

104TH CONGRESS
1ST SESSION

S. 1087

AN ACT

Making appropriations for the Department of Defense for the fiscal year ending September 30, 1996, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the
5 fiscal year ending September 30, 1996, and for other pur-
6 poses, namely:

1 TITLE I

2 MILITARY PERSONNEL

3 MILITARY PERSONNEL, ARMY

4 For pay, allowances, individual clothing, interest on
5 deposits, gratuities, permanent change of station travel
6 (including all expenses thereof for organizational move-
7 ments), and expenses of temporary duty travel between
8 permanent duty stations, for members of the Army on ac-
9 tive duty (except members of reserve components provided
10 for elsewhere), cadets, and aviation cadets; and for pay-
11 ments pursuant to section 156 of Public Law 97-377, as
12 amended (42 U.S.C. 402 note), to section 229(b) of the
13 Social Security Act (42 U.S.C. 429(b)), and to the De-
14 partment of Defense Military Retirement Fund;
15 \$19,776,587,000.

16 MILITARY PERSONNEL, NAVY

17 For pay, allowances, individual clothing, interest on
18 deposits, gratuities, permanent change of station travel
19 (including all expenses thereof for organizational move-
20 ments), and expenses of temporary duty travel between
21 permanent duty stations, for members of the Navy on ac-
22 tive duty (except members of the Reserve provided for
23 elsewhere), midshipmen, and aviation cadets; and for pay-
24 ments pursuant to section 156 of Public Law 97-377, as
25 amended (42 U.S.C. 402 note), to section 229(b) of the

1 Social Security Act (42 U.S.C. 429(b)), and to the De-
2 partment of Defense Military Retirement Fund;
3 \$16,979,209,000.

4 MILITARY PERSONNEL, MARINE CORPS

5 For pay, allowances, individual clothing, interest on
6 deposits, gratuities, permanent change of station travel
7 (including all expenses thereof for organizational move-
8 ments), and expenses of temporary duty travel between
9 permanent duty stations, for members of the Marine
10 Corps on active duty (except members of the Reserve pro-
11 vided for elsewhere); and for payments pursuant to section
12 156 of Public Law 97-377, as amended (42 U.S.C. 402
13 note), to section 229(b) of the Social Security Act (42
14 U.S.C. 429(b)), and to the Department of Defense Mili-
15 tary Retirement Fund; \$5,886,540,000.

16 MILITARY PERSONNEL, AIR FORCE

17 For pay, allowances, individual clothing, interest on
18 deposits, gratuities, permanent change of station travel
19 (including all expenses thereof for organizational move-
20 ments), and expenses of temporary duty travel between
21 permanent duty stations, for members of the Air Force
22 on active duty (except members of reserve components
23 provided for elsewhere), cadets, and aviation cadets; and
24 for payments pursuant to section 156 of Public Law 97-
25 377, as amended (42 U.S.C. 402 note), to section 229(b)

1 of the Social Security Act (42 U.S.C. 429(b)), and to the
2 Department of Defense Military Retirement Fund;
3 \$17,156,443,000.

4 RESERVE PERSONNEL, ARMY

5 For pay, allowances, clothing, subsistence, gratuities,
6 travel, and related expenses for personnel of the Army Re-
7 serve on active duty under sections 265, 3021, and 3038
8 of title 10, United States Code, or while serving on active
9 duty under section 672(d) of title 10, United States Code,
10 in connection with performing duty specified in section
11 678(a) of title 10, United States Code, or while under-
12 going reserve training, or while performing drills or equiv-
13 alent duty or other duty, and for members of the Reserve
14 Officers' Training Corps, and expenses authorized by sec-
15 tion 2131 of title 10, United States Code; and for pay-
16 ments to the Department of Defense Military Retirement
17 Fund; \$2,102,466,000.

18 RESERVE PERSONNEL, NAVY

19 For pay, allowances, clothing, subsistence, gratuities,
20 travel, and related expenses for personnel of the Navy Re-
21 serve on active duty under section 265 of title 10, United
22 States Code, or while serving on active duty under section
23 672(d) of title 10, United States Code, in connection with
24 performing duty specified in section 678(a) of title 10,
25 United States Code, or while undergoing reserve training,

1 or while performing drills or equivalent duty, and for
2 members of the Reserve Officers' Training Corps, and ex-
3 penses authorized by section 2131 of title 10, United
4 States Code; and for payments to the Department of De-
5 fense Military Retirement Fund; \$1,349,323,000.

6 RESERVE PERSONNEL, MARINE CORPS

7 For pay, allowances, clothing, subsistence, gratuities,
8 travel, and related expenses for personnel of the Marine
9 Corps Reserve on active duty under section 265 of title
10 10, United States Code, or while serving on active duty
11 under section 672(d) of title 10, United States Code, in
12 connection with performing duty specified in section
13 678(a) of title 10, United States Code, or while under-
14 going reserve training, or while performing drills or equiv-
15 alent duty, and for members of the Marine Corps platoon
16 leaders class, and expenses authorized by section 2131 of
17 title 10, United States Code; and for payments to the De-
18 partment of Defense Military Retirement Fund;
19 \$364,551,000.

20 RESERVE PERSONNEL, AIR FORCE

21 For pay, allowances, clothing, subsistence, gratuities,
22 travel, and related expenses for personnel of the Air Force
23 Reserve on active duty under sections 265, 8021, and
24 8038 of title 10, United States Code, or while serving on
25 active duty under section 672(d) of title 10, United States

1 Code, in connection with performing duty specified in sec-
2 tion 678(a) of title 10, United States Code, or while un-
3 dergoing reserve training, or while performing drills or
4 equivalent duty or other duty, and for members of the Air
5 Reserve Officers' Training Corps, and expenses authorized
6 by section 2131 of title 10, United States Code; and for
7 payments to the Department of Defense Military Retire-
8 ment Fund; \$783,861,000.

9 NATIONAL GUARD PERSONNEL, ARMY

10 For pay, allowances, clothing, subsistence, gratuities,
11 travel, and related expenses for personnel of the Army Na-
12 tional Guard while on duty under section 265, 3021, or
13 3496 of title 10 or section 708 of title 32, United States
14 Code, or while serving on duty under section 672(d) of
15 title 10 or section 502(f) of title 32, United States Code,
16 in connection with performing duty specified in section
17 678(a) of title 10, United States Code, or while under-
18 going training, or while performing drills or equivalent
19 duty or other duty, and expenses authorized by section
20 2131 of title 10, United States Code; and for payments
21 to the Department of Defense Military Retirement Fund;
22 \$3,222,422,000.

23 NATIONAL GUARD PERSONNEL, AIR FORCE

24 For pay, allowances, clothing, subsistence, gratuities,
25 travel, and related expenses for personnel of the Air Na-

1 tional Guard on duty under section 265, 8021, or 8496
 2 of title 10 or section 708 of title 32, United States Code,
 3 or while serving on duty under section 672(d) of title 10
 4 or section 502(f) of title 32, United States Code, in con-
 5 nection with performing duty specified in section 678(a)
 6 of title 10, United States Code, or while undergoing train-
 7 ing, or while performing drills or equivalent duty or other
 8 duty, and expenses authorized by section 2131 of title 10,
 9 United States Code; and for payments to the Department
 10 of Defense Military Retirement Fund; \$1,259,627,000.

11 TITLE II

12 OPERATION AND MAINTENANCE

13 OPERATION AND MAINTENANCE, ARMY

14 (INCLUDING TRANSFER OF FUNDS)

15 For expenses, not otherwise provided for, necessary
 16 for the operation and maintenance of the Army, as author-
 17 ized by law; and not to exceed \$14,437,000 can be used
 18 for emergencies and extraordinary expenses, to be ex-
 19 pended on the approval or authority of the Secretary of
 20 the Army, and payments may be made on his certificate
 21 of necessity for confidential military purposes;
 22 \$17,947,229,000 and, in addition, \$50,000,000 shall be
 23 derived by transfer from the National Defense Stockpile
 24 Transaction Fund: *Provided*, That of the funds appro-
 25 priated in this paragraph, not less than \$388,599,000

1 shall be made available only for conventional ammunition
2 care and maintenance: *Provided further*, That of the funds
3 provided under this heading, \$1,418,000,000 shall be
4 available only for Real Property Maintenance activities,
5 and shall remain available for obligation until September
6 30, 1997: *Provided further*, That not less than
7 \$15,000,000 shall be made available only for the imple-
8 mentation and execution of the 1988 agreement between
9 the Department of the Army and National Presto Indus-
10 tries Inc. for the remediation of environmental contamina-
11 tion at the National Presto Industries Inc. site at Eau
12 Claire, WI. These funds shall be made available no later
13 than sixty days following the enactment of this Act: *Pro-*
14 *vided further*, That of the funds provided under this head-
15 ing, \$500,000 may be available for the Life Sciences
16 Equipment Laboratory, Kelly Air Force Base, Texas, for
17 work in support of the Joint Task Force–Full Accounting.

18 OPERATION AND MAINTENANCE, NAVY

19 (INCLUDING TRANSFER OF FUNDS)

20 For expenses, not otherwise provided for, necessary
21 for the operation and maintenance of the Navy and the
22 Marine Corps, as authorized by law; and not to exceed
23 \$4,151,000 can be used for emergencies and extraordinary
24 expenses, to be expended on the approval or authority of
25 the Secretary of the Navy, and payments may be made

1 on his certificate of necessity for confidential military pur-
2 poses; \$21,195,301,000 and, in addition, \$50,000,000
3 shall be derived by transfer from the National Defense
4 Stockpile Transaction Fund: *Provided*, That of the funds
5 provided under this heading, \$1,150,000,000 shall be
6 available only for Real Property Maintenance activities,
7 and shall remain available for obligation until September
8 30, 1997: *Provided further*, That, of the funds appro-
9 priated under this heading, not more than \$12,200,000
10 shall be available only for paying the costs of terminating
11 Project ELF.

12 OPERATION AND MAINTENANCE, MARINE CORPS

13 For expenses, not otherwise provided for, necessary
14 for the operation and maintenance of the Marine Corps,
15 as authorized by law; \$2,341,737,000: *Provided*, That of
16 the funds provided under this heading, \$366,800,000 shall
17 be available only for Real Property Maintenance activities,
18 and shall remain available for obligation until September
19 30, 1997.

20 OPERATION AND MAINTENANCE, AIR FORCE

21 (INCLUDING TRANSFER OF FUNDS)

22 For expenses, not otherwise provided for, necessary
23 for the operation and maintenance of the Air Force, as
24 authorized by law; and not to exceed \$8,326,000 can be
25 used for emergencies and extraordinary expenses, to be ex-

1 pended on the approval or authority of the Secretary of
2 the Air Force, and payments may be made on his certifi-
3 cate of necessity for confidential military purposes;
4 \$18,202,437,000 and, in addition, \$50,000,000 shall be
5 derived by transfer from the National Defense Stockpile
6 Transaction Fund: *Provided*, That the Secretary of the Air
7 Force may acquire all right, title, and interest of any party
8 in and to parcels of real property, including improvements
9 thereon, consisting of not more than 92 acres, located near
10 King Salmon Air Force Station for the purpose of con-
11 ducting a response action in accordance with the Com-
12 prehensive Environmental Response, Compensation, and
13 Liability Act (42 U.S.C. 9601–9675) and the Air Force
14 Installation Restoration Program: *Provided further*, That
15 of the funds provided under this heading, \$1,633,000,000
16 shall be available only for Real Property Maintenance ac-
17 tivities, and shall be available for obligation until Septem-
18 ber 30, 1997: *Provided further*, That from within the
19 funds appropriated under this heading, the Air Force may
20 enter into a long-term lease or purchase agreement to re-
21 place the existing fleet of VC–137 aircraft.

22 OPERATION AND MAINTENANCE, DEFENSE-WIDE

23 For expenses, not otherwise provided for, necessary
24 for the operation and maintenance of activities and agen-
25 cies of the Department of Defense (other than the military

1 departments), as authorized by law; \$9,804,068,000, of
2 which not to exceed \$25,000,000 may be available for the
3 CINC initiative fund account; and of which not to exceed
4 \$28,588,000 can be used for emergencies and extraor-
5 dinary expenses, to be expended on the approval or author-
6 ity of the Secretary of Defense, and payments may be
7 made on his certificate of necessity for confidential mili-
8 tary purposes: *Provided*, That of the funds appropriated
9 under this heading, \$20,000,000 shall be made available
10 only for use in federally owned education facilities located
11 on military installations for the purpose of transferring
12 title of such facilities to the local education agency: *Pro-*
13 *vided further*, That of the funds provided under this head-
14 ing, \$169,800,000 shall be available only for Real Prop-
15 erty Maintenance activities, and shall remain available for
16 obligation until September 30, 1997: *Provided further*,
17 That of the funds appropriated in this paragraph,
18 \$11,200,000 shall be available for the Joint Analytic
19 Model Improvement Program: *Provided further*, That of
20 the funds appropriated in this paragraph, \$10,000,000
21 shall be available for the Troops-to-Cops program: *Pro-*
22 *vided further*, That of the funds provided under this head-
23 ing, \$42,000,000 shall be available for the Troops-to-
24 Teachers program.

1 OPERATION AND MAINTENANCE, ARMY RESERVE

2 For expenses, not otherwise provided for, necessary
3 for the operation and maintenance, including training, or-
4 ganization, and administration, of the Army Reserve; re-
5 pair of facilities and equipment; hire of passenger motor
6 vehicles; travel and transportation; care of the dead; re-
7 cruiting; procurement of services, supplies, and equip-
8 ment; and communications; \$1,068,312,000: *Provided,*
9 That of the funds provided under this heading,
10 \$47,589,000 shall be available only for Real Property
11 Maintenance activities, and shall remain available for obli-
12 gation until September 30, 1997.

13 OPERATION AND MAINTENANCE, NAVY RESERVE

14 For expenses, not otherwise provided for, necessary
15 for the operation and maintenance, including training, or-
16 ganization, and administration, of the Navy Reserve; re-
17 pair of facilities and equipment; hire of passenger motor
18 vehicles; travel and transportation; care of the dead; re-
19 cruiting; procurement of services, supplies, and equip-
20 ment; and communications; \$826,042,000: *Provided,* That
21 of the funds provided under this heading, \$31,954,000
22 shall be available only for Real Property Maintenance ac-
23 tivities, and shall remain available for obligation until Sep-
24 tember 30, 1997.

1 OPERATION AND MAINTENANCE, MARINE CORPS

2 RESERVE

3 For expenses, not otherwise provided for, necessary
4 for the operation and maintenance, including training, or-
5 ganization, and administration, of the Marine Corps Re-
6 serve; repair of facilities and equipment; hire of passenger
7 motor vehicles; travel and transportation; care of the dead;
8 recruiting; procurement of services, supplies, and equip-
9 ment; and communications; \$90,283,000: *Provided*, That
10 of the funds provided under this heading, \$4,911,000 shall
11 be available only for Real Property Maintenance activities,
12 and shall remain available for obligation until September
13 30, 1997.

14 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

15 For expenses, not otherwise provided for, necessary
16 for the operation and maintenance, including training, or-
17 ganization, and administration, of the Air Force Reserve;
18 repair of facilities and equipment; hire of passenger motor
19 vehicles; travel and transportation; care of the dead; re-
20 cruiting; procurement of services, supplies, and equip-
21 ment; and communications; \$1,485,947,000: *Provided*,
22 That of the funds provided under this heading,
23 \$63,062,000 shall be available only for Real Property
24 Maintenance activities, and shall remain available for obli-
25 gation until September 30, 1997.

22 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

S 1087 ES

1 eration, repair, and other necessary expenses of facilities
2 for the training and administration of the Air National
3 Guard, including repair of facilities, maintenance, oper-
4 ation, and modification of aircraft; transportation of
5 things; hire of passenger motor vehicles; supplies, mate-
6 rials, and equipment, as authorized by law for the Air Na-
7 tional Guard; and expenses incident to the maintenance
8 and use of supplies, materials, and equipment, including
9 such as may be furnished from stocks under the control
10 of agencies of the Department of Defense; travel expenses
11 (other than mileage) on the same basis as authorized by
12 law for Air National Guard personnel on active Federal
13 duty, for Air National Guard commanders while inspecting
14 units in compliance with National Guard Bureau regula-
15 tions when specifically authorized by the Chief, National
16 Guard Bureau; \$2,724,021,000: *Provided*, That of the
17 funds provided under this heading, \$85,571,000 shall be
18 available only for Real Property Maintenance activities,
19 and shall remain available for obligation until September
20 30, 1997.

21 UNITED STATES COURT OF APPEALS FOR THE ARMED
22 FORCES

23 For salaries and expenses necessary for the United
24 States Court of Appeals for the Armed Forces;

1 \$6,521,000, of which not to exceed \$2,500 can be used
 2 for official representation purposes.

3 ENVIRONMENTAL RESTORATION, DEFENSE

4 (INCLUDING TRANSFER OF FUNDS)

5 For the Department of Defense; \$1,487,000,000, to
 6 remain available until transferred: *Provided*, That the Sec-
 7 retary of Defense shall, upon determining that such funds
 8 are required for environmental restoration, reduction and
 9 recycling of hazardous waste, removal of unsafe buildings
 10 and debris of the Department of Defense, or for similar
 11 purposes (including programs and operations at sites for-
 12 merly used by the Department of Defense), transfer the
 13 funds made available by this appropriation to other appro-
 14 priations made available to the Department of Defense,
 15 to be merged with and to be available for the same pur-
 16 poses and for the same period as the appropriations of
 17 funds to which transferred, as follows:

18 Operation and Maintenance, Army,

19 \$659,000,000;

20 Operation and Maintenance, Navy,

21 \$405,000,000;

22 Operation and Maintenance, Air Force,

23 \$368,000,000; and

24 Operation and Maintenance, Defense-wide,

25 \$55,000,000:

1 *Provided further*, That upon a determination that all or
2 part of the funds transferred from this appropriation are
3 not necessary for the purposes provided herein, such
4 amounts may be transferred back to this appropriation.

5 SUMMER OLYMPICS

6 For logistical support and personnel services (other
7 than pay and non-travel-related allowances of members of
8 the Armed Forces of the United States, except for mem-
9 bers of the reserve components thereof called or ordered
10 to active duty to provide support for the 1996 Games of
11 the XXVI Olympiad to be held in Atlanta, Georgia) pro-
12 vided by any component of the Department of Defense to
13 the 1996 Games of the XXVI Olympiad; \$15,000,000:
14 *Provided*, That funds appropriated under this heading
15 shall remain available for obligation until September 30,
16 1997.

17 HUMANITARIAN ASSISTANCE

18 For training and activities related to the clearing of
19 landmines for humanitarian purposes, \$60,000,000.

20 FORMER SOVIET UNION THREAT REDUCTION

21 For assistance to the republics of the former Soviet
22 Union, including assistance provided by contract or by
23 grants, for facilitating the elimination and the safe and
24 secure transportation and storage of nuclear, chemical and
25 other weapons; for providing incentives for demilitariza-

1 tion; for establishing programs to prevent the proliferation
2 of weapons, weapons components, and weapon-related
3 technology and expertise; for programs relating to the
4 training and support of defense and military personnel for
5 demilitarization and protection of weapons, weapons com-
6 ponents and weapons technology and expertise;
7 \$325,000,000 to remain available until expended.

8 TITLE III

9 PROCUREMENT

10 AIRCRAFT PROCUREMENT, ARMY

11 For construction, procurement, production, modifica-
12 tion, and modernization of aircraft, equipment, including
13 ordnance, ground handling equipment, spare parts, and
14 accessories therefor; specialized equipment and training
15 devices; expansion of public and private plants, including
16 the land necessary therefor, for the foregoing purposes,
17 and such lands and interests therein, may be acquired,
18 and construction prosecuted thereon prior to approval of
19 title; and procurement and installation of equipment, ap-
20 pliances, and machine tools in public and private plants;
21 reserve plant and Government and contractor-owned
22 equipment layaway; and other expenses necessary for the
23 foregoing purposes; \$1,498,623,000, to remain available
24 for obligation until September 30, 1998.

1 MISSILE PROCUREMENT, ARMY

2 For construction, procurement, production, modifica-
3 tion, and modernization of missiles, equipment, including
4 ordnance, ground handling equipment, spare parts, and
5 accessories therefor; specialized equipment and training
6 devices; expansion of public and private plants, including
7 the land necessary therefor, for the foregoing purposes,
8 and such lands and interests therein, may be acquired,
9 and construction prosecuted thereon prior to approval of
10 title; and procurement and installation of equipment, ap-
11 pliances, and machine tools in public and private plants;
12 reserve plant and Government and contractor-owned
13 equipment layaway; and other expenses necessary for the
14 foregoing purposes; \$846,555,000, to remain available for
15 obligation until September 30, 1998.

16 PROCUREMENT OF WEAPONS AND TRACKED COMBAT
17 VEHICLES, ARMY

18 For construction, procurement, production, and
19 modification of weapons and tracked combat vehicles,
20 equipment, including ordnance, spare parts, and acces-
21 sories therefor; specialized equipment and training devices;
22 expansion of public and private plants, including the land
23 necessary therefor, for the foregoing purposes, and such
24 lands and interests therein, may be acquired, and con-
25 struction prosecuted thereon prior to approval of title; and

1 procurement and installation of equipment, appliances,
2 and machine tools in public and private plants; reserve
3 plant and Government and contractor-owned equipment
4 layaway; and other expenses necessary for the foregoing
5 purposes; \$1,396,264,000, to remain available for obliga-
6 tion until September 30, 1998.

7 PROCUREMENT OF AMMUNITION, ARMY

8 For construction, procurement, production, and
9 modification of ammunition, and accessories therefor; spe-
10 cialized equipment and training devices; expansion of pub-
11 lic and private plants, including ammunition facilities au-
12 thorized by section 2854, title 10, United States Code, and
13 the land necessary therefor, for the foregoing purposes,
14 and such lands and interests therein, may be acquired,
15 and construction prosecuted thereon prior to approval of
16 title; and procurement and installation of equipment, ap-
17 pliances, and machine tools in public and private plants;
18 reserve plant and Government and contractor-owned
19 equipment layaway; and other expenses necessary for the
20 foregoing purposes; \$1,090,891,000, to remain available
21 for obligation until September 30, 1998.

22 OTHER PROCUREMENT, ARMY

23 For construction, procurement, production, and
24 modification of vehicles, including tactical, support, and
25 nontracked combat vehicles; the purchase of not to exceed

1 41 passenger motor vehicles for replacement only; commu-
2 nications and electronic equipment; other support equip-
3 ment; spare parts, ordnance, and accessories therefor; spe-
4 cialized equipment and training devices; expansion of pub-
5 lic and private plants, including the land necessary there-
6 for, for the foregoing purposes, and such lands and inter-
7 ests therein, may be acquired, and construction prosecuted
8 thereon prior to approval of title; and procurement and
9 installation of equipment, appliances, and machine tools
10 in public and private plants; reserve plant and Govern-
11 ment and contractor-owned equipment layaway; and other
12 expenses necessary for the foregoing purposes;
13 \$2,760,002,000, to remain available for obligation until
14 September 30, 1998.

15 AIRCRAFT PROCUREMENT, NAVY

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

1 \$4,897,393,000, to remain available for obligation until
2 September 30, 1998.

3 WEAPONS PROCUREMENT, NAVY

4 For construction, procurement, production, modifica-
5 tion, and modernization of missiles, torpedoes, other weap-
6 ons, other ordnance and ammunition, and related support
7 equipment including spare parts, and accessories therefor;
8 expansion of public and private plants, including the land
9 necessary therefor, and such lands and interests therein,
10 may be acquired, and construction prosecuted thereon
11 prior to approval of title; and procurement and installation
12 of equipment, appliances, and machine tools in public and
13 private plants; reserve plant and Government and contrac-
14 tor-owned equipment layaway; \$1,771,421,000, to remain
15 available for obligation until September 30, 1998.

16 SHIPBUILDING AND CONVERSION, NAVY

17 For expenses necessary for the construction, acquisi-
18 tion, or conversion of vessels as authorized by law, includ-
19 ing armor and armament thereof, plant equipment, appli-
20 ances, and machine tools and installation thereof in public
21 and private plants; reserve plant and Government and con-
22 tractor-owned equipment layaway; procurement of critical,
23 long leadtime components and designs for vessels to be
24 constructed or converted in the future; and expansion of
25 public and private plants, including land necessary there-

1 fore, and such lands and interests therein, may be ac-
2 quired, and construction prosecuted thereon prior to ap-
3 proval of title, as follows:

4 For continuation of the SSN-21 attack sub-
5 marine program, \$700,000,000;

6 NSSN-1 (AP) \$704,498,000;

7 NSSN-2 (AP) \$100,000,000;

8 CVN Refuelings, \$221,988,000;

9 DDG-51 destroyer program, \$3,586,800,000;

10 LHD-1 amphibious assault ship program,
11 \$1,300,000,000; and

12 For craft, outfitting, post delivery, conversions,
13 and first destination transportation, \$448,715,000;

14 in all: \$7,062,001,000, to remain available for obligation
15 until September 30, 2000: *Provided*, That additional obli-
16 gations may be incurred after September 30, 2000, for
17 engineering services, tests, evaluations, and other such
18 budgeted work that must be performed in the final stage
19 of ship construction: *Provided further*, That none of the
20 funds herein provided for the construction or conversion
21 of any naval vessel to be constructed in shipyards in the
22 United States shall be expended in foreign facilities for
23 the construction of major components of such vessel: *Pro-*
24 *vided further*, That none of the funds herein provided shall

1 be used for the construction of any naval vessel in foreign
2 shipyards.

3 OTHER PROCUREMENT, NAVY

4 For procurement, production, and modernization of
5 support equipment and materials not otherwise provided
6 for, Navy ordnance (except ordnance for new aircraft, new
7 ships, and ships authorized for conversion); the purchase
8 of not to exceed 252 passenger motor vehicles for replace-
9 ment only; expansion of public and private plants, includ-
10 ing the land necessary therefor, and such lands and inter-
11 ests therein, may be acquired, and construction prosecuted
12 thereon prior to approval of title; and procurement and
13 installation of equipment, appliances, and machine tools
14 in public and private plants; reserve plant and Govern-
15 ment and contractor-owned equipment layaway;
16 \$2,394,260,000, to remain available for obligation until
17 September 30, 1998.

18 PROCUREMENT, MARINE CORPS

19 For expenses necessary for the procurement, manu-
20 facture, and modification of missiles, armament, military
21 equipment, spare parts, and accessories therefor; plant
22 equipment, appliances, and machine tools, and installation
23 thereof in public and private plants; reserve plant and
24 Government and contractor-owned equipment layaway; ve-
25 hicles for the Marine Corps, including the purchase of not

1 to exceed 194 passenger motor vehicles for replacement
2 only; and expansion of public and private plants, including
3 land necessary therefor, and such lands and interests
4 therein, may be acquired and construction prosecuted
5 thereon prior to approval of title; \$597,139,000, to remain
6 available for obligation until September 30, 1998.

7 AIRCRAFT PROCUREMENT, AIR FORCE

8 For construction, procurement, and modification of
9 aircraft and equipment, including armor and armament,
10 specialized ground handling equipment, and training de-
11 vices, spare parts, and accessories therefor; specialized
12 equipment; expansion of public and private plants, Gov-
13 ernment-owned equipment and installation thereof in such
14 plants, erection of structures, and acquisition of land, for
15 the foregoing purposes, and such lands and interests
16 therein, may be acquired, and construction prosecuted
17 thereon prior to approval of title; reserve plant and Gov-
18 ernment and contractor-owned equipment layaway; and
19 other expenses necessary for the foregoing purposes in-
20 cluding rents and transportation of things;
21 \$7,163,258,000, to remain available for obligation until
22 September 30, 1998.

23 MISSILE PROCUREMENT, AIR FORCE

24 For construction, procurement, and modification of
25 missiles, spacecraft, rockets, ammunition, and related

1 equipment, including spare parts and accessories therefor,
2 ground handling equipment, and training devices; expansion
3 of public and private plants, Government-owned
4 equipment and installation thereof in such plants, erection
5 of structures, and acquisition of land, for the foregoing
6 purposes, and such lands and interests therein, may be
7 acquired, and construction prosecuted thereon prior to approval
8 of title; reserve plant and Government and contractor-owned
9 equipment layaway; and other expenses necessary
10 for the foregoing purposes including rents and
11 transportation of things; \$3,550,192,000, to remain available
12 for obligation until September 30, 1998.

13 OTHER PROCUREMENT, AIR FORCE

14 For procurement and modification of equipment (including
15 ground guidance and electronic control equipment, and ground
16 electronic and communication equipment), and supplies, materials,
17 and spare parts therefor, not otherwise provided for; the purchase
18 of not to exceed 385 passenger motor vehicles for replacement
19 only; the purchase of 1 vehicle required for physical security of
20 personnel, notwithstanding price limitations applicable to passenger
21 vehicles but not to exceed \$260,000 per vehicle; and expansion
22 of public and private plants, Government-owned equipment and
23 installation thereof in such plants, erection of structures, and
24 acquisition of land, for the foregoing

1 purposes, and such lands and interests therein, may be
2 acquired, and construction prosecuted thereon, prior to
3 approval of title; reserve plant and Government and con-
4 tractor-owned equipment layaway; \$6,540,951,000, to re-
5 main available for obligation until September 30, 1998.

6 PROCUREMENT, DEFENSE-WIDE

7 For expenses of activities and agencies of the Depart-
8 ment of Defense (other than the military departments)
9 necessary for procurement, production, and modification
10 of equipment, supplies, materials, and spare parts there-
11 for, not otherwise provided for; the purchase of not to ex-
12 ceed 451 passenger motor vehicles, of which 447 shall be
13 for replacement only; expansion of public and private
14 plants, equipment, and installation thereof in such plants,
15 erection of structures, and acquisition of land for the fore-
16 going purposes, and such lands and interests therein, may
17 be acquired, and construction prosecuted thereon prior to
18 approval of title; reserve plant and Government and con-
19 tractor-owned equipment layaway; \$2,114,824,000, to re-
20 main available for obligation until September 30, 1998.

21 NATIONAL GUARD AND RESERVE EQUIPMENT

22 For procurement of aircraft, missiles, tracked combat
23 vehicles, ammunition, other weapons, and other procure-
24 ment for the reserve components of the Armed Forces;
25 \$777,000,000, to remain available for obligation until Sep-

1 tember 30, 1998: *Provided*, That the Chiefs of the Reserve
2 and National Guard components shall, not later than De-
3 cember 1, 1995, individually submit to the congressional
4 defense committees the modernization priority assessment
5 for their respective Reserve or National Guard component.

6 TITLE IV

7 RESEARCH, DEVELOPMENT, TEST AND

8 EVALUATION

9 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

10 ARMY

11 For expenses necessary for basic and applied sci-
12 entific research, development, test and evaluation, includ-
13 ing maintenance, rehabilitation, lease, and operation of fa-
14 cilities and equipment, as authorized by law;
15 \$4,639,131,000, to remain available for obligation until
16 September 30, 1997: *Provided*, That of the funds appro-
17 priated in this paragraph for the Other Missile Product
18 Improvement Program program element, \$10,000,000 is
19 provided only for the full qualification and operational
20 platform certification of Non-Developmental Item (NDI)
21 composite 2.75 inch rocket motors and composite propel-
22 lant pursuant to the initiation of a Product Improvement
23 Program (PIP) for the Hydra-70 rocket.

1 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
2 NAVY

3 For expenses necessary for basic and applied sci-
4 entific research, development, test and evaluation, includ-
5 ing maintenance, rehabilitation, lease, and operation of fa-
6 cilities and equipment, as authorized by law;
7 \$8,282,051,000, to remain available for obligation until
8 September 30, 1997: *Provided*, That of the funds provided
9 in Public Law 103-355, in title IV, under the heading
10 Research, Development, Test and Evaluation, Navy,
11 \$5,000,000 shall be made available as a grant only to the
12 Marine and Environmental Research and Training Station
13 (MERTS) for laboratory and other efforts associated with
14 research, development, and other programs of major im-
15 portance to the Department of Defense: *Provided further*,
16 That of the funds appropriated under this heading,
17 \$45,458,000 shall be made available for the Intercooled
18 Recuperative Turbine Engine Project.

19 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
20 AIR FORCE

21 For expenses necessary for basic and applied sci-
22 entific research, development, test and evaluation, includ-
23 ing maintenance, rehabilitation, lease, and operation of fa-
24 cilities and equipment, as authorized by law;

1 \$13,087,389,000, to remain available for obligation until
2 September 30, 1997.

3 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
4 DEFENSE-WIDE

5 For expenses of activities and agencies of the Depart-
6 ment of Defense (other than the military departments),
7 necessary for basic and applied scientific research, devel-
8 opment, test and evaluation; advanced research projects
9 as may be designated and determined by the Secretary
10 of Defense, pursuant to law; maintenance, rehabilitation,
11 lease, and operation of facilities and equipment, as author-
12 ized by law; \$9,196,784,000, to remain available for obli-
13 gation until September 30, 1997: *Provided*, That of the
14 funds appropriated in this paragraph, \$35,000,000 shall
15 be available for the Corps Surface-to-Air Missile (Corps
16 SAM) program: *Provided further*, That of the funds appro-
17 priated in this paragraph, \$3,000,000 shall be available
18 for the Large Millimeter Telescope project: *Provided fur-*
19 *ther*, That of the funds appropriated in this paragraph,
20 not more than \$48,505,000 shall be available for the Stra-
21 tegic Environmental Research Program program element
22 activities and not more than \$34,302,000 shall be avail-
23 able for Technical Studies, Support and Analysis program
24 element activities: *Provided further*, That of the
25 \$475,470,000 appropriated in this paragraph for the

1 Other Theater Missile Defense, up to \$25,000,000 may
2 be available for the operation of the Battlefield Integration
3 Center: *Provided further*, That the funds made available
4 under the second proviso under this heading in Public Law
5 103-335 (108 Stat. 2613) shall also be available to cover
6 the reasonable costs of the administration of loan guaran-
7 tees referred to in that proviso and shall be available to
8 cover such costs of administration and the costs of such
9 loan guarantees until September 30, 1998: *Provided fur-*
10 *ther*, That of the funds appropriated in this paragraph for
11 the Ballistic Missile Defense Organization, \$10,000,000
12 shall only be available to continue program activities and
13 launch preparation efforts under the Strategic Target Sys-
14 tem (STARS) program.

15 DEVELOPMENTAL TEST AND EVALUATION, DEFENSE

16 For expenses, not otherwise provided for, of inde-
17 pendent activities of the Director, Test and Evaluation in
18 the direction and supervision of developmental test and
19 evaluation, including performance and joint developmental
20 testing and evaluation; and administrative expenses in
21 connection therewith; \$246,082,000, to remain available
22 for obligation until September 30, 1997.

23 OPERATIONAL TEST AND EVALUATION, DEFENSE

24 For expenses, not otherwise provided for, necessary
25 for the independent activities of the Director, Operational

1 Test and Evaluation in the direction and supervision of
2 operational test and evaluation, including initial oper-
3 ational test and evaluation which is conducted prior to,
4 and in support of, production decisions; joint operational
5 testing and evaluation; and administrative expenses in
6 connection therewith; \$22,587,000, to remain available for
7 obligation until September 30, 1997.

8 TITLE V

9 REVOLVING AND MANAGEMENT FUNDS

10 DEFENSE BUSINESS OPERATIONS FUND

11 For the Defense Business Operations Fund;
12 \$1,178,700,000: *Provided*, That of the funds appropriated
13 under this heading, \$300,000,000 shall be available only
14 to support the national defense missions of the Coast
15 Guard, while operating in conjunction with and in support
16 of the Navy: *Provided further*, That pursuant to the au-
17 thorities provided under this heading, the Secretary of the
18 Navy shall make available to the Coast Guard ship and
19 aviation fuel, spare parts, munitions, ship stores, com-
20 missary goods, ship and aircraft repair services to ensure
21 the national defense capabilities and preparedness of the
22 Coast Guard.

23 NATIONAL DEFENSE SEALIFT FUND

24 For National Defense Sealift Fund programs,
25 projects, and activities, and for expenses of the National

1 Defense Reserve Fleet, as established by section 11 of the
2 Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1774);
3 \$1,024,220,000, to remain available until expended: *Pro-*
4 *vided*, That the Secretary of the Navy may obligate not
5 to exceed \$110,000,000 from available appropriations to
6 the Navy for the procurement of one additional MPS ship.

7 TITLE VI

8 OTHER DEPARTMENT OF DEFENSE PROGRAMS

9 DEFENSE HEALTH PROGRAM

10 For expenses, not otherwise provided for, for medical
11 and health care programs of the Department of Defense,
12 as authorized by law; \$10,196,558,000, of which
13 \$9,908,525,000 shall be for Operation and maintenance,
14 of which \$288,033,000, to remain available for obligation
15 until September 30, 1998, shall be for Procurement: *Pro-*
16 *vided*, That of the funds appropriated under this heading,
17 \$14,500,000 shall be made available for obtaining emer-
18 gency communications services for members of the Armed
19 Forces and their families from the American National Red
20 Cross as authorized by law.

21 CHEMICAL AGENTS AND MUNITIONS DESTRUCTION,

22 DEFENSE

23 For expenses, not otherwise provided for, necessary
24 for the destruction of the United States stockpile of lethal
25 chemical agents and munitions in accordance with the pro-

visions 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, \$631,698,000, of which \$353,850,000 shall be for Operation and maintenance, \$224,448,000 shall be for Procurement to remain available until September 30, 1998, and \$53,400,000 shall be for Research, development, test and evaluation to remain available until September 30, 1997.

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; \$680,432,000: *Provided*, That of the funds provided under this heading, \$5,000,000 shall be available for conversion of surplus helicopters of the Department of Defense for procurement by State and local governments for counter-drug activities: *Provided further*, That the funds appropriated by this paragraph shall be available for obligation for the same

1 time period and for the same purpose as the appropriation
2 to which transferred: *Provided further*, That the transfer
3 authority provided in this paragraph is in addition to any
4 transfer authority contained elsewhere in this Act.

5 OFFICE OF THE INSPECTOR GENERAL

6 For expenses and activities of the Office of the In-
7 spector General in carrying out the provisions of the In-
8 spector General Act of 1978, as amended; \$139,226,000,
9 of which \$138,226,000 shall be for Operation and mainte-
10 nance, of which not to exceed \$400,000 is available for
11 emergencies and extraordinary expenses to be expended on
12 the approval or authority of the Inspector General, and
13 payments may be made on his certificate of necessity for
14 confidential military purposes; and of which \$1,000,000,
15 to remain available until September 30, 1998, shall be for
16 Procurement.

17 TITLE VII

18 RELATED AGENCIES

19 CENTRAL INTELLIGENCE AGENCY RETIREMENT AND
20 DISABILITY SYSTEM FUND

21 For payment to the Central Intelligence Agency Re-
22 tirement and Disability System Fund, to maintain proper
23 funding level for continuing the operation of the Central
24 Intelligence Agency Retirement and Disability System;
25 \$213,900,000.

1 NATIONAL SECURITY EDUCATION TRUST FUND

2 For the purposes of title VIII of Public Law 102–
3 183, \$7,500,000, to be derived from the National Security
4 Education Trust Fund, to remain available until ex-
5 pended.

6 COMMUNITY MANAGEMENT ACCOUNT

7 For necessary expenses of the Community Manage-
8 ment Account; \$98,283,000.

9 KAHO’OLawe ISLAND CONVEYANCE, REMEDIATION, AND
10 ENVIRONMENTAL RESTORATION TRUST FUND

11 For payment to the Kaho’olawe Island Conveyance,
12 Remediation, and Environmental Restoration Trust Fund,
13 as authorized by law, \$25,000,000, to remain available
14 until expended.

15 TITLE VIII

16 GENERAL PROVISIONS

17 SEC. 8001. No part of any appropriation contained
18 in this Act shall be used for publicity or propaganda pur-
19 poses not authorized by the Congress.

20 SEC. 8002. During the current fiscal year, provisions
21 of law prohibiting the payment of compensation to, or em-
22 ployment of, any person not a citizen of the United States
23 shall not apply to personnel of the Department of Defense:
24 *Provided*, That salary increases granted to direct and indi-
25 rect hire foreign national employees of the Department of

1 Defense funded by this Act shall not be at a rate in excess
2 of the percentage increase authorized by law for civilian
3 employees of the Department of Defense whose pay is
4 computed under the provisions of section 5332 of title 5,
5 United States Code, or at a rate in excess of the percent-
6 age increase provided by the appropriate host nation to
7 its own employees, whichever is higher: *Provided further,*
8 That this section shall not apply to Department of De-
9 fense foreign service national employees serving at United
10 States diplomatic missions whose pay is set by the Depart-
11 ment of State under the Foreign Service Act of 1980: *Pro-*
12 *vided further,* That the limitations of this provision shall
13 not apply to foreign national employees of the Department
14 of Defense in the Republic of Turkey.

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

18 SEC. 8004. No more than 20 per centum of the ap-
19 propriations in this Act which are limited for obligation
20 during the current fiscal year shall be obligated during
21 the last two months of the fiscal year: *Provided,* That this
22 section shall not apply to obligations for support of active
23 duty training of reserve components or summer camp
24 training of the Reserve Officers' Training Corps.

(TRANSFER OF FUNDS)

1
2 SEC. 8005. Upon determination by the Secretary of
3 Defense that such action is necessary in the national inter-
4 est, he may, with the approval of the Office of Manage-
5 ment and Budget, transfer not to exceed \$2,400,000,000
6 of working capital funds of the Department of Defense
7 or funds made available in this Act to the Department
8 of Defense for military functions (except military con-
9 struction) between such appropriations or funds or any
10 subdivision thereof, to be merged with and to be available
11 for the same purposes, and for the same time period, as
12 the appropriation or fund to which transferred: *Provided*,
13 That such authority to transfer may not be used unless
14 for higher priority items, based on unforeseen military re-
15 quirements, than those for which originally appropriated
16 and in no case where the item for which funds are re-
17 quested has been denied by Congress: *Provided further*,
18 That the Secretary of Defense shall notify the Congress
19 promptly of all transfers made pursuant to this authority
20 or any other authority in this Act: *Provided further*, That
21 no part of the funds in this Act shall be available to pre-
22 pare or present a request to the Committees on Appropria-
23 tions for reprogramming of funds, unless for higher prior-
24 ity items, based on unforeseen military requirements, than
25 those for which originally appropriated and in no case

1 where the item for which reprogramming is requested has
2 been denied by the Congress.

3 (TRANSFER OF FUNDS)

4 SEC. 8006. During the current fiscal year, cash bal-
5 ances in working capital funds of the Department of De-
6 fense established pursuant to section 2208 of title 10,
7 United States Code, may be maintained in only such
8 amounts as are necessary at any time for cash disburse-
9 ments to be made from such funds: *Provided*, That trans-
10 fers may be made between such funds and the “Foreign
11 Currency Fluctuations, Defense” and “Operation and
12 Maintenance” appropriation accounts in such amounts as
13 may be determined by the Secretary of Defense, with the
14 approval of the Office of Management and Budget, except
15 that such transfers may not be made unless the Secretary
16 of Defense has notified the Congress of the proposed
17 transfer. Except in amounts equal to the amounts appro-
18 priated to working capital funds in this Act, no obligations
19 may be made against a working capital fund to procure
20 or increase the value of war reserve material inventory,
21 unless the Secretary of Defense has notified the Congress
22 prior to any such obligation.

23 SEC. 8007. Using funds available by this Act or any
24 other Act, the Secretary of the Air Force, pursuant to a
25 determination under section 2690 of title 10, United
26 States Code, may implement cost-effective agreements for

1 required heating facility modernization in the
2 Kaiserslautern Military Community in the Federal Repub-
3 lic of Germany: *Provided*, That in the City of
4 Kaiserslautern such agreements will include the use of
5 United States anthracite as the base load energy for mu-
6 nicipal district heat to the United States Defense installa-
7 tions: *Provided further*, That at Landstuhl Army Regional
8 Medical Center and Ramstein Air Base, furnished heat
9 may be obtained from private, regional or municipal serv-
10 ices, if provisions are included for the consideration of
11 United States coal as an energy source: *Provided further*,
12 That none of the funds available to the Department of
13 Defense in this Act shall be used by the Secretary of a
14 military department to purchase coal or coke from foreign
15 nations for use at United States defense facilities in Eu-
16 rope when coal from the United States is available.

17 SEC. 8008. Funds appropriated by this Act may not
18 be used to initiate a special access program without prior
19 notification 30 calendar days in session in advance to the
20 Committees on Appropriations, Armed Services, and Na-
21 tional Security of the Senate and House of Representa-
22 tives.

23 SEC. 8009. None of the funds contained in this Act
24 available for the Civilian Health and Medical Program of
25 the Uniformed Services shall be available for payments to

1 physicians and other authorized individual health care pro-
2 viders in excess of the amounts allowed in fiscal year 1994
3 for similar services, except that: (a) for services for which
4 the Secretary of Defense determines an increase is justi-
5 fied by economic circumstances, the allowable amounts
6 may be increased in accordance with appropriate economic
7 index data similar to that used pursuant to title XVIII
8 of the Social Security Act; and (b) for services the Sec-
9 retary determines are overpriced based on allowable pay-
10 ments under title XVIII of the Social Security Act, the
11 allowable amounts shall be reduced by not more than 15
12 percent (except that the reduction may be waived if the
13 Secretary determines that it would impair adequate access
14 to health care services for beneficiaries). The Secretary
15 shall solicit public comment prior to promulgating regula-
16 tions to implement this section. Such regulations shall in-
17 clude a limitation, similar to that used under title XVIII
18 of the Social Security Act, on the extent to which a pro-
19 vider may bill a beneficiary an actual charge in excess of
20 the allowable amount.

21 SEC. 8010. None of the funds provided in this Act
22 shall be available to initiate (1) a multiyear contract that
23 employs economic order quantity procurement in excess of
24 \$20,000,000 in any one year of the contract or that in-
25 cludes an unfunded contingent liability in excess of

1 \$20,000,000, or (2) a contract for advance procurement
2 leading to a multiyear contract that employs economic
3 order quantity procurement in excess of \$20,000,000 in
4 any one year, unless the Committees on Appropriations
5 and Armed Services of the Senate and House of Rep-
6 resentatives have been notified at least thirty days in ad-
7 vance of the proposed contract award: *Provided*, That no
8 part of any appropriation contained in this Act shall be
9 available to initiate a multiyear contract for which the eco-
10 nomic order quantity advance procurement is not funded
11 at least to the limits of the Government's liability: *Pro-*
12 *vided further*, That no part of any appropriation contained
13 in this Act shall be available to initiate multiyear procure-
14 ment contracts for any systems or component thereof if
15 the value of the multiyear contract would exceed
16 \$500,000,000 unless specifically provided in this Act: *Pro-*
17 *vided further*, That no multiyear procurement contract can
18 be terminated without 10-day prior notification to the
19 Committees on Appropriations and Armed Services of the
20 House of Representatives and the Senate: *Provided fur-*
21 *ther*, That the execution of multiyear authority shall re-
22 quire the use of a present value analysis to determine low-
23 est cost compared to an annual procurement.

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

1 UH-60 Blackhawk helicopter;
2 Apache Longbow helicopter; and
3 M1A2 tank upgrade.

4 SEC. 8011. Within the funds appropriated for the op-
5 eration and maintenance of the Armed Forces, funds are
6 hereby appropriated pursuant to section 401 of title 10,
7 United States Code, for humanitarian and civic assistance
8 costs under chapter 20 of title 10, United States Code.
9 Such funds may also be obligated for humanitarian and
10 civic assistance costs incidental to authorized operations
11 and pursuant to authority granted in section 401 of chap-
12 ter 20 of title 10, United States Code, and these obliga-
13 tions shall be reported to Congress on September 30 of
14 each year: *Provided*, That funds available for operation
15 and maintenance shall be available for providing humani-
16 tarian and similar assistance by using Civic Action Teams
17 in the Trust Territories of the Pacific Islands and freely
18 associated states of Micronesia, pursuant to the Compact
19 of Free Association as authorized by Public Law 99-
20 239: *Provided further*, That upon a determination by the
21 Secretary of the Army that such action is beneficial for
22 graduate medical education programs conducted at Army
23 medical facilities located in Hawaii, the Secretary of the
24 Army may authorize the provision of medical services at
25 such facilities and transportation to such facilities, on a

1 nonreimbursable basis, for civilian patients from American
2 Samoa, the Commonwealth of the Northern Mariana Is-
3 lands, the Marshall Islands, the Federated States of Mi-
4 cronesia, Palau, and Guam.

5 SEC. 8012. None of the funds provided in this Act
6 shall be available either to return any IOWA Class Battle-
7 ships to the Naval Register, or to retain the logistical sup-
8 port necessary for support of any IOWA Class Battleships
9 in active service.

10 SEC. 8013. (a) The provisions of section 115(a)(4)
11 of title 10, United States Code, shall not apply with re-
12 spect to fiscal year 1996 or with respect to the appropria-
13 tion of funds for that year.

14 (b) During fiscal year 1996, the civilian personnel of
15 the Department of Defense may not be managed on the
16 basis of any end-strength, and the management of such
17 personnel during that fiscal year shall not be subject to
18 any constraint or limitation (known as an end-strength)
19 on the number of such personnel who may be employed
20 on the last day of such fiscal year.

21 (c) The fiscal year 1997 budget request for the De-
22 partment of Defense as well as all justification material
23 and other documentation supporting the fiscal year 1997
24 Department of Defense budget request shall be prepared
25 and submitted to the Congress as if subsections (a) and

1 (b) of this provision were effective with regard to fiscal
2 year 1996.

3 SEC. 8014. Notwithstanding any other provision of
4 law, none of the funds made available by this Act shall
5 be used by the Department of Defense to exceed, outside
6 the fifty United States, its territories, and the District of
7 Columbia, 125,000 civilian workyears: *Provided*, That
8 workyears shall be applied as defined in the Federal Per-
9 sonnel Manual: *Provided further*, That workyears ex-
10 pended in dependent student hiring programs for dis-
11 advantaged youths shall not be included in this workyear
12 limitation.

13 SEC. 8015. None of the funds made available by this
14 Act shall be used in any way, directly or indirectly, to in-
15 fluence congressional action on any legislation or appro-
16 priation matters pending before the Congress.

17 SEC. 8016. None of the funds appropriated by this
18 Act, during the current fiscal year and hereafter, shall be
19 obligated for the pay of any individual who is initially em-
20 ployed after the date of enactment of this Act as a techni-
21 cian in the administration and training of the Army Re-
22 serve and the maintenance and repair of supplies issued
23 to the Army Reserve unless such individual is also a mili-
24 tary member of the Army Reserve troop program unit that
25 he or she is employed to support. Those technicians em-

1 ployed by the Army Reserve in areas other than Army Re-
2 serve troop program units need only be members of the
3 Selected Reserve.

4 SEC. 8017. Notwithstanding any other provision of
5 law, during the current fiscal year and hereafter, the Sec-
6 retaries of the Army and Air Force may authorize the re-
7 tention in an active status until age sixty of any person
8 who would otherwise be removed from an active status and
9 who is employed as a National Guard or Reserve techni-
10 cian in a position in which active status in a reserve com-
11 ponent of the Army or Air Force is required as a condition
12 of that employment.

13 SEC. 8018. (a) None of the funds appropriated by
14 this Act shall be used to make contributions to the Depart-
15 ment of Defense Education Benefits Fund pursuant to
16 section 2006(g) of title 10, United States Code, represent-
17 ing the normal cost for future benefits under section
18 1415(c) of title 38, United States Code, for any member
19 of the armed services who, on or after the date of enact-
20 ment of this Act—

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

23 (2) receives an enlistment bonus under section
24 308a or 308f of title 37, United States Code,

1 nor shall any amounts representing the normal cost of
2 such future benefits be transferred from the Fund by the
3 Secretary of the Treasury to the Secretary of Veterans
4 Affairs pursuant to section 2006(d) of title 10, United
5 States Code; nor shall the Secretary of Veterans Affairs
6 pay such benefits to any such member: *Provided*, That,
7 in the case of a member covered by clause (1), these limi-
8 tations shall not apply to members in combat arms skills
9 or to members who enlist in the armed services on or after
10 July 1, 1989, under a program continued or established
11 by the Secretary of Defense in fiscal year 1991 to test
12 the cost-effective use of special recruiting incentives in-
13 volving not more than nineteen noncombat arms skills ap-
14 proved in advance by the Secretary of Defense: *Provided*
15 *further*, That this subsection applies only to active compo-
16 nents of the Army.

17 (b) None of the funds appropriated by this Act shall
18 be available for the basic pay and allowances of any mem-
19 ber of the Army participating as a full-time student and
20 receiving benefits paid by the Secretary of Veterans Af-
21 fairs from the Department of Defense Education Benefits
22 Fund when time spent as a full-time student is credited
23 toward completion of a service commitment: *Provided*,
24 That this subsection shall not apply to those members who
25 have reenlisted with this option prior to October 1, 1987:

1 *Provided further*, That this subsection applies only to ac-
2 tive components of the Army.

3 SEC. 8019. Funds appropriated in this Act shall be
4 available for the payment of not more than 75 percent
5 of the charges of a postsecondary educational institution
6 for the tuition or expenses of an officer in the Ready Re-
7 serve of the Army National Guard or Army Reserve for
8 education or training during his off-duty periods, except
9 that no part of the charges may be paid unless the officer
10 agrees to remain a member of the Ready Reserve for at
11 least four years after completion of such training or edu-
12 cation.

13 SEC. 8020. None of the funds appropriated by this
14 Act shall be available to convert to contractor performance
15 an activity or function of the Department of Defense that,
16 on or after the date of enactment of this Act, is performed
17 by more than ten Department of Defense civilian employ-
18 ees until a most efficient and cost-effective organization
19 analysis is completed on such activity or function and cer-
20 tification of the analysis is made to the Committees on
21 Appropriations of the House of Representatives and the
22 Senate: *Provided*, That this section shall not apply to a
23 commercial or industrial type function of the Department
24 of Defense that: (1) is included on the procurement list
25 established pursuant to section 2 of the Act of June 25,

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

8 SEC. 8021. Notwithstanding any other provision of
9 law, the Secretary of the Navy may use funds appro-
10 priated to charter ships to be used as auxiliary mine-
11 sweepers providing that the owner agrees that these ships
12 may be activated as Navy Reserve ships with Navy Re-
13 serve crews used in training exercises conducted in accord-
14 ance with law and policies governing Naval Reserve forces.

15 SEC. 8022. For the purposes of the Balanced Budget
16 and Emergency Deficit Control Act of 1985 (Public Law
17 99-177) as amended by the Balanced Budget and Emer-
18 gency Deficit Control Reaffirmation Act of 1987 (Public
19 Law 100-119) and by the Budget Enforcement Act of
20 1990 (Public Law 101-508), the term program, project,
21 and activity for appropriations contained in this Act shall
22 be defined as the most specific level of budget items identi-
23 fied in the Department of Defense Appropriations Act,
24 1996, the accompanying House and Senate Committee re-
25 ports, the conference report and accompanying joint ex-

1 planatory statement of the managers of the Committee of
2 Conference, the related classified annexes and reports, and
3 the P-1 and R-1 budget justification documents as subse-
4 quently modified by Congressional action: *Provided*, That
5 the following exception to the above definition shall apply:

6 For the Military Personnel and the Operation and
7 Maintenance accounts, the term “program, project, and
8 activity” is defined as the appropriations accounts con-
9 tained in the Department of Defense Appropriations Act:
10 *Provided further*, That at the time the President submits
11 his budget for fiscal year 1997, the Department of De-
12 fense shall transmit to the Committees on Appropriations
13 and the Committees on Armed Services of the Senate and
14 the House of Representatives a budget justification docu-
15 ment to be known as the “O-1” which shall identify, at
16 the budget activity, activity group, and subactivity group
17 level, the amounts requested by the President to be appro-
18 priated to the Department of Defense for operation and
19 maintenance in any budget request, or amended budget
20 request, for fiscal year 1997.

21 SEC. 8023. Of the funds made available by this Act
22 in title III, Procurement, \$8,000,000, drawn pro rata
23 from each appropriations account in title III, shall be
24 available for incentive payments authorized by section 504
25 of the Indian Financing Act of 1974, 25 U.S.C. 1544.

1 These payments shall be available only to contractors
2 which have submitted subcontracting plans pursuant to 15
3 U.S.C. 637(d), and according to regulations which shall
4 be promulgated by the Secretary of Defense within 90
5 days of the passage of this Act.

6 SEC. 8024. During the current fiscal year, none of
7 the funds available to the Department of Defense may be
8 used to procure or acquire (1) defensive handguns unless
9 such handguns are the M9 or M11 9mm Department of
10 Defense standard handguns, or (2) offensive handguns ex-
11 cept for the Special Operations Forces: *Provided*, That the
12 foregoing shall not apply to handguns and ammunition for
13 marksmanship competitions.

14 (TRANSFER OF FUNDS)

15 SEC. 8025. Notwithstanding any other provision of
16 law, the Department of Defense may transfer prior year,
17 unobligated balances and funds appropriated in this Act
18 to the operation and maintenance appropriations for the
19 purpose of providing military technician and Department
20 of Defense medical personnel pay and medical programs
21 (including CHAMPUS) the same exemption from seques-
22 tration set forth in the Balanced Budget and Emergency
23 Deficit Control Act of 1985 (Public Law 99-177) as
24 amended by the Balanced Budget and Emergency Deficit
25 Control Reaffirmation Act of 1987 (Public Law 100-119)
26 and by the Budget Enforcement Act of 1990 (Public Law

1 101–508) as that granted the other military personnel ac-
2 counts: *Provided*, That any transfer made pursuant to any
3 use of the authority provided by this provision shall be
4 limited so that the amounts reprogrammed to the oper-
5 ation and maintenance appropriations do not exceed the
6 amounts sequestered under the Balanced Budget and
7 Emergency Deficit Control Act of 1985 (Public Law 99–
8 177) as amended by the Balanced Budget and Emergency
9 Deficit Control Reaffirmation Act of 1987 (Public Law
10 100–119) and by the Budget Enforcement Act of 1990
11 (Public Law 101–508): *Provided further*, That the author-
12 ity to make transfers pursuant to this section is in addi-
13 tion to the authority to make transfers under other provi-
14 sions of this Act: *Provided further*, That the Secretary of
15 Defense may proceed with such transfer after notifying
16 the Appropriations Committees of the House of Rep-
17 resentatives and the Senate twenty calendar days in ses-
18 sion before any such transfer of funds under this provi-
19 sion.

20 SEC. 8026. None of the funds available to the De-
21 partment of the Navy may be used to enter into any con-
22 tract for the overhaul, repair, or maintenance of any naval
23 vessel homeported on the West Coast of the United States
24 which includes charges for interport differential as an
25 evaluation factor for award.

1 SEC. 8027. None of the funds appropriated by this
2 Act available for the Civilian Health and Medical Program
3 of the Uniformed Services (CHAMPUS) shall be available
4 for the reimbursement of any health care provider for in-
5 patient mental health service for care received when a pa-
6 tient is referred to a provider of inpatient mental health
7 care or residential treatment care by a medical or health
8 care professional having an economic interest in the facil-
9 ity to which the patient is referred: *Provided*, That this
10 limitation does not apply in the case of inpatient mental
11 health services provided under the program for the handi-
12 capped under subsection (d) of section 1079 of title 10,
13 United States Code, provided as partial hospital care, or
14 provided pursuant to a waiver authorized by the Secretary
15 of Defense because of medical or psychological cir-
16 cumstances of the patient that are confirmed by a health
17 professional who is not a Federal employee after a review,
18 pursuant to rules prescribed by the Secretary, which takes
19 into account the appropriate level of care for the patient,
20 the intensity of services required by the patient, and the
21 availability of that care.

22 SEC. 8028. Funds available in this Act may be used
23 to provide transportation for the next-of-kin of individuals
24 who have been prisoners of war or missing in action from
25 the Vietnam era to an annual meeting in the United

1 States, under such regulations as the Secretary of Defense
2 may prescribe.

3 SEC. 8029. Notwithstanding any other provision of
4 law, funds available to the Department of Defense shall
5 be made available to provide transportation of medical
6 supplies and equipment, on a nonreimbursable basis, to
7 American Samoa: *Provided*, That notwithstanding any
8 other provision of law, funds available to the Department
9 of Defense shall be made available to provide transpor-
10 tation of medical supplies and equipment, on a
11 nonreimbursable basis, to the Indian Health Service when
12 it is in conjunction with a civil-military project.

13 SEC. 8030. Notwithstanding any other provision of
14 law, during the current fiscal year, the Secretary of De-
15 fense may, by Executive Agreement, establish with host
16 nation governments in NATO member states a separate
17 account into which such residual value amounts negotiated
18 in the return of United States military installations in
19 NATO member states may be deposited, in the currency
20 of the host nation, in lieu of direct monetary transfers to
21 the United States Treasury: *Provided*, That such credits
22 may be utilized only for the construction of facilities to
23 support United States military forces in that host nation,
24 or such real property maintenance and base operating
25 costs that are currently executed through monetary trans-

1 fers to such host nations: *Provided further*, That the De-
2 partment of Defense's budget submission for fiscal year
3 1997 shall identify such sums anticipated in residual value
4 settlements, and identify such construction, real property
5 maintenance or base operating costs that shall be funded
6 by the host nation through such credits: *Provided further*,
7 That all military construction projects to be executed from
8 such accounts must be previously approved in a prior Act
9 of Congress: *Provided further*, That each such Executive
10 Agreement with a NATO member host nation shall be re-
11 ported to the Committees on Appropriations and Armed
12 Services of the House of Representatives and the Senate
13 thirty days prior to the conclusion and endorsement of any
14 such agreement established under this provision.

15 SEC. 8031. None of the funds available to the De-
16 partment of Defense in this Act shall be used to demili-
17 tarize or dispose of more than 310,784 unserviceable M-
18 1 Garand rifles and M-1 Carbines.

19 SEC. 8032. Notwithstanding any other provision of
20 law, none of the funds appropriated by this Act shall be
21 available to pay more than 50 percent of an amount paid
22 to any person under section 308 of title 37, United States
23 Code, in a lump sum.

24 SEC. 8033. None of the funds appropriated during
25 the current fiscal year and hereafter, may be used by the

1 Department of Defense to assign a supervisor's title or
2 grade when the number of people he or she supervises is
3 considered as a basis for this determination: *Provided*,
4 That savings that result from this provision are rep-
5 resented as such in future budget proposals.

6 SEC. 8034. Notwithstanding any other provision of
7 law, each contract awarded by the Department of Defense
8 in fiscal year 1996 for construction or service performed
9 in whole or in part in a State which is not contiguous
10 with another State and has an unemployment rate in ex-
11 cess of the national average rate of unemployment as de-
12 termined by the Secretary of Labor shall include a provi-
13 sion requiring the contractor to employ, for the purpose
14 of performing that portion of the contract in such State
15 that is not contiguous with another State, individuals who
16 are residents of such State and who, in the case of any
17 craft or trade, possess or would be able to acquire prompt-
18 ly the necessary skills: *Provided*, That the Secretary of De-
19 fense may waive the requirements of this section in the
20 interest of national security.

21 SEC. 8035. During the current fiscal year, funds ap-
22 propriated or otherwise available for any Federal agency,
23 the Congress, the judicial branch, or the District of Co-
24 lumbia may be used for the pay, allowances, and benefits
25 of an employee as defined by section 2105 of title 5 or

1 an individual employed by the government of the District
2 of Columbia, permanent or temporary indefinite, who—

3 (1) is a member of a Reserve component of the
4 Armed Forces, as described in section 261 of title
5 10, or the National Guard, as described in section
6 101 of title 32;

7 (2) performs, for the purpose of providing mili-
8 tary aid to enforce the law or providing assistance
9 to civil authorities in the protection or saving of life
10 or property or prevention of injury—

11 (A) Federal service under section 331,
12 332, 333, 3500, or 8500 of title 10, or other
13 provision of law, as applicable, or

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

18 (3) requests and is granted—

19 (A) leave under the authority of this sec-
20 tion; or

21 (B) annual leave, which may be granted
22 without regard to the provisions of sections
23 5519 and 6323(b) of title 5, if such employee
24 is otherwise entitled to such annual leave:

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

7 SEC. 8036. None of the funds appropriated by this
8 Act shall be available to perform any cost study pursuant
9 to the provisions of OMB Circular A-76 if the study being
10 performed exceeds a period of twenty-four months after
11 initiation of such study with respect to a single function
12 activity or forty-eight months after initiation of such study
13 for a multi-function activity.

14 SEC. 8037. Funds appropriated by this Act for the
15 American Forces Information Service shall not be used for
16 any national or international political or psychological ac-
17 tivities.

18 SEC. 8038. Notwithstanding any other provision of
19 law or regulation, the Secretary of Defense may adjust
20 wage rates for civilian employees hired for certain health
21 care occupations as authorized for the Secretary of Veter-
22 ans Affairs by section 7455 of title 38, United States
23 Code.

24 SEC. 8039. Of the funds made available in this Act,
25 not less than \$24,197,000 shall be available for the Civil

1 Air Patrol, of which \$14,259,000 shall be available for Op-
2 eration and Maintenance.

3 SEC. 8040. None of the funds appropriated or made
4 available in this Act shall be used to reduce or disestablish
5 the operation of the 53rd Weather Reconnaissance Squad-
6 ron of the Air Force Reserve, if such action would reduce
7 the WC-130 Weather Reconnaissance mission below the
8 levels funded in this Act.

9 SEC. 8041. (a) Of the funds for the procurement of
10 supplies or services appropriated by this Act, qualified
11 nonprofit agencies for the blind or other severely handi-
12 capped shall be afforded the maximum practicable oppor-
13 tunity to participate as subcontractors and suppliers in the
14 performance of contracts let by the Department of De-
15 fense.

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

24 (c) For the purpose of this section, the phrase “quali-
25 fied nonprofit agency for the blind or other severely handi-

1 capped” means a nonprofit agency for the blind or other
2 severely handicapped that has been approved by the Com-
3 mittee for the Purchase from the Blind and Other Severely
4 Handicapped under the Javits-Wagner-O’Day Act (41
5 U.S.C. 46–48).

6 SEC. 8042. During the current fiscal year, net re-
7 cepts pursuant to collections from third party payers pur-
8 suant to section 1095 of title 10, United States Code, shall
9 be made available to the local facility of the uniformed
10 services responsible for the collections and shall be over
11 and above the facility’s direct budget amount.

12 SEC. 8043. Notwithstanding any other provision of
13 law, of the funds appropriated for the Defense Health
14 Program during this fiscal year and hereafter, the amount
15 payable for services provided under this section shall not
16 be less than the amount calculated under the coordination
17 of benefits reimbursement formula utilized when
18 CHAMPUS is a secondary payor to medical insurance
19 programs other than Medicare, and such appropriations
20 as necessary shall be available (notwithstanding the last
21 sentence of section 1086(c) of title 10, United States
22 Code) to continue Civilian Health and Medical Program
23 of the Uniformed Services (CHAMPUS) benefits, until
24 age 65, under such section for a former member of a uni-
25 formed service who is entitled to retired or retainer pay

1 or equivalent pay, or a dependent of such a member, or
2 any other beneficiary described by section 1086(c) of title
3 10, United States Code, who becomes eligible for hospital
4 insurance benefits under part A of title XVIII of the So-
5 cial Security Act (42 U.S.C. 1395 et seq.) solely on the
6 grounds of physical disability, or end stage renal disease:
7 *Provided*, That expenses under this section shall only be
8 covered to the extent that such expenses are not covered
9 under parts A and B of title XVIII of the Social Security
10 Act and are otherwise covered under CHAMPUS: *Pro-*
11 *vided further*, That no reimbursement shall be made for
12 services provided prior to October 1, 1991.

13 SEC. 8044. During the current fiscal year, the De-
14 partment of Defense is authorized to incur obligations of
15 not to exceed \$250,000,000 for purposes specified in sec-
16 tion 2350j(c) of title 10, United States Code, in anticipa-
17 tion of receipt of contributions, only from the Government
18 of Kuwait, under that section: *Provided*, That, upon re-
19 ceipt, such contributions from the Government of Kuwait
20 shall be credited to the appropriation or fund which in-
21 curred such obligations.

22 SEC. 8045. None of the unobligated balances avail-
23 able in the National Defense Stockpile Transaction Fund
24 during the current fiscal year may be obligated or ex-
25 pended to finance any grant or contract to conduct re-

1 search, development, test and evaluation activities for the
2 development or production of advanced materials, unless
3 amounts for such purposes are specifically appropriated
4 in a subsequent appropriations Act.

5 SEC. 8046. For the purposes of this Act, the term
6 “congressional defense committees” means the National
7 Security Committee of the House of Representatives, the
8 Armed Services Committee of the Senate, the subcommit-
9 tee on Defense of the Committee on Appropriations of the
10 Senate, and the Subcommittee on National Security of the
11 Committee on Appropriations of the House of Representa-
12 tives.

13 SEC. 8047. Notwithstanding any other provision of
14 law, during the current fiscal year, the Department of De-
15 fense may acquire the modification, depot maintenance
16 and repair of aircraft, vehicles and vessels as well as the
17 production of components and other Defense-related arti-
18 cles, through competition between Department of Defense
19 depot maintenance activities and private firms: *Provided,*
20 That the Senior Acquisition Executive of the military de-
21 partment or defense agency concerned, with power of dele-
22 gation, shall certify that successful bids include com-
23 parable estimates of all direct and indirect costs for both
24 public and private bids: *Provided further,* That Office of

1 Management and Budget Circular A-76 shall not apply
2 to competitions conducted under this section.

3 SEC. 8048. None of the funds appropriated by this
4 Act shall be used for the support of any nonappropriated
5 funds activity of the Department of Defense that procures
6 malt beverages and wine with nonappropriated funds for
7 resale (including such alcoholic beverages sold by the
8 drink) on a military installation located in the United
9 States unless such malt beverages and wine are procured
10 within that State, or in the case of the District of Colum-
11 bia, within the District of Columbia, in which the military
12 installation is located: *Provided*, That in a case in which
13 the military installation is located in more than one State,
14 purchases may be made in any State in which the installa-
15 tion is located: *Provided further*, That such local procure-
16 ment requirements for malt beverages and wine shall
17 apply to all alcoholic beverages only for military installa-
18 tions in States which are not contiguous with another
19 State: *Provided further*, That alcoholic beverages other
20 than wine and malt beverages, in contiguous States and
21 the District of Columbia shall be procured from the most
22 competitive source, price and other factors considered.

23 SEC. 8049. Appropriations contained in this Act that
24 remain available at the end of the current fiscal year as
25 a result of energy cost savings realized by the Department

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

4 SEC. 8050. During the current fiscal year, voluntary
5 separation incentives payable under 10 U.S.C. 1175 may
6 be paid in such amounts as are necessary from the assets
7 of the Voluntary Separation Incentive Fund established by
8 section 1175(h)(1).

9 (INCLUDING TRANSFER OF FUNDS)

10 SEC. 8051. Amounts deposited during the current fis-
11 cal year and hereafter to the special account established
12 under 40 U.S.C. 485(h)(2) and to the special account es-
13 tablished under 10 U.S.C. 2667(d)(1) are appropriated
14 and shall be available until transferred by the Secretary
15 of Defense to current applicable appropriations or funds
16 of the Department of Defense under the terms and condi-
17 tions specified by 40 U.S.C. 485(h)(2) (A) and (B) and
18 10 U.S.C. 2667(d)(1)(B), to be merged with and to be
19 available for the same time period and the same purposes
20 as the appropriation to which transferred.

21 SEC. 8052. None of the funds in this or any other
22 Act shall be available for the preparation of studies on—

23 (a) the feasibility of removal and transportation
24 of unitary chemical weapons from the eight chemical
25 storage sites within the continental United States to
26 Johnston Atoll: *Provided*, That this prohibition shall

1 not apply to General Accounting Office studies re-
2 requested by a Member of Congress or a Congres-
3 sional Committee; and

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

10 SEC. 8053. During the current fiscal year, appropria-
11 tions available to the Department of Defense may be used
12 to reimburse a member of a reserve component of the
13 Armed Forces who is not otherwise entitled to travel and
14 transportation allowances and who occupies transient gov-
15 ernment housing while performing active duty for training
16 or inactive duty training: *Provided*, That such members
17 may be provided lodging in kind if transient government
18 quarters are unavailable as if the member was entitled to
19 such allowances under subsection (a) of section 404 of title
20 37, United States Code: *Provided further*, That if lodging
21 in kind is provided, any authorized service charge or cost
22 of such lodging may be paid directly from funds appro-
23 priated for operation and maintenance of the reserve com-
24 ponent of the member concerned.

1 SEC. 8054. For fiscal year 1996, the total amount
2 appropriated to fund the Uniformed Services Treatment
3 Facilities program, operated pursuant to section 911 of
4 Public Law 97-99 (42 U.S.C. 248c), is limited to
5 \$329,000,000, of which not more than \$300,000,000 may
6 be provided by the funds appropriated by this Act.

7 SEC. 8055. Notwithstanding any other provision of
8 law, the Naval shipyards of the United States shall be eli-
9 gible to participate in any manufacturing extension pro-
10 gram financed by funds appropriated in this or any other
11 Act.

12 SEC. 8056. During the current fiscal year, amounts
13 contained in the Department of Defense Overseas Military
14 Facility Investment Recovery Account established by sec-
15 tion 2921(c)(1) of the National Defense Authorization Act
16 of 1991 (Public Law 101-510; 10 U.S.C. 2687 note) shall
17 be available until expended for the payments specified by
18 section 2921(c)(2) of that Act.

19 SEC. 8057. During the current fiscal year, annual
20 payments granted under the provisions of section 4416 of
21 the National Defense Authorization Act for Fiscal Year
22 1993 (Public Law 102-428; 106 Stat. 2714) shall be
23 made from appropriations in this Act which are available
24 for the pay of reserve component personnel.

1 SEC. 8058. During the current fiscal year, appropria-
2 tions available for the pay and allowances of active duty
3 members of the Armed Forces shall be available to pay
4 the retired pay which is payable pursuant to section 4403
5 of Public Law 102-484 (10 U.S.C. 1293 note) under the
6 terms and conditions provided in section 4403.

7 SEC. 8059. None of the funds provided in this Act
8 shall be available for use by a Military Department to
9 modify an aircraft, weapon, ship or other item of equip-
10 ment, that the Military Department concerned plans to
11 retire or otherwise dispose of within five years after com-
12 pletion of the modification: *Provided*, That this prohibition
13 shall not apply to safety modifications: *Provided further*,
14 That this prohibition may be waived by the Secretary of
15 a Military Department if the Secretary determines it is
16 in the best national security interest of the United States
17 to provide such waiver and so notifies the congressional
18 defense committees in writing.

19 SEC. 8060. None of the funds appropriated by this
20 Act for programs of the Central Intelligence Agency shall
21 remain available for obligation beyond the current fiscal
22 year, except for funds appropriated for the Reserve for
23 Contingencies, which shall remain available until Septem-
24 ber 30, 1997.

1 SEC. 8061. Notwithstanding any other provision of
2 law, funds made available in this Act for the Defense In-
3 telligence Agency may be used for the design, develop-
4 ment, and deployment of General Defense Intelligence
5 Program intelligence communications and intelligence in-
6 formation systems for the Services, the Unified and Speci-
7 fied Commands, and the component commands.

8 SEC. 8062. (a) None of the funds appropriated or
9 otherwise made available in this Act may be used to trans-
10 port or provide for the transportation of chemical muni-
11 tions to the Johnston Atoll for the purpose of storing or
12 demilitarizing such munitions.

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

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

20 SEC. 8063. Amounts collected for the use of the fa-
21 cilities of the National Science Center for Communications
22 and Electronics during the current fiscal year pursuant
23 to section 1459(g) of the Department of Defense Author-
24 ization Act, 1986 and deposited to the special account es-
25 tablished under subsection 1459(g)(2) of that Act are ap-

1 appropriated and shall be available until expended for the
2 operation and maintenance of the Center as provided for
3 in subsection 1459(g)(2).

4 SEC. 8064. None of the funds appropriated in this
5 Act may be expended by an entity of the Department of
6 Defense unless the entity, in expending the funds, com-
7 plies with the Buy American Act. For purposes of this
8 subsection, the term “Buy American Act” means title III
9 of the Act entitled “An Act making appropriations for the
10 Treasury and Post Office Departments for the fiscal year
11 ending June 30, 1934, and for other purposes”, approved
12 March 3, 1933 (41 U.S.C. 10a et seq.).

13 SEC. 8065. Of the funds appropriated to the Depart-
14 ment of Defense under the heading “Operation and Main-
15 tenance, Defense-Wide”, not less than \$8,000,000 shall be
16 made available only for the mitigation of environmental
17 impacts, including training and technical assistance to
18 tribes, related administrative support, the gathering of in-
19 formation, documenting of environmental damage, and de-
20 veloping a system for prioritization of mitigation, on In-
21 dian lands resulting from Department of Defense activi-
22 ties.

23 SEC. 8066. None of the funds appropriated by this
24 Act shall be available for a contract for studies, analyses,
25 or consulting services entered into without competition on

1 the basis of an unsolicited proposal unless the head of the
2 activity responsible for the procurement determines—

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

6 (2) the purpose of the contract is to explore an
7 unsolicited proposal which offers significant sci-
8 entific or technological promise, represents the prod-
9 uct of original thinking, and was submitted in con-
10 fidence by one source, or

11 (3) the purpose of the contract is to take ad-
12 vantage of unique and significant industrial accom-
13 plishment by a specific concern, or to insure that a
14 new product or idea of a specific concern is given fi-
15 nancial support:

16 *Provided*, That this limitation shall not apply to contracts
17 in an amount of less than \$25,000, contracts related to
18 improvements of equipment that is in development or pro-
19 duction, or contracts as to which a civilian official of the
20 Department of Defense, who has been confirmed by the
21 Senate, determines that the award of such contract is in
22 the interest of the national defense.

23 SEC. 8067. To the extent authorized in law, the Sec-
24 retary of Defense shall issue loan guarantees in support
25 of U.S. defense exports not otherwise provided for: *Pro-*

1 *vided*, That the total contingent liability of the United
2 States for guarantees issues under the authority of this
3 section may not exceed \$15,000,000,000: *Provided further*,
4 That the exposure fees charged and collected by the Sec-
5 retary for each guarantee, shall be paid by the country
6 involved and shall not be financed as part of a loan guar-
7 anteed by the United States: *Provided further*, That the
8 Secretary shall provide quarterly reports to the Commit-
9 tees on Appropriations, Armed Services and Foreign Rela-
10 tions of the Senate and the Committees of Appropriations,
11 National Security and International Relations in the
12 House of Representatives on the implementation of this
13 program.

14 SEC. 8068. Funds appropriated by this Act for intel-
15 ligence activities are deemed to be specifically authorized
16 by the Congress for purposes of section 504 of the Na-
17 tional Security Act of 1947 (50 U.S.C. 414) during fiscal
18 year 1996 until the enactment of the Intelligence Author-
19 ization Act for fiscal year 1996.

20 SEC. 8069. None of the funds provided in this Act
21 may be obligated or expended for the sale of zinc in the
22 National Defense Stockpile if zinc commodity prices de-
23 cline more than five percent below the London Metals Ex-
24 change market price reported on the date of enactment
25 of this Act.

1 SEC. 8070. During the current fiscal year, funds ap-
2 propriated in this Act are available to compensate mem-
3 bers of the National Guard for duty performed pursuant
4 to a plan submitted by a Governor of a State and approved
5 by the Secretary of Defense under section 112 of title 32,
6 United States Code: *Provided*, That during the perform-
7 ance of such duty, the members of the National Guard
8 shall be under State command and control: *Provided fur-*
9 *ther*, That such duty shall be treated as full-time National
10 Guard duty for purposes of sections 3686(2) and 8686(2)
11 of title 10, United States Code.

12 SEC. 8071. Funds appropriated in this Act for oper-
13 ation and maintenance of the Military Departments, Uni-
14 fied and Specified Commands and Defense Agencies shall
15 be available for reimbursement of pay, allowances, and
16 other expenses which would otherwise be incurred against
17 appropriations of the National Guard and Reserve when
18 members of the National Guard and Reserve provide intel-
19 ligence support to Unified Commands, Defense Agencies
20 and Joint Intelligence Activities, including the activities
21 and programs included within the General Defense Intel-
22 ligence Program and the Consolidated Cryptologic Pro-
23 gram: *Provided*, That nothing in this section authorizes
24 deviation from established Reserve and National Guard
25 personnel and training procedures.

1 SEC. 8072. All refunds or other amounts collected in
2 the administration of the Civilian Health and Medical Pro-
3 gram of the Uniformed Services (CHAMPUS) shall be
4 credited to current year appropriations.

5 (RESCISSION)

6 SEC. 8073. Of the funds provided in Department of
7 Defense Appropriations Acts, the following funds are here-
8 by rescinded from the following accounts in the specified
9 amounts:

10 “Procurement of Ammunition, Army, 1993/
11 1995”, \$15,000,000;

12 “Aircraft Procurement, Air Force, 1994/1996”,
13 \$53,654,000;

14 “Aircraft Procurement, Air Force, 1995/1997”,
15 \$53,100,000;

16 “Shipbuilding and Conversion, Navy, 1991/
17 1995”, \$13,570,000;

18 “Other Procurement, Navy, 1995/1997”,
19 \$8,600,000;

20 “Research, Development, Test and Evaluation,
21 Army, 1994/1995”, \$242,000;

22 “Research, Development, Test and Evaluation,
23 Army, 1995/1996”, \$11,156,000;

24 “Research, Development, Test and Evaluation,
25 Navy, 1994/1995”, \$4,416,000;

1 “Research, Development, Test and Evaluation,
2 Navy, 1995/1996”, \$10,150,000;

3 “Research, Development, Test and Evaluation,
4 Air Force, 1994/1995”, \$46,589,000; and

5 “Research, Development, Test and Evaluation,
6 Air Force, 1995/1996”, \$15,767,000.

7 SEC. 8074. None of the funds in this or any other
8 Act may be used to implement the plan to reorganize the
9 regional headquarters and basic camps structure of the
10 Reserve Officer Training Corps program of the Army until
11 the Comptroller General of the United States has certified
12 to the congressional defense committees that the meth-
13 odology and evaluation of the potential sites were consist-
14 ent with the established criteria for the consolidation, that
15 all data used by the Army in the evaluation was accurate
16 and complete, and that the conclusions reached are based
17 upon the total costs of the Army’s final plan to establish
18 the Eastern Reserve Officer Training Corps Headquarters
19 at Fort Benning, Georgia: *Provided*, That all cost, includ-
20 ing Military Construction, shall be considered as well as
21 an analysis of the impact of the consolidation on the sur-
22 rounding communities for all affected installations.

23 SEC. 8075. During the current fiscal year, the mini-
24 mum number of personnel employed as military reserve
25 technicians (as defined in section 8401(30) of title 5,

1 United States Code) for reserve components as of the last
2 day of the fiscal year shall be as follows:

3 For the Army National Guard, 25,750;

4 For the Army Reserve, 7,000;

5 For the Air National Guard, 23,250; and

6 For the Air Force Reserve, 10,000:

7 *Provided*, That in addition to funds provided elsewhere in
8 this Act, the following amounts are appropriated to the
9 following accounts only for the pay of military reserve
10 technicians (as defined in section 8401(30) of title 5,
11 United States Code):

12 Operation and Maintenance, Army Reserve,
13 \$24,822,000;

14 Operation and Maintenance, Air Force Reserve,
15 \$12,800,000;

16 Operation and Maintenance, Army National
17 Guard, \$27,628,000; and

18 Operation and Maintenance, Air National
19 Guard, \$30,800,000.

20 SEC. 8076. None of the funds appropriated or other-
21 wise made available in this Act may be obligated or ex-
22 pended for assistance to or programs in the Democratic
23 People's Republic of North Korea unless specifically ap-
24 propriated for that purpose: *Provided*, That the Secretary
25 of Defense and the Secretaries of the military services

1 must notify the congressional defense committees within
2 24 hours of any obligation, transfer, or expenditure of
3 funds in excess of \$500,000 pursuant to authorities grant-
4 ed for emergency and extraordinary requirements provided
5 in title II of this Act.

6 SEC. 8077. (a) None of the funds appropriated in this
7 Act are available to establish a new FFRDC, either as
8 a new entity, or as a separate entity administered by an
9 organization managing another FFRDC, or as a nonprofit
10 membership corporation consisting of a consortium of
11 other FFRDCs and other nonprofit entities.

12 (b) LIMITATION ON COMPENSATION.—No member of
13 a Board of Directors, Trustees, Overseers, Advisory
14 Group, Special Issues Panel, Visiting Committee, or any
15 similar entity of a defense FFRDC, and no paid consult-
16 ant to any defense FFRDC, may be compensated for his
17 or her services as a member of such entity, or as a paid
18 consultant, except under the same conditions, and to the
19 same extent, as members of the Defense Science Board:
20 *Provided*, That a member of any such entity referred to
21 previously in this subsection shall be allowed travel ex-
22 penses and per diem as authorized under the Federal
23 Joint Travel Regulations, when engaged in the perform-
24 ance of membership duties.

1 (c) Notwithstanding any other provision of law, none
2 of the funds available to the Department of Defense from
3 any source during fiscal year 1996 may be used by a de-
4 fense FFRDC, through a fee or other payment mecha-
5 nism, for charitable contributions, for construction of new
6 buildings, for payment of cost sharing for projects funded
7 by government grants, or for absorption of contract over-
8 runs.

9 (d) Notwithstanding any other provision of law, of
10 the amounts available to the Department of Defense dur-
11 ing fiscal year 1996, not more than \$1,162,650,000 may
12 be obligated for financing activities of defense FFRDCs:
13 *Provided*, That the total amounts appropriated in titles II,
14 III, and IV of this Act are hereby reduced by \$90,000,000
15 to reflect the funding ceiling contained in this subsection.

16 SEC. 8078. During the current fiscal year, none of
17 the funds appropriated in this Act may be used to reduce
18 the civilian medical and medical support personnel as-
19 signed to military treatment facilities below the September
20 30, 1995 level.

21 (TRANSFER OF FUNDS)

22 SEC. 8079. Upon enactment of this Act, the Sec-
23 retary of Defense shall make the following transfers of
24 funds: *Provided*, That the amounts transferred shall be
25 available for the same purposes as the appropriations to
26 which transferred, and for the same time period as the

1 appropriation from which transferred: *Provided further,*
2 That the amounts shall be transferred between the follow-
3 ing appropriations in the amount specified:

4 From:

5 Under the heading, "Shipbuilding and Conver-
6 sion, Navy, 1986/1990":

7 SSN-688 attack submarine program,
8 \$5,051,000;

9 CG-47 cruiser program, \$2,500,000;

10 BB battleship reactivation, \$4,000,000;

11 T-AGOS SURTASS ship program,
12 \$2,135,000;

13 LCAC landing craft air cushion program,
14 \$4,800,000;

15 For craft, outfitting, post delivery, and
16 cost growth, \$8,660,000;

17 Weapons Procurement, Navy, 1994/1996,
18 \$30,900,000;

19 Other Procurement, Navy, 1994/1996,
20 \$9,200,000;

21 Aircraft procurement, Navy, 1994/1996,
22 \$2,056,000;

23 To:

24 Under the heading, "Shipbuilding and Conver-
25 sion, Navy, 1986/1990":

1 MSH coastal mine hunter program,
2 \$69,302,000;

3 From:

4 Under the heading, “Shipbuilding and Conver-
5 sion, Navy, 1988/1992”:

6 SSN-688 attack submarine program,
7 \$1,500,000;

8 To:

9 Under the heading, “Shipbuilding and Conver-
10 sion, Navy, 1988/1992”:

11 T-ACS auxiliary crane ship program,
12 \$1,500,000;

13 From:

14 Under the heading, “Shipbuilding and Conver-
15 sion, Navy, 1989/1993”:

16 SSN-688 attack submarine program,
17 \$23,535,000;

18 DDG-51 destroyer program, \$33,700,000;

19 T-AO fleet oiler program, \$38,969,000;

20 To:

21 Under the heading, “Shipbuilding and Conver-
22 sion, Navy, 1989/1993”:

23 SSN-21 attack submarine program,
24 \$65,886,000;

1 MHC coastal mine hunter program,
2 \$30,318,000;

3 From:

4 Under the heading, "Shipbuilding and Conver-
5 sion, Navy, 1990/1994":

6 SSN-688 attack submarine program,
7 \$1,907,000;

8 DDG-51 destroyer program, \$22,669,000;

9 For craft, outfitting and post delivery,
10 \$3,900,000;

11 Aircraft Procurement, Navy, 1994/1996,
12 \$17,944,000;

13 Procurement of Ammunition, Navy and
14 Marine Corps, 1995/1997, \$5,116,000;

15 To:

16 Under the heading, "Shipbuilding and Conver-
17 sion, Navy, 1990/1994":

18 MHC coastal mine hunter, \$9,536,000;

19 T-AGOS surveillance ship program,
20 \$42,000,000;

21 From:

22 Under the heading, "Shipbuilding and Conver-
23 sion, Navy, 1991/1995":

24 SSN-21 attack submarine program,
25 \$18,330,000;

1 To:

2 Under the heading, “Shipbuilding and Conver-
3 sion, Navy, 1991/1995”:

4 LHD-1 amphibious assault ship program,
5 \$6,178,000;

6 MHC coastal mine hunter program,
7 \$12,152,000;

8 From:

9 Under the heading, “Shipbuilding and Conver-
10 sion, Navy, 1992/1996”:

11 DDG-51 destroyer program, \$5,315,000;

12 For craft, outfitting, post delivery, and
13 DBOF transfer, \$9,675,000;

14 For escalation, \$3,347,000;

15 Weapons Procurement, Navy, 1995/1997,
16 \$7,500,000;

17 Procurement, Marine Corps, 1995/1997,
18 \$378,000;

19 Other Procurement, Navy, 1995/1997,
20 \$355,000;

21 Aircraft Procurement, Navy, 1995/1997,
22 \$3,600,000;

23 Research, Development, Test and Evalua-
24 tion, Navy, 1995/1996, \$5,600,000;

25 To:

1 Under the heading, “Shipbuilding and Conver-
2 sion, Navy, 1992/1996”:

3 MHC coastal mine hunter program,
4 \$35,770,000;

5 From:

6 Under the heading, “Shipbuilding and Conver-
7 sion, Navy, 1993/1997”:

8 LSD-41 cargo variant ship program,
9 \$1,600,000;

10 For craft, outfitting, post delivery, and
11 first destination transportation, and inflation
12 adjustments, \$5,627,000;

13 Procurement of Ammunition, Navy and
14 Marine Corps, 1995/1997, \$1,784,000;

15 Other Procurement, Navy, 1995/1997,
16 \$645,000.

17 To:

18 Under the heading, “Shipbuilding and Conver-
19 sion, Navy, 1993/1997”:

20 DDG-51 destroyer program, \$7,356,000;

21 AOE combat support ship program,
22 \$2,300,000;

23 From:

24 Under the heading, “Shipbuilding and Conver-
25 sion, Navy, 1994/1998”:

1 MCS(C) program, \$5,300,000;

2 Under the heading, “Shipbuilding and Conver-
3 sion, Navy, 1995/1999”:

4 Nuclear submarine main steam condensor
5 industrial base, \$900,000;

6 To:

7 Under the heading, “Shipbuilding and Conver-
8 sion, Navy, 1994/1998”:

9 LHD program, \$6,200,000.

10 SEC. 8080. The Department shall include, in the op-
11 eration of TRICARE Regions 7/8, a region-wide wrap-
12 around care package that requires providers of residential
13 treatment services to share financial risk through case
14 rate reimbursement, to include planning and individual-
15 ized wraparound services to prevent recidivism.

16 SEC. 8081. None of the funds available to the De-
17 partment of Defense shall be available to make progress
18 payments based on costs to large business concerns at
19 rates lower than 85 percent on contract solicitations is-
20 sued after enactment of this Act.

21 SEC. 8082. Notwithstanding any other provision of
22 law, the Department of Defense shall execute payment in
23 not more than 24 days after receipt of a proper invoice.

24 SEC. 8083. Funds provided in title II of this Act for
25 real Property Maintenance may be obligated and expended

1 for the renovation, refurbishment and modernization of
2 bachelor enlisted living quarters up to a level of
3 \$1,000,000 per facility project.

4 SEC. 8084. None of the funds appropriated by this
5 Act may be used to carry out the ship depot maintenance
6 solicitation policy issued by the Secretary of the Navy in
7 a memorandum dated 16 June 1995.

8 SEC. 8085. None of the funds appropriated by this
9 Act may be used for the procurement of ball and roller
10 bearings other than those produced by a domestic source
11 and of domestic origin.

12 SEC. 8086. None of the funds appropriated or other-
13 wise made available under this Act may be used for the
14 destruction of pentaborane currently stored at Edwards
15 Air Force Base, California, until the Secretary of Energy
16 certifies to the congressional defense committees that the
17 Secretary does not intend to use the pentaborane or the
18 by-products of such destruction at the Idaho National En-
19 gineering Laboratory for—

20 (1) environmental remediation of high level, liq-
21 uid radioactive waste; or

22 (2) as a source of raw materials for boron
23 drugs for Boron Neutron Capture Therapy.

24 SEC. 8087. (a) ENERGY SAVINGS AT FEDERAL FA-
25 CILITIES.—The head of each agency for which funds are

1 made available under this Act shall take all actions nec-
2 essary to achieve during fiscal year 1996 a 5 percent re-
3 duction, from fiscal year 1995 levels, in the energy costs
4 of the facilities used by the agency.

5 (b) USE OF COST SAVINGS.—An amount equal to the
6 amount of cost savings realized by an agency under sub-
7 section (a) shall remain available for obligation through
8 the end of fiscal year 1997, without further authorization
9 or appropriation, as follows:

10 (1) CONSERVATION MEASURES.—Fifty percent
11 of the amount shall remain available for the imple-
12 mentation of additional energy conservation meas-
13 ures and for water conservation measures at such
14 facilities used by the agency as are designated by the
15 head of the agency.

16 (2) OTHER PURPOSES.—Fifty percent of the
17 amount shall remain available for use by the agency
18 for such purposes as are designated by the head of
19 the agency, consistent with applicable law.

20 (c) REPORT.—

21 (1) IN GENERAL.—Not later than December 31,
22 1996, the head of each agency described in sub-
23 section (a) shall submit a report to Congress specify-
24 ing the results of the actions taken under subsection
25 (a) and providing any recommendations concerning

1 how to further reduce energy costs and energy con-
2 sumption in the future.

3 (2) CONTENTS.—Each report shall—

4 (A) specify the total energy costs of the fa-
5 cilities used by the agency;

6 (B) identify the reductions achieved; and

7 (C) specify the actions that resulted in the
8 reductions.

9 SEC. 8088. (a)(1) Not later than October 1, 1995,
10 the Secretary of Defense shall require that each disburse-
11 ment by the Department of Defense in an amount in ex-
12 cess of \$1,000,000 be matched to a particular obligation
13 before the disbursement is made.

14 (2) Not later than September 30, 1996, the Secretary
15 of Defense shall require that each disbursement by the De-
16 partment of Defense in an amount in excess of \$500,000
17 be matched to a particular obligation before the disburse-
18 ment is made.

19 (b) The Secretary shall ensure that a disbursement
20 in excess of the threshold amount applicable under sub-
21 section (a) is not divided into multiple disbursements of
22 less than that amount for the purpose of avoiding the ap-
23 plicability of such subsection to that disbursement.

24 (c) The Secretary of Defense may waive a require-
25 ment for advance matching of a disbursement of the De-

1 partment of Defense with a particular obligation in the
2 case of (1) a disbursement involving deployed forces, (2)
3 a disbursement for an operation in a war declared by Con-
4 gress or a national emergency declared by the President
5 or Congress, or (3) a disbursement under any other cir-
6 cumstances for which the waiver is necessary in the na-
7 tional security interests of the United States, as deter-
8 mined by the Secretary and certified by the Secretary to
9 the congressional defense committees.

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

15 SEC. 8089. (a) Except as provided in subsection (b),
16 the total amount obligated or expended for procurement
17 of the SSN-21, SSN-22, and SSN-23 Seawolf class sub-
18 marines may not exceed \$7,223,695,000.

19 (b) The amount of the limitation set forth in sub-
20 section (a) is increased after fiscal year 1995 by the fol-
21 lowing amounts:

22 (1) The amounts of outfitting costs and post-
23 delivery costs incurred for the submarines referred
24 to in such subsection.

1 (2) The amounts of increases in costs attrib-
2 utable to economic inflation after fiscal year 1995.

3 (3) The amounts of increases in costs attrib-
4 utable to compliance with changes in Federal, State,
5 or local laws enacted after fiscal year 1995.

6 **SEC. 8090 RESTRICTION ON REIMBURSEMENT OF COSTS.**

7 None of the funds provided in this Act may be obli-
8 gated for payment on new contracts on which allowable
9 costs charged to the government include payments for in-
10 dividual compensation at a rate in excess of \$250,000 per
11 year.

12 SEC. 8091. None of the funds available to the De-
13 partment of Defense during fiscal year 1996 may be obli-
14 gated or expended to support or finance the activities of
15 the Defense Policy Advisory Committee on Trade.

16 **SEC. 8092. PROHIBITION OF PAY AND ALLOWANCES FOR**
17 **MILITARY PERSONNEL CONVICTED OF SERI-**
18 **OUS CRIMES.**

19 (a) Notwithstanding any other provision of law, none
20 of the funds appropriated by this Act shall be obligated
21 for the pay or allowances of any member of the Armed
22 Forces who has been sentenced by a court-martial to any
23 sentence that includes confinement for one year or more,
24 death, dishonorable discharge, bad-conduct discharge, or
25 dismissal during any period of confinement or parole.

1 (b) In a case involving an accused who has depend-
2 ents, the convening authority or other person acting under
3 title 10, section 860, may waive any or all of the forfeit-
4 ures of pay and allowances required by subsection (a) for
5 a period not to exceed six months. Any amount of pay
6 or allowances that, except for a waiver under this sub-
7 section, would be forfeited shall be paid, as the convening
8 authority or other person taking action directs, to the de-
9 pendents of the accused.

10 (c) If the sentence of a member who forfeits pay and
11 allowances under subsection (a) is set aside or disapproved
12 or, as finally approved, does not provide for a punishment
13 referred to in subsection (a), the member shall be paid
14 the pay and allowances which the member would have been
15 paid, except for the forfeiture, for the period during which
16 the forfeiture was in effect

17 SEC. 8093. None of the funds made available in this
18 Act under the heading “Procurement of Ammunition,
19 Army” may be obligated or expended for the procurement
20 of munitions unless such acquisition fully complies with
21 the Competition in Contracting Act.

22 SEC. 8094. Six months after the date of enactment
23 of this Act the General Accounting Office shall report to
24 the Committees on Appropriations of the Senate and the
25 House of Representatives on any changes in Department

1 of Defense commissary access policy, including providing
2 reservists additional or new privileges, and addressing the
3 financial impact on the commissaries as a result of any
4 policy changes.

5 SEC. 8095. The Secretary of Defense shall develop
6 and provide to the congressional defense committees an
7 Electronic Combat Master Plan to establish an optimum
8 infrastructure for electronic combat assets no later than
9 March 31, 1996.

10 SEC. 8096. The Secretary of Defense and the Sec-
11 retary of the Army shall reconsider the decision not to in-
12 clude the infantry military occupational specialty among
13 the military skills and specialties for which special pays
14 are provided under the Selected Reserve Incentive Pro-
15 gram.

16 **SEC. 8097. INTERIM LEASES OF PROPERTY APPROVED FOR**
17 **CLOSURE OR REALIGNMENT.**

18 Section 2667(f) of title 10, United States Code, is
19 amended by adding at the end the following:

20 “(4)(A) Notwithstanding the National Environmental
21 Policy Act of 1969 (42 U.S.C. 4321 et seq.), the scope
22 of any environmental impact analysis necessary to support
23 an interim lease of property under this subsection shall
24 be limited to the environmental consequences of activities
25 authorized under the proposed lease and the cumulative

1 impacts of other past, present, and reasonably foreseeable
 2 future actions during the period of the proposed lease.

3 “(B) Interim leases entered into under this sub-
 4 section shall be deemed not to prejudice the final property
 5 disposal decision, even if final property disposal may be
 6 delayed until completion of the interim lease term. An in-
 7 terim lease under this subsection shall not be entered into
 8 without prior consultation with the redevelopment author-
 9 ity concerned.

10 “(C) The provisions of subparagraphs (A) and (B)
 11 shall not apply to an interim lease under this subsection
 12 if authorized activities under the lease would—

13 “(i) significantly effect the quality of the
 14 human environment; or

15 “(ii) irreversibly alter the environment in a way
 16 that would preclude any reasonable disposal alter-
 17 native of the property concerned.”.

18 SEC. 8098. (a) If, on February 18, 1996, the Sec-
 19 retary of the Navy has not certified in writing to the Com-
 20 mittees on Appropriations of the Senate and the House
 21 of Representatives that—

22 (1) the Secretary has restructured the new at-
 23 tack submarine program to provide for—

24 (A) procurement of the lead vessel under
 25 the program from General Dynamics Corpora-

tion Electric Boat Division (hereafter in this section referred to as “Electric Boat Division”) beginning in fiscal year 1998 (subject to the price offered by Electric Boat Division being determined fair and reasonable by the Secretary),

(B) procurement of the second vessel under the program from Newport News Shipbuilding and Drydock Company beginning in fiscal year 1999 (subject to the price offered by Newport News Shipbuilding and Drydock Company being determined fair and reasonable by the Secretary), and

(C) procurement of other vessels under the program under one or more contracts that are entered into after competition between Electric Boat Division and Newport News Shipbuilding and Drydock Company for which the Secretary shall solicit competitive proposals and award the contract or contracts on the basis of price, and

(2) the Secretary has directed, as set forth in detail in such certification that—

(A) no action is to be taken to terminate or to fail to extend either the existing Planning

1 Yard contract for the Trident class submarines
2 or the existing Planning Yard contract for the
3 SSN-688 Los Angeles class submarines except
4 by reason of a breach of contract by the con-
5 tractor or an insufficiency of appropriations,

6 (B) no action is to be taken to terminate
7 any existing Lead Design Yard contract for the
8 SSN-21 Seawolf class submarines or for the
9 SSN-688 Los Angeles class submarines, except
10 by reason of a breach of contract by the con-
11 tractor or an insufficiency of appropriations,

12 (C) both Electric Boat Division and New-
13 port News Shipbuilding and Drydock Company
14 are to have access to sufficient information con-
15 cerning the design of the new attack submarine
16 to ensure that each is capable of constructing
17 the new attack submarine, and

18 (D) no action is to be taken to impair the
19 design, engineering, construction, and mainte-
20 nance competencies of either Electric Boat Di-
21 vision or Newport News Shipbuilding and Dry-
22 dock Company to construct the new attack sub-
23 marine,

24 then, funds appropriated in title III under the heading
25 "SHIPBUILDING AND CONVERSION, NAVY" may not be ob-

1 ligated for the SSN-21 attack submarine program or for
2 the new attack submarine program (NSSN-1 and NSSN-
3 2).

4 (b) Funds referred to in subsection (a) for procure-
5 ment of the lead and second vessels under the new attack
6 submarine program may not be expended during fiscal
7 year 1996 for the lead vessel under that program (other
8 than for class design) unless funds are obligated or ex-
9 pended during such fiscal year for a contract in support
10 of procurement of the second vessel under the program.

11 **SEC. 8099. LIMITATION ON USE OF FUNDS FOR COOPERA-**
12 **TIVE THREAT REDUCTION.**

13 (a) LIMITATION.—Of the funds available under title
14 II under the heading “FORMER SOVIET UNION THREAT
15 REDUCTION” for dismantlement and destruction of chemi-
16 cal weapons, not more than \$52,000,000 may be obligated
17 or expended for that purpose until the President certifies
18 to Congress the following:

19 (1) That the United States and Russia have
20 completed a joint laboratory study evaluating the
21 proposal of Russia to neutralize its chemical weap-
22 ons and the United States agrees with the proposal.

23 (2) That Russia is in the process of preparing,
24 with the assistance of the United States as nec-
25 essary, a comprehensive plan to manage the dis-

1 mantlement and destruction of the Russia chemical
2 weapons stockpile.

3 (3) That the United States and Russia are
4 committed to resolving outstanding issues under the
5 1989 Wyoming Memorandum of Understanding and
6 the 1990 Bilateral Destruction Agreement.

7 (b) DEFINITIONS.—In this section:

8 (1) The term “1989 Wyoming Memorandum of
9 Understanding” means the Memorandum of Under-
10 standing between the Government of the United
11 States of America and the Government of the Union
12 of Soviet Socialist Republics Regarding a Bilateral
13 Verification Experiment and Data Exchange Related
14 to Prohibition on Chemical Weapons, signed at
15 Jackson Hole, Wyoming, on September 23, 1989.

16 (2) The term “1990 Bilateral Destruction
17 Agreement” means the Agreement between the Unit-
18 ed States of America and the Union of Soviet Social-
19 ist Republics on destruction and non-production of
20 chemical weapons and on measures to facilitate the
21 multilateral convention on banning chemical weapons
22 signed on June 1, 1990.

1 **SEC. 8100. SENSE OF SENATE REGARDING UNDERGROUND**
2 **NUCLEAR TESTING.**

3 (a) FINDINGS.—The Senate makes the following
4 findings:

5 (1) The President of France stated on June 13,
6 1995, that the Republic of France plans to conduct
7 eight nuclear test explosions over the next several
8 months.

9 (2) The People's Republic of China continues to
10 conduct underground nuclear weapons tests.

11 (3) The United States, France, Russia, and
12 Great Britain have observed a moratorium on nu-
13 clear testing since 1992.

14 (4) A resumption of testing by the Republic of
15 France could result in the disintegration of the cur-
16 rent testing moratorium and a renewal of under-
17 ground testing by other nuclear weapon states.

18 (5) A resumption of nuclear testing by the Re-
19 public of France raises serious environmental and
20 health concerns.

21 (6) The United Nations Conference on Disar-
22 mament presently is meeting in Geneva, Switzerland,
23 for the purpose of negotiating a Comprehensive Nu-
24 clear Test Ban Treaty (CTBT), which would halt
25 permanently the practice of conducting nuclear test
26 explosions.

1 (7) Continued underground weapons testing by
2 the Republic of France and the People's Republic of
3 China undermines the efforts of the international
4 community to conclude a CTBT by 1996, a goal en-
5 dorsed by 175 nations, at the recently completed
6 NPT Extension and Review Conference (the con-
7 ference for the extension and review of the Nuclear
8 Non-Proliferation Treaty).

9 (b) SENSE OF THE SENATE.—It is the sense of the
10 Senate that the Republic of France and the People's Re-
11 public of China should abide by the current international
12 moratorium on nuclear test explosions and refrain from
13 conducting underground nuclear tests in advance of a
14 Comprehensive Test Ban Treaty.

15 **SEC. 8101. TESTING OF THEATER MISSILE DEFENSE INTER-**
16 **CEPTORS.**

17 (a) APPROVAL BEYOND LOW-RATE INITIAL PRODUC-
18 TION.—The Secretary of Defense may not approve a thea-
19 ter missile defense interceptor program beyond the low-
20 rate initial production acquisition stage until the Secretary
21 certifies to the congressional defense committees that the
22 program—

23 (1) has successfully completed initial oper-
24 ational test and evaluation; and

25 (2) involves a suitable and effective system.

1 (b) CERTIFICATION REQUIREMENTS.—(1) In order
2 to be certified under subsection (a), the initial operational
3 test and evaluation conducted with respect to a program
4 shall include flight tests—

5 (A) that were conducted with multiple intercept-
6 tors and multiple targets in the presence of realistic
7 countermeasures; and

8 (B) the results of which demonstrate the
9 achievement of baseline performance thresholds by
10 such interceptors.

11 (2) The Director of Operational Test and Evaluation
12 shall specify the number of flight tests required with re-
13 spect to a program under paragraph (1) in order to make
14 a certification referred to in subsection (a).

15 (3) The Secretary may utilize modeling and simula-
16 tion validated by ground and flight testing in order to aug-
17 ment flight testing to demonstrate weapons system per-
18 formance for purposes of a certification under subsection
19 (a).

20 (c) REPORTS.—(1) The Director of Operational Test
21 and Evaluation and the head of the Ballistic Missile De-
22 fense Organization shall include in the annual reports to
23 Congress of such officials plans to test adequately theater
24 missile defense interceptor programs throughout the ac-
25 quisition process.

1 (2) As each theater missile defense system progresses
 2 through the acquisition process, the officials referred to
 3 in paragraph (1) shall include in the annual reports to
 4 Congress of such officials an assessment of the extent to
 5 which such programs satisfy the planned test objectives
 6 for such programs.

7 (d) DEFINITION.—For purposes of this section, the
 8 baseline performance thresholds for a program are the
 9 weapon system performance thresholds specified in the
 10 baseline description for the weapon system established
 11 pursuant to section 2435(a)(1) of title 10, United States
 12 Code, before the program entered into the engineering and
 13 manufacturing development stage.

14 **SEC. 8102. ELIGIBILITY FOR DEFENSE DUAL-USE ASSIST-**
 15 **ANCE EXTENSION PROGRAM.**

16 Section 2524(e) of title 10, United States Code, is
 17 amended—

18 (1) in paragraph (3), by striking out “at least
 19 25 percent of the value of the borrower’s sales dur-
 20 ing the preceding year” in the matter preceding sub-
 21 paragraph (A) and inserting in lieu thereof “at least
 22 25 percent of the amount equal to the average value
 23 of the borrower’s sales during the preceding 5 fiscal
 24 years”;

1 (2) by redesignating paragraph (4) as para-
2 graph (5); and

3 (3) by inserting after paragraph (3) the follow-
4 ing new paragraph (4):

5 “(4) A borrower that meets the selection criteria set
6 forth in paragraph (2) and subsection (f) is also eligible
7 for a loan guarantee under subsection (b)(3) if the bor-
8 rower is a former defense worker whose employment as
9 such a worker was terminated as a result of a reduction
10 in expenditures by the United States for defense, the ter-
11 mination or cancellation of a defense contract, the failure
12 to proceed with an approved major weapon system, the
13 merger or consolidation of the operations of a defense con-
14 tractor, or the closure or realignment of a military instal-
15 lation.”.

16 This Act may be cited as the “Department of Defense
17 Appropriations Act, 1996”.

Passed the Senate September 5, 1995.

Attest:

Secretary.

104TH CONGRESS
1ST SESSION

S. 1087

AN ACT

Making appropriations for the Department of Defense for the fiscal year ending September 30, 1996, and for other purposes.

S 1087 ES---2
S 1087 ES---3
S 1087 ES---4
S 1087 ES---5
S 1087 ES---6
S 1087 ES---7
S 1087 ES---8
S 1087 ES---9
S 1087 ES---10