994, the People's Republic of China conducted its second nuclear weapons test explosion since the United States, Russia, and France initiated their current nuclear test moratoria.

(5) On September 7, 1994, the third and final test ban negotiating session of the year will end.

(6) While some progress toward a comprehensive nuclear test ban treaty has been achieved, there is little chance that an agreement will be reached before April 1995 at the current rate of negotiation.

(7) The United States is seeking to extend indefinitely the Non-Proliferation Treaty at the April 1995 Extension Conference.

(8) Conclusion of a comprehensive nuclear test ban treaty could contribute toward successful negotiations to extend the Non-Proliferation Treaty.

(9) Agreements to eliminate nuclear testing and control the spread of nuclear weapons could contribute to national security of the United States, its allies, and other nations around the world.

(b) **SENSE OF SENATE.**—The Senate—

(1) applauds the President for maintaining the United States nuclear testing moratorium and for supporting the negotiation of a comprehensive nuclear test ban treaty;

(2) encourages the People's Republic of China and all other nuclear powers to refrain from conducting nuclear explosions prior to conclusion of a comprehensive nuclear test ban treaty; and

(3) urges the President and the other nuclear powers to take measures necessary to achieve a multilateral comprehensive nuclear test ban treaty before the Non-Proliferation Treaty Extension Conference.

(c) **DEFINITION.**—As used in this section, the term "Non-Proliferation Treaty" means the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow on July 1, 1968 (21 U.S.T. 483).

**SEC. 8139.** Notwithstanding any other provision of law, the Secretary of a military department may enter into a contract for

Contracts.  
Banks and  
banking.

use of commercial or proprietary credit card services for augmenting or replacing any in-house account receivable system in use by a nonappropriated fund instrumentality under the jurisdiction of that Secretary if the Secretary determines that such contract is in the best interest of that department: *Provided*, That any Department of Defense initiative to contract for credit card services shall require full and open competitive procedures and be based on the program concepts determined by the military department(s) morale, welfare and recreation (MWR) and service division(s) affected by such initiative.

Daniel K.  
Inouye.  
Federal  
buildings and  
facilities.

SEC. 8140. It is the sense of the Congress that the Secretary of Defense should name the new research facility under construction to house the Walter Reed Army Institute of Research, in honor of Senator Daniel K. Inouye.

SEC. 8141. Notwithstanding any other provision of law, within the funds made available by this Act, the Department of Defense shall pay the appropriate amount of Aviation Continuation Pay authorized by 37 U.S.C. 301(b) to the survivors of persons who have signed reenlistment contracts on or after January 1, 1994, but whose service connected death predates the effective date of such reenlistment contract by less than 14 days.

Chemicals.  
Biological  
warfare.

SEC. 8142. It is the sense of the Congress that not later than 90 days after the enactment of this Act, the Department of Defense shall submit all documents pertaining to any and all Department of Defense chemical and biological warfare tests involving the use of zinc cadmium sulfide conducted anywhere in the United States.

SEC. 8143. None of the funds made available under this Act may be obligated or expended for the relocation or reduction of the functions specified in the 1991 and 1993 Reports to the President of the Defense Base Closure and Realignment Commission to be maintained at Fort Chaffee, Arkansas, including all civilian management, support personnel and operations associated with these functions that were in existence as of September 30, 1994.

SEC. 8144. All refunds or other amounts collected in the administration of the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) shall be credited to current year appropriations.

**SEC. 8145. SENSE OF THE SENATE CONCERNING LOWRY AFB.**

It is the sense of the Senate that—

(1) in issuing any lease, permit or deed of conveyance for use to assist the homeless under the Stewart B. McKinney Homeless Assistance Act concerning Lowry Air Force Base, Colorado, the Secretary of Health and Human Services, representatives of the city of Denver, Colorado, representatives of the city of Aurora, Colorado and representatives of homeless providers whose applications have been approved by the Secretary of Health and Human Services should jointly determine that such use is reasonable under the redevelopment plan for Lowry Air Force Base, Colorado; and

(2) the Department of Defense and the Department of Health and Human Services, in coordination with the appropriate committees of Congress and appropriate State and local authorities, should develop a reform proposal to address the many difficulties created for local communities by existing laws relating to the loan, lease or conveyance for use of government property during the base closure process.

SEC. 8146. (a) None of the funds appropriated in this Act for a second low rate initial production (LRIP) contract or contract option for the Hunter unmanned aerial vehicle (UAV) system may be obligated until the Department of Defense certifies to the congressional defense committees that—

(1) two Hunter UAV systems have been accepted by the Government using the currently defined Acceptance Test Procedure;

(2) the operational tempo (OPTEMPO) phase of the risk reduction program has been successfully completed; and

(3) the flight test portion of the first article test (FAT) has been successfully completed.

(b) None of the funds appropriated in this Act may be obligated to procure more than four Hunter UAV systems until the Logistics Support Analysis (LSA) report has been submitted to the relevant committees of Congress and the Department of Defense has certified to these committees that the LSA is sufficient to fully support fielding of the Hunter UAV.

Reports.

SEC. 8147. Of the funds appropriated by title VIII of Public Law 102-396 (106 Stat. 1899) for defense reinvestment for economic growth, the unobligated balance of the funds made available by such title for military service members occupational conversion and training shall remain available for obligation until September 30, 1995.

SEC. 8148. Under the heading "Humanitarian Assistance" in title II of this Act, on line one, strike "For transportation for" and insert in lieu thereof "For": *Provided*, That the proviso contained under this heading in the Department of Defense Appropriations Act for 1994 (Public Law 103-139) is hereby repealed.

Ante, p. 2606.

107 Stat. 1426.

SEC. 8149. None of the funds appropriated in this Act may be transferred to or obligated from the Pentagon Reservation Maintenance Revolving Fund, unless the Secretary of Defense certifies that the total cost for the planning design, construction and installation of equipment for the renovation of the Pentagon Reservation will not exceed \$1,218,000,000.

SEC. 8150. In addition to amounts appropriated elsewhere in this Act to the Department of Defense, \$14,200,000 is authorized and appropriated only for the Utility Reconfiguration Project at the Philadelphia Naval Complex.

SEC. 8151. Notwithstanding section 303(a) (5) and (6) of the Defense Production Act, or any other provision of law, the Department of Defense will negotiate and award an appropriate contract to the sole domestic producer of nuclear steam generator tubing for aircraft carriers, in an amount not to exceed \$17,500,000 from funds provided in Public Law 103-139 for Defense Production Act Purchases.

Contracts.  
Air  
transportation.

SEC. 8152. (a) Of the funds appropriated under the heading "Research, Development, Test and Evaluation, Navy" in title IV of this Act, \$3,900,000 shall be made available only for the Joint Primary Aircraft Training System (JPATS) program.

(b) Of the funds appropriated under the heading "Research, Development, Test and Evaluation, Air Force" in title IV of this Act, \$37,057,000 shall be made available only for the JPATS program.

(c) Of the funds appropriated under the heading "Aircraft Procurement, Air Force" in title III of this Act, \$93,265,000 shall be made available only for the JPATS program.

SEC. 8153. No funds appropriated by this Act may be obligated or expended during fiscal year 1995 for retiring, or preparing to retire, any B-52H, B-1B, or F-111 bomber aircraft.

10 USC 374 note.

SEC. 8154. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

50 USC 403f note.

(b) None of the funds available to the Central Intelligence Agency for any fiscal year for drug interdiction and counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

SEC. 8155. AMENDMENTS TO PUBLIC LAW 103-317 (INCLUDING RESCISSION).—(a) Of the funds appropriated under the heading, "Contributions to International Organizations" in Public Law 103-317, \$4,561,000 are rescinded. In addition, under this heading in said Public Law, delete ", of which not to exceed \$4,000,000 is available to pay arrearages, the payment of which" and substitute ": *Provided*, That any payment of arrearages made from these funds".

Ante, p. 1762.

(b) Under the heading, "Payment to the Asia Foundation" in Public Law 103-317, delete "\$10,000,000" and substitute "\$15,000,000".

Ante, p. 1764.

(c) Under the heading "Securities and Exchange Commission", "Salaries and Expenses", in Public Law 103-317, insert the following:

Ante, p. 1739.

"For an additional amount for "Salaries and Expenses", \$192,000,000: *Provided*, That such amount is available only upon enactment of legislation that continues for fiscal year 1995 the rate of fees collected under section 6(b) of the Securities Act of 1933 (15 U.S.C. 77f(b)), as provided by Public Law 103-121 (107 Stat. 1168), at 1/29th of one percent and that deposits the difference in such fees (between 1/50th of one percent and 1/29th of one percent) as an offsetting collection to this appropriation: *Provided further*, That the total amount appropriated for fiscal year 1995 under this heading shall be reduced as such fees are deposited to this appropriation so as to result in a final total fiscal year 1995 appropriation from the General Fund estimated at not more than \$74,856,000: *Provided further*, That any such fees collected in excess of \$192,000,000 in fiscal year 1995 shall remain available until expended, but shall not be available for obligation until October 1, 1995."

SEC. 8156. Of the amounts provided in title III of this Act, \$304,900,000 are permanently canceled: *Provided*, That the Secretary of Defense shall allocate the amount of budgetary resources canceled by this section in an equal percentage to each program, project and activity funded in title III of this Act.

## (RESCISSION)

SEC. 8157. Of the funds provided in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following account in the specified amount:

“Aircraft Procurement, Navy, 1993/1995”, \$200,000,000.

## (TRANSFER OF FUNDS)

SEC. 8158. Of the funds provided in title II of this Act under the heading “Operation and Maintenance, Defense-Wide”, \$500,000,000 shall be transferred to the following accounts in the specified amounts:

“Operation and Maintenance, Army”, \$140,000,000;

“Operation and Maintenance, Navy”, \$140,000,000;

“Operation and Maintenance, Marine Corps”, \$80,000,000;

“Operation and Maintenance, Air Force”, \$140,000,000.

Titles I through VIII of this Act may be cited as the “Department of Defense Appropriations Act, 1995”. Short title.

## TITLE IX—FISCAL YEAR 1994 SUPPLEMENTAL APPROPRIATION

The following sum is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1994, namely:

## DEPARTMENT OF DEFENSE

Cuba.  
Rwanda.

## MANAGEMENT FUNDS

## EMERGENCY RESPONSE FUND

For the “Emergency Response Fund”, \$299,300,000: *Provided*, That these funds may be used to reimburse other appropriations of the Department of Defense available during fiscal year 1994 for costs incurred before the date of the enactment of this Act for emergency relief for Rwanda and for emergency migrant processing and safe haven costs in or around Cuba and may be used to reimburse other appropriations available to the Department of Defense for costs incurred for the same purposes: *Provided further*, That the entire amount under this heading is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That any change in the United States mission in Rwanda from one of strict refugee relief to security, peace-enforcing, or nation-building or any other substantive role shall not be implemented without the further

approval of the Congress: *Provided further*, That no funds provided in this Act are available for United States military participation to continue Operation Support Hope in or around Rwanda after October 7, 1994, except for any action that is necessary to protect the lives of United States citizens.

Approved September 30, 1994.

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**LEGISLATIVE HISTORY— H.R. 4650:**

**HOUSE REPORTS:** Nos. 103-562 (Comm. on Appropriations) and 103-747 (Comm. of Conference).

**SENATE REPORTS:** No. 103-321 (Comm. on Appropriations).

**CONGRESSIONAL RECORD**, Vol. 140 (1994):

June 29, considered and passed House.

Aug. 5, 8-11, considered and passed Senate, amended.

Sept. 29, House and Senate agreed to conference report.

**WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS**, Vol. 30 (1994):

Sept. 30, Presidential statement.