

***In the Senate of the United States,***

*September 8 (legislative day, September 5), 1995.*

*Resolved*, That the bill from the House of Representatives (H.R. 2126) entitled “An Act making appropriations for the Department of Defense for the fiscal year ending September 30, 1996, and for other purposes”, do pass with the following

**AMENDMENT:**

Strike out all after the enacting clause and insert:

1 *That the following sums are appropriated, out of any*  
2 *money in the Treasury not otherwise appropriated, for the*  
3 *fiscal year ending September 30, 1996, and for other pur-*  
4 *poses, namely:*

5 *TITLE I*

6 *MILITARY PERSONNEL*

7 *MILITARY PERSONNEL, ARMY*

8 *For pay, allowances, individual clothing, interest on*  
9 *deposits, gratuities, permanent change of station travel (in-*  
10 *cluding all expenses thereof for organizational movements),*

1 *and expenses of temporary duty travel between permanent*  
2 *duty stations, for members of the Army on active duty (ex-*  
3 *cept members of reserve components provided for elsewhere),*  
4 *cadets, and aviation cadets; and for payments pursuant to*  
5 *section 156 of Public Law 97-377, as amended (42 U.S.C.*  
6 *402 note), to section 229(b) of the Social Security Act (42*  
7 *U.S.C. 429(b)), and to the Department of Defense Military*  
8 *Retirement Fund; \$19,776,587,000.*

9 *MILITARY PERSONNEL, NAVY*

10 *For pay, allowances, individual clothing, interest on*  
11 *deposits, gratuities, permanent change of station travel (in-*  
12 *cluding all expenses thereof for organizational movements),*  
13 *and expenses of temporary duty travel between permanent*  
14 *duty stations, for members of the Navy on active duty (ex-*  
15 *cept members of the Reserve provided for elsewhere), mid-*  
16 *shipmen, and aviation cadets; and for payments pursuant*  
17 *to section 156 of Public Law 97-377, as amended (42*  
18 *U.S.C. 402 note), to section 229(b) of the Social Security*  
19 *Act (42 U.S.C. 429(b)), and to the Department of Defense*  
20 *Military Retirement Fund; \$16,979,209,000.*

21 *MILITARY PERSONNEL, MARINE CORPS*

22 *For pay, allowances, individual clothing, interest on*  
23 *deposits, gratuities, permanent change of station travel (in-*  
24 *cluding all expenses thereof for organizational movements),*  
25 *and expenses of temporary duty travel between permanent*

1 *duty stations, for members of the Marine Corps on active*  
2 *duty (except members of the Reserve provided for elsewhere);*  
3 *and for payments pursuant to section 156 of Public Law*  
4 *97–377, as amended (42 U.S.C. 402 note), to section 229(b)*  
5 *of the Social Security Act (42 U.S.C. 429(b)), and to the*  
6 *Department of Defense Military Retirement Fund;*  
7 *\$5,886,540,000.*

8 *MILITARY PERSONNEL, AIR FORCE*

9 *For pay, allowances, individual clothing, interest on*  
10 *deposits, gratuities, permanent change of station travel (in-*  
11 *cluding all expenses thereof for organizational movements),*  
12 *and expenses of temporary duty travel between permanent*  
13 *duty stations, for members of the Air Force on active duty*  
14 *(except members of reserve components provided for else-*  
15 *where), cadets, and aviation cadets; and for payments pur-*  
16 *suant to section 156 of Public Law 97–377, as amended*  
17 *(42 U.S.C. 402 note), to section 229(b) of the Social Secu-*  
18 *rity Act (42 U.S.C. 429(b)), and to the Department of De-*  
19 *fense Military Retirement Fund; \$17,156,443,000.*

20 *RESERVE PERSONNEL, ARMY*

21 *For pay, allowances, clothing, subsistence, gratuities,*  
22 *travel, and related expenses for personnel of the Army Re-*  
23 *serve on active duty under sections 265, 3021, and 3038*  
24 *of title 10, United States Code, or while serving on active*  
25 *duty under section 672(d) of title 10, United States Code,*

1 *in connection with performing duty specified in section*  
2 *678(a) of title 10, United States Code, or while undergoing*  
3 *reserve training, or while performing drills or equivalent*  
4 *duty or other duty, and for members of the Reserve Officers'*  
5 *Training Corps, and expenses authorized by section 2131*  
6 *of title 10, United States Code; and for payments to the*  
7 *Department of Defense Military Retirement Fund;*  
8 *\$2,102,466,000.*

9 *RESERVE PERSONNEL, NAVY*

10 *For pay, allowances, clothing, subsistence, gratuities,*  
11 *travel, and related expenses for personnel of the Navy Re-*  
12 *serve on active duty under section 265 of title 10, United*  
13 *States Code, or while serving on active duty under section*  
14 *672(d) of title 10, United States Code, in connection with*  
15 *performing duty specified in section 678(a) of title 10,*  
16 *United States Code, or while undergoing reserve training,*  
17 *or while performing drills or equivalent duty, and for mem-*  
18 *bers of the Reserve Officers' Training Corps, and expenses*  
19 *authorized by section 2131 of title 10, United States Code;*  
20 *and for payments to the Department of Defense Military*  
21 *Retirement Fund; \$1,349,323,000.*

22 *RESERVE PERSONNEL, MARINE CORPS*

23 *For pay, allowances, clothing, subsistence, gratuities,*  
24 *travel, and related expenses for personnel of the Marine*  
25 *Corps Reserve on active duty under section 265 of title 10,*

1 *United States Code, or while serving on active duty under*  
2 *section 672(d) of title 10, United States Code, in connection*  
3 *with performing duty specified in section 678(a) of title 10,*  
4 *United States Code, or while undergoing reserve training,*  
5 *or while performing drills or equivalent duty, and for mem-*  
6 *bers of the Marine Corps platoon leaders class, and expenses*  
7 *authorized by section 2131 of title 10, United States Code;*  
8 *and for payments to the Department of Defense Military*  
9 *Retirement Fund; \$364,551,000.*

10 *RESERVE PERSONNEL, AIR FORCE*

11 *For pay, allowances, clothing, subsistence, gratuities,*  
12 *travel, and related expenses for personnel of the Air Force*  
13 *Reserve on active duty under sections 265, 8021, and 8038*  
14 *of title 10, United States Code, or while serving on active*  
15 *duty under section 672(d) of title 10, United States Code,*  
16 *in connection with performing duty specified in section*  
17 *678(a) of title 10, United States Code, or while undergoing*  
18 *reserve training, or while performing drills or equivalent*  
19 *duty or other duty, and for members of the Air Reserve Offi-*  
20 *cers' Training Corps, and expenses authorized by section*  
21 *2131 of title 10, United States Code; and for payments to*  
22 *the Department of Defense Military Retirement Fund;*  
23 *\$783,861,000.*

1            *NATIONAL GUARD PERSONNEL, ARMY*

2            *For pay, allowances, clothing, subsistence, gratuities,*  
3 *travel, and related expenses for personnel of the Army Na-*  
4 *tional Guard while on duty under section 265, 3021, or*  
5 *3496 of title 10 or section 708 of title 32, United States*  
6 *Code, or while serving on duty under section 672(d) of title*  
7 *10 or section 502(f) of title 32, United States Code, in con-*  
8 *nection with performing duty specified in section 678(a)*  
9 *of title 10, United States Code, or while undergoing train-*  
10 *ing, or while performing drills or equivalent duty or other*  
11 *duty, and expenses authorized by section 2131 of title 10,*  
12 *United States Code; and for payments to the Department*  
13 *of Defense Military Retirement Fund; \$3,222,422,000.*

14            *NATIONAL GUARD PERSONNEL, AIR FORCE*

15            *For pay, allowances, clothing, subsistence, gratuities,*  
16 *travel, and related expenses for personnel of the Air Na-*  
17 *tional Guard on duty under section 265, 8021, or 8496 of*  
18 *title 10 or section 708 of title 32, United States Code, or*  
19 *while serving on duty under section 672(d) of title 10 or*  
20 *section 502(f) of title 32, United States Code, in connection*  
21 *with performing duty specified in section 678(a) of title 10,*  
22 *United States Code, or while undergoing training, or while*  
23 *performing drills or equivalent duty or other duty, and ex-*  
24 *penses authorized by section 2131 of title 10, United States*

1 *Code; and for payments to the Department of Defense Mili-*  
2 *tary Retirement Fund; \$1,259,627,000.*

3 *TITLE II*

4 *OPERATION AND MAINTENANCE*

5 *OPERATION AND MAINTENANCE, ARMY*

6 *(INCLUDING TRANSFER OF FUNDS)*

7 *For expenses, not otherwise provided for, necessary for*  
8 *the operation and maintenance of the Army, as authorized*  
9 *by law; and not to exceed \$14,437,000 can be used for emer-*  
10 *gencies and extraordinary expenses, to be expended on the*  
11 *approval or authority of the Secretary of the Army, and*  
12 *payments may be made on his certificate of necessity for*  
13 *confidential military purposes; \$17,947,229,000 and, in ad-*  
14 *dition, \$50,000,000 shall be derived by transfer from the*  
15 *National Defense Stockpile Transaction Fund: Provided,*  
16 *That of the funds appropriated in this paragraph, not less*  
17 *than \$388,599,000 shall be made available only for conven-*  
18 *tional ammunition care and maintenance: Provided fur-*  
19 *ther, That of the funds provided under this heading,*  
20 *\$1,418,000,000 shall be available only for Real Property*  
21 *Maintenance activities, and shall remain available for obli-*  
22 *gation until September 30, 1997: Provided further, That not*  
23 *less than \$15,000,000 shall be made available only for the*  
24 *implementation and execution of the 1988 agreement be-*  
25 *tween the Department of the Army and National Presto In-*

1 *dustries Inc. for the remediation of environmental contami-*  
2 *nation at the National Presto Industries Inc. site at Eau*  
3 *Claire, WI. These funds shall be made available no later*  
4 *than sixty days following the enactment of this Act: Pro-*  
5 *vided further, That of the funds provided under this head-*  
6 *ing, \$500,000 may be available for the Life Sciences Equip-*  
7 *ment Laboratory, Kelly Air Force Base, Texas, for work*  
8 *in support of the Joint Task Force–Full Accounting.*

9 *OPERATION AND MAINTENANCE, NAVY*

10 *(INCLUDING TRANSFER OF FUNDS)*

11 *For expenses, not otherwise provided for, necessary for*  
12 *the operation and maintenance of the Navy and the Marine*  
13 *Corps, as authorized by law; and not to exceed \$4,151,000*  
14 *can be used for emergencies and extraordinary expenses, to*  
15 *be expended on the approval or authority of the Secretary*  
16 *of the Navy, and payments may be made on his certificate*  
17 *of necessity for confidential military purposes;*  
18 *\$21,195,301,000 and, in addition, \$50,000,000 shall be de-*  
19 *rived by transfer from the National Defense Stockpile*  
20 *Transaction Fund: Provided, That of the funds provided*  
21 *under this heading, \$1,150,000,000 shall be available only*  
22 *for Real Property Maintenance activities, and shall remain*  
23 *available for obligation until September 30, 1997: Provided*  
24 *further, That, of the funds appropriated under this heading,*



1 *not more than \$12,200,000 shall be available only for pay-*  
2 *ing the costs of terminating Project ELF.*

3 *OPERATION AND MAINTENANCE, MARINE CORPS*

4 *For expenses, not otherwise provided for, necessary for*  
5 *the operation and maintenance of the Marine Corps, as au-*  
6 *thorized by law; \$2,341,737,000: Provided, That of the*  
7 *funds provided under this heading, \$366,800,000 shall be*  
8 *available only for Real Property Maintenance activities,*  
9 *and shall remain available for obligation until September*  
10 *30, 1997.*

11 *OPERATION AND MAINTENANCE, AIR FORCE*

12 *(INCLUDING TRANSFER OF FUNDS)*

13 *For expenses, not otherwise provided for, necessary for*  
14 *the operation and maintenance of the Air Force, as author-*  
15 *ized by law; and not to exceed \$8,326,000 can be used for*  
16 *emergencies and extraordinary expenses, to be expended on*  
17 *the approval or authority of the Secretary of the Air Force,*  
18 *and payments may be made on his certificate of necessity*  
19 *for confidential military purposes; \$18,202,437,000 and, in*  
20 *addition, \$50,000,000 shall be derived by transfer from the*  
21 *National Defense Stockpile Transaction Fund: Provided,*  
22 *That the Secretary of the Air Force may acquire all right,*  
23 *title, and interest of any party in and to parcels of real*  
24 *property, including improvements thereon, consisting of not*  
25 *more than 92 acres, located near King Salmon Air Force*

1 *Station for the purpose of conducting a response action in*  
2 *accordance with the Comprehensive Environmental Re-*  
3 *sponse, Compensation, and Liability Act (42 U.S.C. 9601–*  
4 *9675) and the Air Force Installation Restoration Program:*  
5 *Provided further, That of the funds provided under this*  
6 *heading, \$1,633,000,000 shall be available only for Real*  
7 *Property Maintenance activities, and shall be available for*  
8 *obligation until September 30, 1997: Provided further, That*  
9 *from within the funds appropriated under this heading, the*  
10 *Air Force may enter into a long-term lease or purchase*  
11 *agreement to replace the existing fleet of VC–137 aircraft.*

12 *OPERATION AND MAINTENANCE, DEFENSE-WIDE*

13 *For expenses, not otherwise provided for, necessary for*  
14 *the operation and maintenance of activities and agencies*  
15 *of the Department of Defense (other than the military de-*  
16 *partments), as authorized by law; \$9,804,068,000, of which*  
17 *not to exceed \$25,000,000 may be available for the CINC*  
18 *initiative fund account; and of which not to exceed*  
19 *\$28,588,000 can be used for emergencies and extraordinary*  
20 *expenses, to be expended on the approval or authority of*  
21 *the Secretary of Defense, and payments may be made on*  
22 *his certificate of necessity for confidential military pur-*  
23 *poses: Provided, That of the funds appropriated under this*  
24 *heading, \$20,000,000 shall be made available only for use*  
25 *in federally owned education facilities located on military*

1 *installations for the purpose of transferring title of such fa-*  
2 *ilities to the local education agency: Provided further, That*  
3 *of the funds provided under this heading, \$169,800,000*  
4 *shall be available only for Real Property Maintenance ac-*  
5 *tivities, and shall remain available for obligation until Sep-*  
6 *tember 30, 1997: Provided further, That of the funds appro-*  
7 *priated in this paragraph, \$11,200,000 shall be available*  
8 *for the Joint Analytic Model Improvement Program: Pro-*  
9 *vided further, That of the funds appropriated in this para-*  
10 *graph, \$10,000,000 shall be available for the Troops-to-Cops*  
11 *program: Provided further, That of the funds provided*  
12 *under this heading, \$42,000,000 shall be available for the*  
13 *Troops-to-Teachers program.*

14 *OPERATION AND MAINTENANCE, ARMY RESERVE*

15 *For expenses, not otherwise provided for, necessary for*  
16 *the operation and maintenance, including training, organi-*  
17 *zation, and administration, of the Army Reserve; repair of*  
18 *facilities and equipment; hire of passenger motor vehicles;*  
19 *travel and transportation; care of the dead; recruiting; pro-*  
20 *curement of services, supplies, and equipment; and commu-*  
21 *nications; \$1,068,312,000: Provided, That of the funds pro-*  
22 *vided under this heading, \$47,589,000 shall be available*  
23 *only for Real Property Maintenance activities, and shall*  
24 *remain available for obligation until September 30, 1997.*

1        *OPERATION AND MAINTENANCE, NAVY RESERVE*

2        *For expenses, not otherwise provided for, necessary for*  
3 *the operation and maintenance, including training, organi-*  
4 *zation, and administration, of the Navy Reserve; repair of*  
5 *facilities and equipment; hire of passenger motor vehicles;*  
6 *travel and transportation; care of the dead; recruiting; pro-*  
7 *curement of services, supplies, and equipment; and commu-*  
8 *nications; \$826,042,000: Provided, That of the funds pro-*  
9 *vided under this heading, \$31,954,000 shall be available*  
10 *only for Real Property Maintenance activities, and shall*  
11 *remain available for obligation until September 30, 1997.*

12        *OPERATION AND MAINTENANCE, MARINE CORPS RESERVE*

13        *For expenses, not otherwise provided for, necessary for*  
14 *the operation and maintenance, including training, organi-*  
15 *zation, and administration, of the Marine Corps Reserve;*  
16 *repair of facilities and equipment; hire of passenger motor*  
17 *vehicles; travel and transportation; care of the dead; recruit-*  
18 *ing; procurement of services, supplies, and equipment; and*  
19 *communications; \$90,283,000: Provided, That of the funds*  
20 *provided under this heading, \$4,911,000 shall be available*  
21 *only for Real Property Maintenance activities, and shall*  
22 *remain available for obligation until September 30, 1997.*

23        *OPERATION AND MAINTENANCE, AIR FORCE RESERVE*

24        *For expenses, not otherwise provided for, necessary for*  
25 *the operation and maintenance, including training, organi-*

1 zation, and administration, of the Air Force Reserve; repair  
2 of facilities and equipment; hire of passenger motor vehicles;  
3 travel and transportation; care of the dead; recruiting; pro-  
4 curement of services, supplies, and equipment; and commu-  
5 nications; \$1,485,947,000: Provided, That of the funds pro-  
6 vided under this heading, \$63,062,000 shall be available  
7 only for Real Property Maintenance activities, and shall  
8 remain available for obligation until September 30, 1997.

9 OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

10 For expenses of training, organizing, and administer-  
11 ing the Army National Guard, including medical and hos-  
12 pital treatment and related expenses in non-Federal hos-  
13 pitals; maintenance, operation, and repairs to structures  
14 and facilities; hire of passenger motor vehicles; personnel  
15 services in the National Guard Bureau; travel expenses  
16 (other than mileage), as authorized by law for Army person-  
17 nel on active duty, for Army National Guard division, regi-  
18 mental, and battalion commanders while inspecting units  
19 in compliance with National Guard Bureau regulations  
20 when specifically authorized by the Chief, National Guard  
21 Bureau; supplying and equipping the Army National  
22 Guard as authorized by law; and expenses of repair, modi-  
23 fication, maintenance, and issue of supplies and equipment  
24 (including aircraft); \$2,361,708,000: Provided, That of the  
25 funds provided under this heading, \$150,188,000 shall be

1 *available only for Real Property Maintenance activities,*  
2 *and shall be available for obligation until September 30,*  
3 *1997.*

4 *OPERATION AND MAINTENANCE, AIR NATIONAL GUARD*

5 *For operation and maintenance of the Air National*  
6 *Guard, including medical and hospital treatment and relat-*  
7 *ed expenses in non-Federal hospitals; maintenance, oper-*  
8 *ation, repair, and other necessary expenses of facilities for*  
9 *the training and administration of the Air National Guard,*  
10 *including repair of facilities, maintenance, operation, and*  
11 *modification of aircraft; transportation of things; hire of*  
12 *passenger motor vehicles; supplies, materials, and equip-*  
13 *ment, as authorized by law for the Air National Guard;*  
14 *and expenses incident to the maintenance and use of sup-*  
15 *plies, materials, and equipment, including such as may be*  
16 *furnished from stocks under the control of agencies of the*  
17 *Department of Defense; travel expenses (other than mileage)*  
18 *on the same basis as authorized by law for Air National*  
19 *Guard personnel on active Federal duty, for Air National*  
20 *Guard commanders while inspecting units in compliance*  
21 *with National Guard Bureau regulations when specifically*  
22 *authorized by the Chief, National Guard Bureau;*  
23 *\$2,724,021,000: Provided, That of the funds provided under*  
24 *this heading, \$85,571,000 shall be available only for Real*

1 *Property Maintenance activities, and shall remain avail-*  
2 *able for obligation until September 30, 1997.*

3 *UNITED STATES COURT OF APPEALS FOR THE ARMED*  
4 *FORCES*

5 *For salaries and expenses necessary for the United*  
6 *States Court of Appeals for the Armed Forces; \$6,521,000,*  
7 *of which not to exceed \$2,500 can be used for official rep-*  
8 *resentation purposes.*

9 *ENVIRONMENTAL RESTORATION, DEFENSE*  
10 *(INCLUDING TRANSFER OF FUNDS)*

11 *For the Department of Defense; \$1,487,000,000, to re-*  
12 *main available until transferred: Provided, That the Sec-*  
13 *retary of Defense shall, upon determining that such funds*  
14 *are required for environmental restoration, reduction and*  
15 *recycling of hazardous waste, removal of unsafe buildings*  
16 *and debris of the Department of Defense, or for similar pur-*  
17 *poses (including programs and operations at sites formerly*  
18 *used by the Department of Defense), transfer the funds made*  
19 *available by this appropriation to other appropriations*  
20 *made available to the Department of Defense, to be merged*  
21 *with and to be available for the same purposes and for the*  
22 *same period as the appropriations of funds to which trans-*  
23 *ferred, as follows:*

24 *Operation and Maintenance, Army,*  
25 *\$659,000,000;*







1 *machine tools in public and private plants; reserve plant*  
2 *and Government and contractor-owned equipment layaway;*  
3 *and other expenses necessary for the foregoing purposes;*  
4 *\$1,498,623,000, to remain available for obligation until*  
5 *September 30, 1998.*

6 *MISSILE PROCUREMENT, ARMY*

7 *For construction, procurement, production, modifica-*  
8 *tion, and modernization of missiles, equipment, including*  
9 *ordnance, ground handling equipment, spare parts, and ac-*  
10 *cessories therefor; specialized equipment and training de-*  
11 *vices; expansion of public and private plants, including the*  
12 *land necessary therefor, for the foregoing purposes, and such*  
13 *lands and interests therein, may be acquired, and construc-*  
14 *tion prosecuted thereon prior to approval of title; and pro-*  
15 *curement and installation of equipment, appliances, and*  
16 *machine tools in public and private plants; reserve plant*  
17 *and Government and contractor-owned equipment layaway;*  
18 *and other expenses necessary for the foregoing purposes;*  
19 *\$846,555,000, to remain available for obligation until Sep-*  
20 *tember 30, 1998.*

21 *PROCUREMENT OF WEAPONS AND TRACKED COMBAT*

22 *VEHICLES, ARMY*

23 *For construction, procurement, production, and modi-*  
24 *fication of weapons and tracked combat vehicles, equipment,*  
25 *including ordnance, spare parts, and accessories therefor;*

1 *specialized equipment and training devices; expansion of*  
2 *public and private plants, including the land necessary*  
3 *therefor, for the foregoing purposes, and such lands and in-*  
4 *terests therein, may be acquired, and construction pros-*  
5 *ecuted thereon prior to approval of title; and procurement*  
6 *and installation of equipment, appliances, and machine*  
7 *tools in public and private plants; reserve plant and Gov-*  
8 *ernment and contractor-owned equipment layaway; and*  
9 *other expenses necessary for the foregoing purposes;*  
10 *\$1,396,264,000, to remain available for obligation until*  
11 *September 30, 1998.*

12 *PROCUREMENT OF AMMUNITION, ARMY*

13 *For construction, procurement, production, and modi-*  
14 *fication of ammunition, and accessories therefor; specialized*  
15 *equipment and training devices; expansion of public and*  
16 *private plants, including ammunition facilities authorized*  
17 *by section 2854, title 10, United States Code, and the land*  
18 *necessary therefor, for the foregoing purposes, and such*  
19 *lands and interests therein, may be acquired, and construc-*  
20 *tion prosecuted thereon prior to approval of title; and pro-*  
21 *curement and installation of equipment, appliances, and*  
22 *machine tools in public and private plants; reserve plant*  
23 *and Government and contractor-owned equipment layaway;*  
24 *and other expenses necessary for the foregoing purposes;*

1 \$1,090,891,000, to remain available for obligation until  
2 September 30, 1998.

3 *OTHER PROCUREMENT, ARMY*

4 *For construction, procurement, production, and modi-*  
5 *fication of vehicles, including tactical, support, and*  
6 *nontracked combat vehicles; the purchase of not to exceed*  
7 *41 passenger motor vehicles for replacement only; commu-*  
8 *nications and electronic equipment; other support equip-*  
9 *ment; spare parts, ordnance, and accessories therefor; spe-*  
10 *cialized equipment and training devices; expansion of pub-*  
11 *lic and private plants, including the land necessary there-*  
12 *for, for the foregoing purposes, and such lands and interests*  
13 *therein, may be acquired, and construction prosecuted*  
14 *thereon prior to approval of title; and procurement and in-*  
15 *stallation of equipment, appliances, and machine tools in*  
16 *public and private plants; reserve plant and Government*  
17 *and contractor-owned equipment layaway; and other ex-*  
18 *penses necessary for the foregoing purposes; \$2,760,002,000,*  
19 *to remain available for obligation until September 30,*  
20 *1998.*

21 *AIRCRAFT PROCUREMENT, NAVY*

22 *For construction, procurement, production, modifica-*  
23 *tion, and modernization of aircraft, equipment, including*  
24 *ordnance, spare parts, and accessories therefor; specialized*  
25 *equipment; expansion of public and private plants, includ-*

1 *ing the land necessary therefor, and such lands and inter-*  
2 *ests therein, may be acquired, and construction prosecuted*  
3 *thereon prior to approval of title; and procurement and in-*  
4 *stallation of equipment, appliances, and machine tools in*  
5 *public and private plants; reserve plant and Government*  
6 *and contractor-owned equipment layaway; \$4,897,393,000,*  
7 *to remain available for obligation until September 30,*  
8 *1998.*

9 *WEAPONS PROCUREMENT, NAVY*

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

22 *SHIPBUILDING AND CONVERSION, NAVY*

23 *For expenses necessary for the construction, acquisi-*  
24 *tion, or conversion of vessels as authorized by law, includ-*  
25 *ing armor and armament thereof, plant equipment, appli-*

1 *ances, and machine tools and installation thereof in public*  
2 *and private plants; reserve plant and Government and con-*  
3 *tractor-owned equipment layaway; procurement of critical,*  
4 *long leadtime components and designs for vessels to be con-*  
5 *structed or converted in the future; and expansion of public*  
6 *and private plants, including land necessary therefore, and*  
7 *such lands and interests therein, may be acquired, and con-*  
8 *struction prosecuted thereon prior to approval of title, as*  
9 *follows:*

10 *For continuation of the SSN-21 attack sub-*  
11 *marine program, \$700,000,000;*

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

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

14 *CVN Refuelings, \$221,988,000;*

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

16 *LHD-1 amphibious assault ship program,*  
17 *\$1,300,000,000; and*

18 *For craft, outfitting, post delivery, conversions,*  
19 *and first destination transportation, \$448,715,000;*

20 *in all: \$7,062,001,000, to remain available for obligation*  
21 *until September 30, 2000: Provided, That additional obli-*  
22 *gations may be incurred after September 30, 2000, for engi-*  
23 *neering services, tests, evaluations, and other such budgeted*  
24 *work that must be performed in the final stage of ship con-*  
25 *struction: Provided further, That none of the funds herein*

1 *provided for the construction or conversion of any naval*  
2 *vessel to be constructed in shipyards in the United States*  
3 *shall be expended in foreign facilities for the construction*  
4 *of major components of such vessel: Provided further, That*  
5 *none of the funds herein provided shall be used for the con-*  
6 *struction of any naval vessel in foreign shipyards.*

7 *OTHER PROCUREMENT, NAVY*

8 *For procurement, production, and modernization of*  
9 *support equipment and materials not otherwise provided*  
10 *for, Navy ordnance (except ordnance for new aircraft, new*  
11 *ships, and ships authorized for conversion); the purchase*  
12 *of not to exceed 252 passenger motor vehicles for replace-*  
13 *ment only; expansion of public and private plants, includ-*  
14 *ing the land necessary therefor, and such lands and inter-*  
15 *ests therein, may be acquired, and construction prosecuted*  
16 *thereon prior to approval of title; and procurement and in-*  
17 *stallation of equipment, appliances, and machine tools in*  
18 *public and private plants; reserve plant and Government*  
19 *and contractor-owned equipment layaway; \$2,394,260,000,*  
20 *to remain available for obligation until September 30,*  
21 *1998.*

22 *PROCUREMENT, MARINE CORPS*

23 *For expenses necessary for the procurement, manufac-*  
24 *ture, and modification of missiles, armament, military*  
25 *equipment, spare parts, and accessories therefor; plant*

1 *equipment, appliances, and machine tools, and installation*  
2 *thereof in public and private plants; reserve plant and Gov-*  
3 *ernment and contractor-owned equipment layaway; vehicles*  
4 *for the Marine Corps, including the purchase of not to ex-*  
5 *ceed 194 passenger motor vehicles for replacement only; and*  
6 *expansion of public and private plants, including land nec-*  
7 *essary therefor, and such lands and interests therein, may*  
8 *be acquired and construction prosecuted thereon prior to*  
9 *approval of title; \$597,139,000, to remain available for obli-*  
10 *gation until September 30, 1998.*

11 *AIRCRAFT PROCUREMENT, AIR FORCE*

12 *For construction, procurement, and modification of*  
13 *aircraft and equipment, including armor and armament,*  
14 *specialized ground handling equipment, and training de-*  
15 *vices, spare parts, and accessories therefor; specialized*  
16 *equipment; expansion of public and private plants, Govern-*  
17 *ment-owned equipment and installation thereof in such*  
18 *plants, erection of structures, and acquisition of land, for*  
19 *the foregoing purposes, and such lands and interests therein,*  
20 *may be acquired, and construction prosecuted thereon prior*  
21 *to approval of title; reserve plant and Government and con-*  
22 *tractor-owned equipment layaway; and other expenses nec-*  
23 *essary for the foregoing purposes including rents and trans-*  
24 *portation of things; \$7,163,258,000, to remain available for*  
25 *obligation until September 30, 1998.*



1                    *MISSILE PROCUREMENT, AIR FORCE*

2            *For construction, procurement, and modification of*  
3 *missiles, spacecraft, rockets, ammunition, and related*  
4 *equipment, including spare parts and accessories therefor,*  
5 *ground handling equipment, and training devices; expan-*  
6 *sion of public and private plants, Government-owned equip-*  
7 *ment and installation thereof in such plants, erection of*  
8 *structures, and acquisition of land, for the foregoing pur-*  
9 *poses, and such lands and interests therein, may be ac-*  
10 *quired, and construction prosecuted thereon prior to ap-*  
11 *proval of title; reserve plant and Government and contrac-*  
12 *tor-owned equipment layaway; and other expenses nec-*  
13 *essary for the foregoing purposes including rents and trans-*  
14 *portation of things; \$3,550,192,000, to remain available for*  
15 *obligation until September 30, 1998.*

16                    *OTHER PROCUREMENT, AIR FORCE*

17            *For procurement and modification of equipment (in-*  
18 *cluding ground guidance and electronic control equipment,*  
19 *and ground electronic and communication equipment), and*  
20 *supplies, materials, and spare parts therefor, not otherwise*  
21 *provided for; the purchase of not to exceed 385 passenger*  
22 *motor vehicles for replacement only; the purchase of 1 vehi-*  
23 *cle required for physical security of personnel, notwith-*  
24 *standing price limitations applicable to passenger vehicles*  
25 *but not to exceed \$260,000 per vehicle; and expansion of*

1 *public and private plants, Government-owned equipment*  
2 *and installation thereof in such plants, erection of struc-*  
3 *tures, and acquisition of land, for the foregoing purposes,*  
4 *and such lands and interests therein, may be acquired, and*  
5 *construction prosecuted thereon, prior to approval of title;*  
6 *reserve plant and Government and contractor-owned equip-*  
7 *ment layaway; \$6,540,951,000, to remain available for obli-*  
8 *gation until September 30, 1998.*

9 *PROCUREMENT, DEFENSE-WIDE*

10 *For expenses of activities and agencies of the Depart-*  
11 *ment of Defense (other than the military departments) nec-*  
12 *essary for procurement, production, and modification of*  
13 *equipment, supplies, materials, and spare parts therefor,*  
14 *not otherwise provided for; the purchase of not to exceed*  
15 *451 passenger motor vehicles, of which 447 shall be for re-*  
16 *placement only; expansion of public and private plants,*  
17 *equipment, and installation thereof in such plants, erection*  
18 *of structures, and acquisition of land for the foregoing pur-*  
19 *poses, and such lands and interests therein, may be ac-*  
20 *quired, and construction prosecuted thereon prior to ap-*  
21 *proval of title; reserve plant and Government and contrac-*  
22 *tor-owned equipment layaway; \$2,114,824,000, to remain*  
23 *available for obligation until September 30, 1998.*



1 *of a Product Improvement Program (PIP) for the Hydra-*  
2 *70 rocket.*

3 *RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY*

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

19 *RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR*

20 *FORCE*

21 *For expenses necessary for basic and applied scientific*  
22 *research, development, test and evaluation, including main-*  
23 *tenance, rehabilitation, lease, and operation of facilities*  
24 *and equipment, as authorized by law; \$13,087,389,000, to*  
25 *remain available for obligation until September 30, 1997.*



1 *funds made available under the second proviso under this*  
2 *heading in Public Law 103-335 (108 Stat. 2613) shall also*  
3 *be available to cover the reasonable costs of the administra-*  
4 *tion of loan guarantees referred to in that proviso and shall*  
5 *be available to cover such costs of administration and the*  
6 *costs of such loan guarantees until September 30, 1998: Pro-*  
7 *vided further, That of the funds appropriated in this para-*  
8 *graph for the Ballistic Missile Defense Organization,*  
9 *\$10,000,000 shall only be available to continue program ac-*  
10 *tivities and launch preparation efforts under the Strategic*  
11 *Target System (STARS) program.*

12 *DEVELOPMENTAL TEST AND EVALUATION, DEFENSE*

13 *For expenses, not otherwise provided for, of independ-*  
14 *ent activities of the Director, Test and Evaluation in the*  
15 *direction and supervision of developmental test and evalua-*  
16 *tion, including performance and joint developmental testing*  
17 *and evaluation; and administrative expenses in connection*  
18 *therewith; \$246,082,000, to remain available for obligation*  
19 *until September 30, 1997.*

20 *OPERATIONAL TEST AND EVALUATION, DEFENSE*

21 *For expenses, not otherwise provided for, necessary for*  
22 *the independent activities of the Director, Operational Test*  
23 *and Evaluation in the direction and supervision of oper-*  
24 *ational test and evaluation, including initial operational*  
25 *test and evaluation which is conducted prior to, and in sup-*

1 *port of, production decisions; joint operational testing and*  
2 *evaluation; and administrative expenses in connection*  
3 *therewith; \$22,587,000, to remain available for obligation*  
4 *until September 30, 1997.*

5 *TITLE V*

6 *REVOLVING AND MANAGEMENT FUNDS*

7 *DEFENSE BUSINESS OPERATIONS FUND*

8 *For the Defense Business Operations Fund;*  
9 *\$1,178,700,000: Provided, That of the funds appropriated*  
10 *under this heading, \$300,000,000 shall be available only to*  
11 *support the national defense missions of the Coast Guard,*  
12 *while operating in conjunction with and in support of the*  
13 *Navy: Provided further, That pursuant to the authorities*  
14 *provided under this heading, the Secretary of the Navy shall*  
15 *make available to the Coast Guard ship and aviation fuel,*  
16 *spare parts, munitions, ship stores, commissary goods, ship*  
17 *and aircraft repair services to ensure the national defense*  
18 *capabilities and preparedness of the Coast Guard.*

19 *NATIONAL DEFENSE SEALIFT FUND*

20 *For National Defense Sealift Fund programs, projects,*  
21 *and activities, and for expenses of the National Defense Re-*  
22 *serve Fleet, as established by section 11 of the Merchant*  
23 *Ship Sales Act of 1946 (50 U.S.C. App. 1774);*  
24 *\$1,024,220,000, to remain available until expended: Pro-*  
25 *vided, That the Secretary of the Navy may obligate not to*

1 *exceed \$110,000,000 from available appropriations to the*  
2 *Navy for the procurement of one additional MPS ship.*

3 *TITLE VI*

4 *OTHER DEPARTMENT OF DEFENSE PROGRAMS*

5 *DEFENSE HEALTH PROGRAM*

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

17 *CHEMICAL AGENTS AND MUNITIONS DESTRUCTION,*

18 *DEFENSE*

19 *For expenses, not otherwise provided for, necessary for*  
20 *the destruction of the United States stockpile of lethal chem-*  
21 *ical agents and munitions in accordance with the provi-*  
22 *sions of section 1412 of the Department of Defense Author-*  
23 *ization Act, 1986 (50 U.S.C. 1521), and for the destruction*  
24 *of other chemical warfare materials that are not in the*  
25 *chemical weapon stockpile, \$631,698,000, of which*



1 \$353,850,000 shall be for Operation and maintenance,  
2 \$224,448,000 shall be for Procurement to remain available  
3 until September 30, 1998, and \$53,400,000 shall be for Re-  
4 search, development, test and evaluation to remain avail-  
5 able until September 30, 1997.

6 DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,  
7 DEFENSE

8 (INCLUDING TRANSFER OF FUNDS)

9 For drug interdiction and counter-drug activities of  
10 the Department of Defense, for transfer to appropriations  
11 available to the Department of Defense for military person-  
12 nel of the reserve components serving under the provisions  
13 of title 10 and title 32, United States Code; for Operation  
14 and maintenance; for Procurement; and for Research, devel-  
15 opment, test and evaluation; \$680,432,000: Provided, That  
16 of the funds provided under this heading, \$5,000,000 shall  
17 be available for conversion of surplus helicopters of the De-  
18 partment of Defense for procurement by State and local gov-  
19 ernments for counter-drug activities: Provided further, That  
20 the funds appropriated by this paragraph shall be available  
21 for obligation for the same time period and for the same  
22 purpose as the appropriation to which transferred: Pro-  
23 vided further, That the transfer authority provided in this  
24 paragraph is in addition to any transfer authority con-  
25 tained elsewhere in this Act.

1                    *OFFICE OF THE INSPECTOR GENERAL*

2            *For expenses and activities of the Office of the Inspec-*  
3 *tor General in carrying out the provisions of the Inspector*  
4 *General Act of 1978, as amended; \$139,226,000, of which*  
5 *\$138,226,000 shall be for Operation and maintenance, of*  
6 *which not to exceed \$400,000 is available for emergencies*  
7 *and extraordinary expenses to be expended on the approval*  
8 *or authority of the Inspector General, and payments may*  
9 *be made on his certificate of necessity for confidential mili-*  
10 *tary purposes; and of which \$1,000,000, to remain available*  
11 *until September 30, 1998, shall be for Procurement.*

12                    *TITLE VII*13                    *RELATED AGENCIES*14                    *CENTRAL INTELLIGENCE AGENCY RETIREMENT AND*15                    *DISABILITY SYSTEM FUND*

16            *For payment to the Central Intelligence Agency Retire-*  
17 *ment and Disability System Fund, to maintain proper*  
18 *funding level for continuing the operation of the Central*  
19 *Intelligence Agency Retirement and Disability System;*  
20 *\$213,900,000.*

21                    *NATIONAL SECURITY EDUCATION TRUST FUND*

22            *For the purposes of title VIII of Public Law 102-183,*  
23 *\$7,500,000, to be derived from the National Security Edu-*  
24 *cation Trust Fund, to remain available until expended.*

1                    *COMMUNITY MANAGEMENT ACCOUNT*

2                    *For necessary expenses of the Community Management*  
3 *Account; \$98,283,000.*

4                    *KAHO'OLAWE ISLAND CONVEYANCE, REMEDIATION, AND*  
5                    *ENVIRONMENTAL RESTORATION TRUST FUND*

6                    *For payment to the Kaho'olawe Island Conveyance,*  
7 *Remediation, and Environmental Restoration Trust Fund,*  
8 *as authorized by law, \$25,000,000, to remain available*  
9 *until expended.*

10                    *TITLE VIII*11                    *GENERAL PROVISIONS*

12                    *SEC. 8001. No part of any appropriation contained*  
13 *in this Act shall be used for publicity or propaganda pur-*  
14 *poses not authorized by the Congress.*

15                    *SEC. 8002. During the current fiscal year, provisions*  
16 *of law prohibiting the payment of compensation to, or em-*  
17 *ployment of, any person not a citizen of the United States*  
18 *shall not apply to personnel of the Department of Defense:*  
19 *Provided, That salary increases granted to direct and indi-*  
20 *rect hire foreign national employees of the Department of*  
21 *Defense funded by this Act shall not be at a rate in excess*  
22 *of the percentage increase authorized by law for civilian*  
23 *employees of the Department of Defense whose pay is com-*  
24 *puted under the provisions of section 5332 of title 5, United*  
25 *States Code, or at a rate in excess of the percentage increase*

1 *provided by the appropriate host nation to its own employ-*  
2 *ees, whichever is higher: Provided further, That this section*  
3 *shall not apply to Department of Defense foreign service*  
4 *national employees serving at United States diplomatic*  
5 *missions whose pay is set by the Department of State under*  
6 *the Foreign Service Act of 1980: Provided further, That the*  
7 *limitations of this provision shall not apply to foreign na-*  
8 *tional employees of the Department of Defense in the Re-*  
9 *public of Turkey.*

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

13 *SEC. 8004. No more than 20 per centum of the appro-*  
14 *priations in this Act which are limited for obligation dur-*  
15 *ing the current fiscal year shall be obligated during the last*  
16 *two months of the fiscal year: Provided, That this section*  
17 *shall not apply to obligations for support of active duty*  
18 *training of reserve components or summer camp training*  
19 *of the Reserve Officers' Training Corps.*

20 *(TRANSFER OF FUNDS)*

21 *SEC. 8005. Upon determination by the Secretary of*  
22 *Defense that such action is necessary in the national inter-*  
23 *est, he may, with the approval of the Office of Management*  
24 *and Budget, transfer not to exceed \$2,400,000,000 of work-*  
25 *ing capital funds of the Department of Defense or funds*  
26 *made available in this Act to the Department of Defense*

1 *for military functions (except military construction) be-*  
2 *tween such appropriations or funds or any subdivision*  
3 *thereof, to be merged with and to be available for the same*  
4 *purposes, and for the same time period, as the appropria-*  
5 *tion or fund to which transferred: Provided, That such au-*  
6 *thority to transfer may not be used unless for higher prior-*  
7 *ity items, based on unforeseen military requirements, than*  
8 *those for which originally appropriated and in no case*  
9 *where the item for which funds are requested has been de-*  
10 *ned by Congress: Provided further, That the Secretary of*  
11 *Defense shall notify the Congress promptly of all transfers*  
12 *made pursuant to this authority or any other authority in*  
13 *this Act: Provided further, That no part of the funds in*  
14 *this Act shall be available to prepare or present a request*  
15 *to the Committees on Appropriations for reprogramming*  
16 *of funds, unless for higher priority items, based on unfore-*  
17 *seen military requirements, than those for which originally*  
18 *appropriated and in no case where the item for which*  
19 *reprogramming is requested has been denied by the Con-*  
20 *gress.*

21 *(TRANSFER OF FUNDS)*

22 *SEC. 8006. During the current fiscal year, cash bal-*  
23 *ances in working capital funds of the Department of De-*  
24 *fense established pursuant to section 2208 of title 10, United*  
25 *States Code, may be maintained in only such amounts as*  
26 *are necessary at any time for cash disbursements to be made*

1 *from such funds: Provided, That transfers may be made be-*  
2 *tween such funds and the “Foreign Currency Fluctuations,*  
3 *Defense” and “Operation and Maintenance” appropriation*  
4 *accounts in such amounts as may be determined by the Sec-*  
5 *retary of Defense, with the approval of the Office of Manage-*  
6 *ment and Budget, except that such transfers may not be*  
7 *made unless the Secretary of Defense has notified the Con-*  
8 *gress of the proposed transfer. Except in amounts equal to*  
9 *the amounts appropriated to working capital funds in this*  
10 *Act, no obligations may be made against a working capital*  
11 *fund to procure or increase the value of war reserve mate-*  
12 *rial inventory, unless the Secretary of Defense has notified*  
13 *the Congress prior to any such obligation.*

14 *SEC. 8007. Using funds available by this Act or any*  
15 *other Act, the Secretary of the Air Force, pursuant to a*  
16 *determination under section 2690 of title 10, United States*  
17 *Code, may implement cost-effective agreements for required*  
18 *heating facility modernization in the Kaiserslautern Mili-*  
19 *tary Community in the Federal Republic of Germany: Pro-*  
20 *vided, That in the City of Kaiserslautern such agreements*  
21 *will include the use of United States anthracite as the base*  
22 *load energy for municipal district heat to the United States*  
23 *Defense installations: Provided further, That at Landstuhl*  
24 *Army Regional Medical Center and Ramstein Air Base,*  
25 *furnished heat may be obtained from private, regional or*

1 *municipal services, if provisions are included for the con-*  
2 *sideration of United States coal as an energy source: Pro-*  
3 *vided further, That none of the funds available to the De-*  
4 *partment of Defense in this Act shall be used by the Sec-*  
5 *retary of a military department to purchase coal or coke*  
6 *from foreign nations for use at United States defense facili-*  
7 *ties in Europe when coal from the United States is avail-*  
8 *able.*

9 *SEC. 8008. Funds appropriated by this Act may not*  
10 *be used to initiate a special access program without prior*  
11 *notification 30 calendar days in session in advance to the*  
12 *Committees on Appropriations, Armed Services, and Na-*  
13 *tional Security of the Senate and House of Representatives.*

14 *SEC. 8009. None of the funds contained in this Act*  
15 *available for the Civilian Health and Medical Program of*  
16 *the Uniformed Services shall be available for payments to*  
17 *physicians and other authorized individual health care pro-*  
18 *viders in excess of the amounts allowed in fiscal year 1994*  
19 *for similar services, except that: (a) for services for which*  
20 *the Secretary of Defense determines an increase is justified*  
21 *by economic circumstances, the allowable amounts may be*  
22 *increased in accordance with appropriate economic index*  
23 *data similar to that used pursuant to title XVIII of the*  
24 *Social Security Act; and (b) for services the Secretary deter-*  
25 *mines are overpriced based on allowable payments under*

1 *title XVIII of the Social Security Act, the allowable*  
2 *amounts shall be reduced by not more than 15 percent (ex-*  
3 *cept that the reduction may be waived if the Secretary de-*  
4 *termines that it would impair adequate access to health*  
5 *care services for beneficiaries). The Secretary shall solicit*  
6 *public comment prior to promulgating regulations to imple-*  
7 *ment this section. Such regulations shall include a limita-*  
8 *tion, similar to that used under title XVIII of the Social*  
9 *Security Act, on the extent to which a provider may bill*  
10 *a beneficiary an actual charge in excess of the allowable*  
11 *amount.*

12       *SEC. 8010. None of the funds provided in this Act shall*  
13 *be available to initiate (1) a multiyear contract that em-*  
14 *ployes economic order quantity procurement in excess of*  
15 *\$20,000,000 in any one year of the contract or that includes*  
16 *an unfunded contingent liability in excess of \$20,000,000,*  
17 *or (2) a contract for advance procurement leading to a*  
18 *multiyear contract that employs economic order quantity*  
19 *procurement in excess of \$20,000,000 in any one year, un-*  
20 *less the Committees on Appropriations and Armed Services*  
21 *of the Senate and House of Representatives have been noti-*  
22 *fied at least thirty days in advance of the proposed contract*  
23 *award: Provided, That no part of any appropriation con-*  
24 *tained in this Act shall be available to initiate a multiyear*  
25 *contract for which the economic order quantity advance*



1 *procurement is not funded at least to the limits of the Gov-*  
2 *ernment's liability: Provided further, That no part of any*  
3 *appropriation contained in this Act shall be available to*  
4 *initiate multiyear procurement contracts for any systems*  
5 *or component thereof if the value of the multiyear contract*  
6 *would exceed \$500,000,000 unless specifically provided in*  
7 *this Act: Provided further, That no multiyear procurement*  
8 *contract can be terminated without 10-day prior notifica-*  
9 *tion to the Committees on Appropriations and Armed Serv-*  
10 *ices of the House of Representatives and the Senate: Pro-*  
11 *vided further, That the execution of multiyear authority*  
12 *shall require the use of a present value analysis to deter-*  
13 *mine lowest cost compared to an annual procurement.*

14 *Funds appropriated in title III of this Act may be*  
15 *used for multiyear procurement contracts as follows:*

16 *UH-60 Blackhawk helicopter;*

17 *Apache Longbow helicopter; and*

18 *M1A2 tank upgrade.*

19 *SEC. 8011. Within the funds appropriated for the oper-*  
20 *ation and maintenance of the Armed Forces, funds are here-*  
21 *by appropriated pursuant to section 401 of title 10, United*  
22 *States Code, for humanitarian and civic assistance costs*  
23 *under chapter 20 of title 10, United States Code. Such funds*  
24 *may also be obligated for humanitarian and civic assist-*  
25 *ance costs incidental to authorized operations and pursuant*

1 to authority granted in section 401 of chapter 20 of title  
2 10, United States Code, and these obligations shall be re-  
3 ported to Congress on September 30 of each year: Provided,  
4 That funds available for operation and maintenance shall  
5 be available for providing humanitarian and similar assist-  
6 ance by using Civic Action Teams in the Trust Territories  
7 of the Pacific Islands and freely associated states of Micro-  
8 nesia, pursuant to the Compact of Free Association as  
9 authorized by Public Law 99-239: Provided further, That  
10 upon a determination by the Secretary of the Army that  
11 such action is beneficial for graduate medical education  
12 programs conducted at Army medical facilities located in  
13 Hawaii, the Secretary of the Army may authorize the pro-  
14 vision of medical services at such facilities and transpor-  
15 tation to such facilities, on a nonreimbursable basis, for ci-  
16 vilian patients from American Samoa, the Commonwealth  
17 of the Northern Mariana Islands, the Marshall Islands, the  
18 Federated States of Micronesia, Palau, and Guam.

19 *SEC. 8012. None of the funds provided in this Act shall*  
20 *be available either to return any IOWA Class Battleships*  
21 *to the Naval Register, or to retain the logistical support*  
22 *necessary for support of any IOWA Class Battleships in*  
23 *active service.*

24 *SEC. 8013. (a) The provisions of section 115(a)(4) of*  
25 *title 10, United States Code, shall not apply with respect*

1 to fiscal year 1996 or with respect to the appropriation of  
2 funds for that year.

3 (b) During fiscal year 1996, the civilian personnel of  
4 the Department of Defense may not be managed on the basis  
5 of any end-strength, and the management of such personnel  
6 during that fiscal year shall not be subject to any constraint  
7 or limitation (known as an end-strength) on the number  
8 of such personnel who may be employed on the last day  
9 of such fiscal year.

10 (c) The fiscal year 1997 budget request for the Depart-  
11 ment of Defense as well as all justification material and  
12 other documentation supporting the fiscal year 1997 De-  
13 partment of Defense budget request shall be prepared and  
14 submitted to the Congress as if subsections (a) and (b) of  
15 this provision were effective with regard to fiscal year 1996.

16 SEC. 8014. Notwithstanding any other provision of  
17 law, none of the funds made available by this Act shall be  
18 used by the Department of Defense to exceed, outside the  
19 fifty United States, its territories, and the District of Co-  
20 lumbia, 125,000 civilian workyears: Provided, That  
21 workyears shall be applied as defined in the Federal Person-  
22 nel Manual: Provided further, That workyears expended in  
23 dependent student hiring programs for disadvantaged  
24 youths shall not be included in this workyear limitation.

1       *SEC. 8015. None of the funds made available by this*  
2 *Act shall be used in any way, directly or indirectly, to in-*  
3 *fluence congressional action on any legislation or appro-*  
4 *priation matters pending before the Congress.*

5       *SEC. 8016. None of the funds appropriated by this Act,*  
6 *during the current fiscal year and hereafter, shall be obli-*  
7 *gated for the pay of any individual who is initially em-*  
8 *ployed after the date of enactment of this Act as a techni-*  
9 *cian in the administration and training of the Army Re-*  
10 *serve and the maintenance and repair of supplies issued*  
11 *to the Army Reserve unless such individual is also a mili-*  
12 *tary member of the Army Reserve troop program unit that*  
13 *he or she is employed to support. Those technicians em-*  
14 *ployed by the Army Reserve in areas other than Army Re-*  
15 *serve troop program units need only be members of the Se-*  
16 *lected Reserve.*

17       *SEC. 8017. Notwithstanding any other provision of*  
18 *law, during the current fiscal year and hereafter, the Sec-*  
19 *retaries of the Army and Air Force may authorize the reten-*  
20 *tion in an active status until age sixty of any person who*  
21 *would otherwise be removed from an active status and who*  
22 *is employed as a National Guard or Reserve technician in*  
23 *a position in which active status in a reserve component*  
24 *of the Army or Air Force is required as a condition of that*  
25 *employment.*

1        *SEC. 8018. (a) None of the funds appropriated by this*  
2 *Act shall be used to make contributions to the Department*  
3 *of Defense Education Benefits Fund pursuant to section*  
4 *2006(g) of title 10, United States Code, representing the*  
5 *normal cost for future benefits under section 1415(c) of title*  
6 *38, United States Code, for any member of the armed serv-*  
7 *ices who, on or after the date of enactment of this Act—*  
8            *(1) enlists in the armed services for a period of*  
9            *active duty of less than three years; or*  
10           *(2) receives an enlistment bonus under section*  
11           *308a or 308f of title 37, United States Code,*  
12 *nor shall any amounts representing the normal cost of such*  
13 *future benefits be transferred from the Fund by the Sec-*  
14 *retary of the Treasury to the Secretary of Veterans Affairs*  
15 *pursuant to section 2006(d) of title 10, United States Code;*  
16 *nor shall the Secretary of Veterans Affairs pay such benefits*  
17 *to any such member: Provided, That, in the case of a mem-*  
18 *ber covered by clause (1), these limitations shall not apply*  
19 *to members in combat arms skills or to members who enlist*  
20 *in the armed services on or after July 1, 1989, under a*  
21 *program continued or established by the Secretary of De-*  
22 *fense in fiscal year 1991 to test the cost-effective use of spe-*  
23 *cial recruiting incentives involving not more than nineteen*  
24 *noncombat arms skills approved in advance by the Sec-*

1 *retary of Defense: Provided further, That this subsection ap-*  
2 *plies only to active components of the Army.*

3 *(b) None of the funds appropriated by this Act shall*  
4 *be available for the basic pay and allowances of any mem-*  
5 *ber of the Army participating as a full-time student and*  
6 *receiving benefits paid by the Secretary of Veterans Affairs*  
7 *from the Department of Defense Education Benefits Fund*  
8 *when time spent as a full-time student is credited toward*  
9 *completion of a service commitment: Provided, That this*  
10 *subsection shall not apply to those members who have reen-*  
11 *listed with this option prior to October 1, 1987: Provided*  
12 *further, That this subsection applies only to active compo-*  
13 *nents of the Army.*

14 *SEC. 8019. Funds appropriated in this Act shall be*  
15 *available for the payment of not more than 75 percent of*  
16 *the charges of a postsecondary educational institution for*  
17 *the tuition or expenses of an officer in the Ready Reserve*  
18 *of the Army National Guard or Army Reserve for education*  
19 *or training during his off-duty periods, except that no part*  
20 *of the charges may be paid unless the officer agrees to re-*  
21 *main a member of the Ready Reserve for at least four years*  
22 *after completion of such training or education.*

23 *SEC. 8020. None of the funds appropriated by this Act*  
24 *shall be available to convert to contractor performance an*  
25 *activity or function of the Department of Defense that, on*

1 *or after the date of enactment of this Act, is performed by*  
2 *more than ten Department of Defense civilian employees*  
3 *until a most efficient and cost-effective organization analy-*  
4 *sis is completed on such activity or function and certifi-*  
5 *cation of the analysis is made to the Committees on Appro-*  
6 *priations of the House of Representatives and the Senate:*  
7 *Provided, That this section shall not apply to a commercial*  
8 *or industrial type function of the Department of Defense*  
9 *that: (1) is included on the procurement list established pur-*  
10 *suant to section 2 of the Act of June 25, 1938 (41 U.S.C.*  
11 *47), popularly referred to as the Javits-Wagner-O'Day Act;*  
12 *(2) is planned to be converted to performance by a qualified*  
13 *nonprofit agency for the blind or by a qualified nonprofit*  
14 *agency for other severely handicapped individuals in ac-*  
15 *cordance with that Act; or (3) is planned to be converted*  
16 *to performance by a qualified firm under 51 percent Native*  
17 *American ownership.*

18 *SEC. 8021. Notwithstanding any other provision of*  
19 *law, the Secretary of the Navy may use funds appropriated*  
20 *to charter ships to be used as auxiliary minesweepers pro-*  
21 *viding that the owner agrees that these ships may be acti-*  
22 *vated as Navy Reserve ships with Navy Reserve crews used*  
23 *in training exercises conducted in accordance with law and*  
24 *policies governing Naval Reserve forces.*

1        *SEC. 8022. For the purposes of the Balanced Budget*  
2 *and Emergency Deficit Control Act of 1985 (Public Law*  
3 *99-177) as amended by the Balanced Budget and Emer-*  
4 *gency Deficit Control Reaffirmation Act of 1987 (Public*  
5 *Law 100-119) and by the Budget Enforcement Act of 1990*  
6 *(Public Law 101-508), the term program, project, and ac-*  
7 *tivity for appropriations contained in this Act shall be de-*  
8 *fin ed as the most specific level of budget items identified*  
9 *in the Department of Defense Appropriations Act, 1996, the*  
10 *accompanying House and Senate Committee reports, the*  
11 *conference report and accompanying joint explanatory*  
12 *statement of the managers of the Committee of Conference,*  
13 *the related classified annexes and reports, and the P-1 and*  
14 *R-1 budget justification documents as subsequently modi-*  
15 *fied by Congressional action: Provided, That the following*  
16 *exception to the above definition shall apply:*

17        *For the Military Personnel and the Operation and*  
18 *Maintenance accounts, the term “program, project, and ac-*  
19 *tivity” is defined as the appropriations accounts contained*  
20 *in the Department of Defense Appropriations Act: Provided*  
21 *further, That at the time the President submits his budget*  
22 *for fiscal year 1997, the Department of Defense shall trans-*  
23 *mit to the Committees on Appropriations and the Commit-*  
24 *tees on Armed Services of the Senate and the House of Rep-*  
25 *resentatives a budget justification document to be known*



1 as the "O-1" which shall identify, at the budget activity,  
2 activity group, and subactivity group level, the amounts re-  
3 quested by the President to be appropriated to the Depart-  
4 ment of Defense for operation and maintenance in any  
5 budget request, or amended budget request, for fiscal year  
6 1997.

7       *SEC. 8023. Of the funds made available by this Act*  
8 *in title III, Procurement, \$8,000,000, drawn pro rata from*  
9 *each appropriations account in title III, shall be available*  
10 *for incentive payments authorized by section 504 of the In-*  
11 *dian Financing Act of 1974, 25 U.S.C. 1544. These pay-*  
12 *ments shall be available only to contractors which have sub-*  
13 *mitted subcontracting plans pursuant to 15 U.S.C. 637(d),*  
14 *and according to regulations which shall be promulgated*  
15 *by the Secretary of Defense within 90 days of the passage*  
16 *of this Act.*

17       *SEC. 8024. During the current fiscal year, none of the*  
18 *funds available to the Department of Defense may be used*  
19 *to procure or acquire (1) defensive handguns unless such*  
20 *handguns are the M9 or M11 9mm Department of Defense*  
21 *standard handguns, or (2) offensive handguns except for the*  
22 *Special Operations Forces: Provided, That the foregoing*  
23 *shall not apply to handguns and ammunition for marks-*  
24 *manship competitions.*

*(TRANSFER OF FUNDS)*

1  
2       *SEC. 8025. Notwithstanding any other provision of*  
3 *law, the Department of Defense may transfer prior year,*  
4 *unobligated balances and funds appropriated in this Act*  
5 *to the operation and maintenance appropriations for the*  
6 *purpose of providing military technician and Department*  
7 *of Defense medical personnel pay and medical programs*  
8 *(including CHAMPUS) the same exemption from sequestra-*  
9 *tion set forth in the Balanced Budget and Emergency Defi-*  
10 *cit Control Act of 1985 (Public Law 99-177) as amended*  
11 *by the Balanced Budget and Emergency Deficit Control Re-*  
12 *affirmation Act of 1987 (Public Law 100-119) and by the*  
13 *Budget Enforcement Act of 1990 (Public Law 101-508) as*  
14 *that granted the other military personnel accounts: Pro-*  
15 *vided, That any transfer made pursuant to any use of the*  
16 *authority provided by this provision shall be limited so that*  
17 *the amounts reprogrammed to the operation and mainte-*  
18 *nance appropriations do not exceed the amounts sequestered*  
19 *under the Balanced Budget and Emergency Deficit Control*  
20 *Act of 1985 (Public Law 99-177) as amended by the Bal-*  
21 *anced Budget and Emergency Deficit Control Reaffirma-*  
22 *tion Act of 1987 (Public Law 100-119) and by the Budget*  
23 *Enforcement Act of 1990 (Public Law 101-508): Provided*  
24 *further, That the authority to make transfers pursuant to*  
25 *this section is in addition to the authority to make transfers*

1 *under other provisions of this Act: Provided further, That*  
2 *the Secretary of Defense may proceed with such transfer*  
3 *after notifying the Appropriations Committees of the House*  
4 *of Representatives and the Senate twenty calendar days in*  
5 *session before any such transfer of funds under this provi-*  
6 *sion.*

7 *SEC. 8026. None of the funds available to the Depart-*  
8 *ment of the Navy may be used to enter into any contract*  
9 *for the overhaul, repair, or maintenance of any naval vessel*  
10 *homeported on the West Coast of the United States which*  
11 *includes charges for interport differential as an evaluation*  
12 *factor for award.*

13 *SEC. 8027. None of the funds appropriated by this Act*  
14 *available for the Civilian Health and Medical Program of*  
15 *the Uniformed Services (CHAMPUS) shall be available for*  
16 *the reimbursement of any health care provider for inpatient*  
17 *mental health service for care received when a patient is*  
18 *referred to a provider of inpatient mental health care or*  
19 *residential treatment care by a medical or health care pro-*  
20 *fessional having an economic interest in the facility to*  
21 *which the patient is referred: Provided, That this limitation*  
22 *does not apply in the case of inpatient mental health serv-*  
23 *ices provided under the program for the handicapped under*  
24 *subsection (d) of section 1079 of title 10, United States*  
25 *Code, provided as partial hospital care, or provided pursu-*

1 ant to a waiver authorized by the Secretary of Defense be-  
2 cause of medical or psychological circumstances of the pa-  
3 tient that are confirmed by a health professional who is not  
4 a Federal employee after a review, pursuant to rules pre-  
5 scribed by the Secretary, which takes into account the ap-  
6 propriate level of care for the patient, the intensity of serv-  
7 ices required by the patient, and the availability of that  
8 care.

9       *SEC. 8028. Funds available in this Act may be used*  
10 *to provide transportation for the next-of-kin of individuals*  
11 *who have been prisoners of war or missing in action from*  
12 *the Vietnam era to an annual meeting in the United States,*  
13 *under such regulations as the Secretary of Defense may pre-*  
14 *scribe.*

15       *SEC. 8029. Notwithstanding any other provision of*  
16 *law, funds available to the Department of Defense shall be*  
17 *made available to provide transportation of medical sup-*  
18 *plies and equipment, on a nonreimbursable basis, to Amer-*  
19 *ican Samoa: Provided, That notwithstanding any other*  
20 *provision of law, funds available to the Department of De-*  
21 *fense shall be made available to provide transportation of*  
22 *medical supplies and equipment, on a nonreimbursable*  
23 *basis, to the Indian Health Service when it is in conjunc-*  
24 *tion with a civil-military project.*

1        *SEC. 8030. Notwithstanding any other provision of*  
2 *law, during the current fiscal year, the Secretary of Defense*  
3 *may, by Executive Agreement, establish with host nation*  
4 *governments in NATO member states a separate account*  
5 *into which such residual value amounts negotiated in the*  
6 *return of United States military installations in NATO*  
7 *member states may be deposited, in the currency of the host*  
8 *nation, in lieu of direct monetary transfers to the United*  
9 *States Treasury: Provided, That such credits may be uti-*  
10 *lized only for the construction of facilities to support United*  
11 *States military forces in that host nation, or such real prop-*  
12 *erty maintenance and base operating costs that are cur-*  
13 *rently executed through monetary transfers to such host na-*  
14 *tions: Provided further, That the Department of Defense's*  
15 *budget submission for fiscal year 1997 shall identify such*  
16 *sums anticipated in residual value settlements, and identify*  
17 *such construction, real property maintenance or base oper-*  
18 *ating costs that shall be funded by the host nation through*  
19 *such credits: Provided further, That all military construc-*  
20 *tion projects to be executed from such accounts must be pre-*  
21 *viously approved in a prior Act of Congress: Provided fur-*  
22 *ther, That each such Executive Agreement with a NATO*  
23 *member host nation shall be reported to the Committees on*  
24 *Appropriations and Armed Services of the House of Rep-*  
25 *resentatives and the Senate thirty days prior to the conclu-*

1 *sion and endorsement of any such agreement established*  
2 *under this provision.*

3 *SEC. 8031. None of the funds available to the Depart-*  
4 *ment of Defense in this Act shall be used to demilitarize*  
5 *or dispose of more than 310,784 unserviceable M-1 Garand*  
6 *rifles and M-1 Carbines.*

7 *SEC. 8032. Notwithstanding any other provision of*  
8 *law, none of the funds appropriated by this Act shall be*  
9 *available to pay more than 50 percent of an amount paid*  
10 *to any person under section 308 of title 37, United States*  
11 *Code, in a lump sum.*

12 *SEC. 8033. None of the funds appropriated during the*  
13 *current fiscal year and hereafter, may be used by the De-*  
14 *partment of Defense to assign a supervisor's title or grade*  
15 *when the number of people he or she supervises is considered*  
16 *as a basis for this determination: Provided, That savings*  
17 *that result from this provision are represented as such in*  
18 *future budget proposals.*

19 *SEC. 8034. Notwithstanding any other provision of*  
20 *law, each contract awarded by the Department of Defense*  
21 *in fiscal year 1996 for construction or service performed*  
22 *in whole or in part in a State which is not contiguous with*  
23 *another State and has an unemployment rate in excess of*  
24 *the national average rate of unemployment as determined*  
25 *by the Secretary of Labor shall include a provision requir-*

1 *ing the contractor to employ, for the purpose of performing*  
2 *that portion of the contract in such State that is not contig-*  
3 *uous with another State, individuals who are residents of*  
4 *such State and who, in the case of any craft or trade, pos-*  
5 *sess or would be able to acquire promptly the necessary*  
6 *skills: Provided, That the Secretary of Defense may waive*  
7 *the requirements of this section in the interest of national*  
8 *security.*

9 *SEC. 8035. During the current fiscal year, funds ap-*  
10 *propriated or otherwise available for any Federal agency,*  
11 *the Congress, the judicial branch, or the District of Colum-*  
12 *bia may be used for the pay, allowances, and benefits of*  
13 *an employee as defined by section 2105 of title 5 or an indi-*  
14 *vidual employed by the government of the District of Co-*  
15 *lumbia, permanent or temporary indefinite, who—*

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

20 *(2) performs, for the purpose of providing mili-*  
21 *tary aid to enforce the law or providing assistance to*  
22 *civil authorities in the protection or saving of life or*  
23 *property or prevention of injury—*

1           (A) Federal service under section 331, 332,  
2           333, 3500, or 8500 of title 10, or other provision  
3           of law, as applicable, or

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

8           (3) requests and is granted—

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

11          (B) annual leave, which may be granted  
12          without regard to the provisions of sections 5519  
13          and 6323(b) of title 5, if such employee is other-  
14          wise entitled to such annual leave:

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

21          *SEC. 8036. None of the funds appropriated by this Act*  
22          *shall be available to perform any cost study pursuant to*  
23          *the provisions of OMB Circular A-76 if the study being*  
24          *performed exceeds a period of twenty-four months after ini-*  
25          *tiation of such study with respect to a single function activ-*



1 *ity or forty-eight months after initiation of such study for*  
2 *a multi-function activity.*

3 *SEC. 8037. Funds appropriated by this Act for the*  
4 *American Forces Information Service shall not be used for*  
5 *any national or international political or psychological ac-*  
6 *tivities.*

7 *SEC. 8038. Notwithstanding any other provision of*  
8 *law or regulation, the Secretary of Defense may adjust wage*  
9 *rates for civilian employees hired for certain health care*  
10 *occupations as authorized for the Secretary of Veterans Af-*  
11 *fairs by section 7455 of title 38, United States Code.*

12 *SEC. 8039. Of the funds made available in this Act,*  
13 *not less than \$24,197,000 shall be available for the Civil*  
14 *Air Patrol, of which \$14,259,000 shall be available for Op-*  
15 *eration and Maintenance.*

16 *SEC. 8040. None of the funds appropriated or made*  
17 *available in this Act shall be used to reduce or disestablish*  
18 *the operation of the 53rd Weather Reconnaissance Squad-*  
19 *ron of the Air Force Reserve, if such action would reduce*  
20 *the WC-130 Weather Reconnaissance mission below the lev-*  
21 *els funded in this Act.*

22 *SEC. 8041. (a) Of the funds for the procurement of sup-*  
23 *plies or services appropriated by this Act, qualified non-*  
24 *profit agencies for the blind or other severely handicapped*  
25 *shall be afforded the maximum practicable opportunity to*

1 *participate as subcontractors and suppliers in the perform-*  
2 *ance of contracts let by the Department of Defense.*

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

11 *(c) For the purpose of this section, the phrase “quali-*  
12 *fied nonprofit agency for the blind or other severely handi-*  
13 *capped” means a nonprofit agency for the blind or other*  
14 *severely handicapped that has been approved by the Com-*  
15 *mittee for the Purchase from the Blind and Other Severely*  
16 *Handicapped under the Javits-Wagner-O’Day Act (41*  
17 *U.S.C. 46–48).*

18 *SEC. 8042. During the current fiscal year, net receipts*  
19 *pursuant to collections from third party payers pursuant*  
20 *to section 1095 of title 10, United States Code, shall be*  
21 *made available to the local facility of the uniformed services*  
22 *responsible for the collections and shall be over and above*  
23 *the facility’s direct budget amount.*

24 *SEC. 8043. Notwithstanding any other provision of*  
25 *law, of the funds appropriated for the Defense Health Pro-*

1 gram during this fiscal year and hereafter, the amount pay-  
2 able for services provided under this section shall not be  
3 less than the amount calculated under the coordination of  
4 benefits reimbursement formula utilized when CHAMPUS  
5 is a secondary payor to medical insurance programs other  
6 than Medicare, and such appropriations as necessary shall  
7 be available (notwithstanding the last sentence of section  
8 1086(c) of title 10, United States Code) to continue Civilian  
9 Health and Medical Program of the Uniformed Services  
10 (CHAMPUS) benefits, until age 65, under such section for  
11 a former member of a uniformed service who is entitled to  
12 retired or retainer pay or equivalent pay, or a dependent  
13 of such a member, or any other beneficiary described by  
14 section 1086(c) of title 10, United States Code, who becomes  
15 eligible for hospital insurance benefits under part A of title  
16 XVIII of the Social Security Act (42 U.S.C. 1395 et seq.)  
17 solely on the grounds of physical disability, or end stage  
18 renal disease: Provided, That expenses under this section  
19 shall only be covered to the extent that such expenses are  
20 not covered under parts A and B of title XVIII of the Social  
21 Security Act and are otherwise covered under CHAMPUS:  
22 Provided further, That no reimbursement shall be made for  
23 services provided prior to October 1, 1991.

24 SEC. 8044. During the current fiscal year, the Depart-  
25 ment of Defense is authorized to incur obligations of not

1 to exceed \$250,000,000 for purposes specified in section  
2 2350j(c) of title 10, United States Code, in anticipation of  
3 receipt of contributions, only from the Government of Ku-  
4 wait, under that section: Provided, That, upon receipt, such  
5 contributions from the Government of Kuwait shall be cred-  
6 ited to the appropriation or fund which incurred such obli-  
7 gations.

8       *SEC. 8045. None of the unobligated balances available*  
9 *in the National Defense Stockpile Transaction Fund during*  
10 *the current fiscal year may be obligated or expended to fi-*  
11 *nance any grant or contract to conduct research, develop-*  
12 *ment, test and evaluation activities for the development or*  
13 *production of advanced materials, unless amounts for such*  
14 *purposes are specifically appropriated in a subsequent ap-*  
15 *propriations Act.*

16       *SEC. 8046. For the purposes of this Act, the term “con-*  
17 *gressional defense committees” means the National Security*  
18 *Committee of the House of Representatives, the Armed Serv-*  
19 *ices Committee of the Senate, the subcommittee on Defense*  
20 *of the Committee on Appropriations of the Senate, and the*  
21 *Subcommittee on National Security of the Committee on*  
22 *Appropriations of the House of Representatives.*

23       *SEC. 8047. Notwithstanding any other provision of*  
24 *law, during the current fiscal year, the Department of De-*  
25 *fense may acquire the modification, depot maintenance and*

1 *repair of aircraft, vehicles and vessels as well as the produc-*  
2 *tion of components and other Defense-related articles,*  
3 *through competition between Department of Defense depot*  
4 *maintenance activities and private firms: Provided, That*  
5 *the Senior Acquisition Executive of the military depart-*  
6 *ment or defense agency concerned, with power of delegation,*  
7 *shall certify that successful bids include comparable esti-*  
8 *mates of all direct and indirect costs for both public and*  
9 *private bids: Provided further, That Office of Management*  
10 *and Budget Circular A-76 shall not apply to competitions*  
11 *conducted under this section.*

12 *SEC. 8048. None of the funds appropriated by this Act*  
13 *shall be used for the support of any nonappropriated funds*  
14 *activity of the Department of Defense that procures malt*  
15 *beverages and wine with nonappropriated funds for resale*  
16 *(including such alcoholic beverages sold by the drink) on*  
17 *a military installation located in the United States unless*  
18 *such malt beverages and wine are procured within that*  
19 *State, or in the case of the District of Columbia, within*  
20 *the District of Columbia, in which the military installation*  
21 *is located: Provided, That in a case in which the military*  
22 *installation is located in more than one State, purchases*  
23 *may be made in any State in which the installation is lo-*  
24 *cated: Provided further, That such local procurement re-*  
25 *quirements for malt beverages and wine shall apply to all*

1 *alcoholic beverages only for military installations in States*  
2 *which are not contiguous with another State: Provided fur-*  
3 *ther, That alcoholic beverages other than wine and malt bev-*  
4 *erages, in contiguous States and the District of Columbia*  
5 *shall be procured from the most competitive source, price*  
6 *and other factors considered.*

7 *SEC. 8049. Appropriations contained in this Act that*  
8 *remain available at the end of the current fiscal year as*  
9 *a result of energy cost savings realized by the Department*  
10 *of Defense shall remain available for obligation for the next*  
11 *fiscal year to the extent, and for the purposes, provided in*  
12 *section 2865 of title 10, United States Code.*

13 *SEC. 8050. During the current fiscal year, voluntary*  
14 *separation incentives payable under 10 U.S.C. 1175 may*  
15 *be paid in such amounts as are necessary from the assets*  
16 *of the Voluntary Separation Incentive Fund established by*  
17 *section 1175(h)(1).*

18 *(INCLUDING TRANSFER OF FUNDS)*

19 *SEC. 8051. Amounts deposited during the current fis-*  
20 *cal year and hereafter to the special account established*  
21 *under 40 U.S.C. 485(h)(2) and to the special account estab-*  
22 *lished under 10 U.S.C. 2667(d)(1) are appropriated and*  
23 *shall be available until transferred by the Secretary of De-*  
24 *fense to current applicable appropriations or funds of the*  
25 *Department of Defense under the terms and conditions spec-*  
26 *ified by 40 U.S.C. 485(h)(2) (A) and (B) and 10 U.S.C.*

1 2667(d)(1)(B), to be merged with and to be available for  
2 the same time period and the same purposes as the appro-  
3 priation to which transferred.

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

6 *(a) the feasibility of removal and transportation*  
7 *of unitary chemical weapons from the eight chemical*  
8 *storage sites within the continental United States to*  
9 *Johnston Atoll: Provided, That this prohibition shall*  
10 *not apply to General Accounting Office studies re-*  
11 *quested by a Member of Congress or a Congressional*  
12 *Committee; and*

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

19 *SEC. 8053. During the current fiscal year, appropria-*  
20 *tions available to the Department of Defense may be used*  
21 *to reimburse a member of a reserve component of the Armed*  
22 *Forces who is not otherwise entitled to travel and transpor-*  
23 *tation allowances and who occupies transient government*  
24 *housing while performing active duty for training or inac-*  
25 *tive duty training: Provided, That such members may be*

1 *provided lodging in kind if transient government quarters*  
2 *are unavailable as if the member was entitled to such allow-*  
3 *ances under subsection (a) of section 404 of title 37, United*  
4 *States Code: Provided further, That if lodging in kind is*  
5 *provided, any authorized service charge or cost of such lodg-*  
6 *ing may be paid directly from funds appropriated for oper-*  
7 *ation and maintenance of the reserve component of the*  
8 *member concerned.*

9 *SEC. 8054. For fiscal year 1996, the total amount ap-*  
10 *propriated to fund the Uniformed Services Treatment Fa-*  
11 *cilities program, operated pursuant to section 911 of Public*  
12 *Law 97-99 (42 U.S.C. 248c), is limited to \$329,000,000,*  
13 *of which not more than \$300,000,000 may be provided by*  
14 *the funds appropriated by this Act.*

15 *SEC. 8055. Notwithstanding any other provision of*  
16 *law, the Naval shipyards of the United States shall be eligi-*  
17 *ble to participate in any manufacturing extension program*  
18 *financed by funds appropriated in this or any other Act.*

19 *SEC. 8056. During the current fiscal year, amounts*  
20 *contained in the Department of Defense Overseas Military*  
21 *Facility Investment Recovery Account established by section*  
22 *2921(c)(1) of the National Defense Authorization Act of*  
23 *1991 (Public Law 101-510; 10 U.S.C. 2687 note) shall be*  
24 *available until expended for the payments specified by sec-*  
25 *tion 2921(c)(2) of that Act.*



1       *SEC. 8057. During the current fiscal year, annual*  
2 *payments granted under the provisions of section 4416 of*  
3 *the National Defense Authorization Act for Fiscal Year*  
4 *1993 (Public Law 102-428; 106 Stat. 2714) shall be made*  
5 *from appropriations in this Act which are available for the*  
6 *pay of reserve component personnel.*

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

13       *SEC. 8059. None of the funds provided in this Act shall*  
14 *be available for use by a Military Department to modify*  
15 *an aircraft, weapon, ship or other item of equipment, that*  
16 *the Military Department concerned plans to retire or other-*  
17 *wise dispose of within five years after completion of the*  
18 *modification: Provided, That this prohibition shall not*  
19 *apply to safety modifications: Provided further, That this*  
20 *prohibition may be waived by the Secretary of a Military*  
21 *Department if the Secretary determines it is in the best na-*  
22 *tional security interest of the United States to provide such*  
23 *waiver and so notifies the congressional defense committees*  
24 *in writing.*

1        *SEC. 8060. None of the funds appropriated by this Act*  
2 *for programs of the Central Intelligence Agency shall re-*  
3 *main available for obligation beyond the current fiscal year,*  
4 *except for funds appropriated for the Reserve for Contin-*  
5 *gencies, which shall remain available until September 30,*  
6 *1997.*

7        *SEC. 8061. Notwithstanding any other provision of*  
8 *law, funds made available in this Act for the Defense Intel-*  
9 *ligence Agency may be used for the design, development, and*  
10 *deployment of General Defense Intelligence Program intel-*  
11 *ligence communications and intelligence information sys-*  
12 *tems for the Services, the Unified and Specified Commands,*  
13 *and the component commands.*

14        *SEC. 8062. (a) None of the funds appropriated or oth-*  
15 *erwise made available in this Act may be used to transport*  
16 *or provide for the transportation of chemical munitions to*  
17 *the Johnston Atoll for the purpose of storing or demilitariz-*  
18 *ing such munitions.*

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

23        *(c) The President may suspend the application of sub-*  
24 *section (a) during a period of war in which the United*  
25 *States is a party.*

1        *SEC. 8063. Amounts collected for the use of the facili-*  
2 *ties of the National Science Center for Communications and*  
3 *Electronics during the current fiscal year pursuant to sec-*  
4 *tion 1459(g) of the Department of Defense Authorization*  
5 *Act, 1986 and deposited to the special account established*  
6 *under subsection 1459(g)(2) of that Act are appropriated*  
7 *and shall be available until expended for the operation and*  
8 *maintenance of the Center as provided for in subsection*  
9 *1459(g)(2).*

10        *SEC. 8064. None of the funds appropriated in this Act*  
11 *may be expended by an entity of the Department of Defense*  
12 *unless the entity, in expending the funds, complies with the*  
13 *Buy American Act. For purposes of this subsection, the term*  
14 *“Buy American Act” means title III of the Act entitled “An*  
15 *Act making appropriations for the Treasury and Post Of-*  
16 *fice Departments for the fiscal year ending June 30, 1934,*  
17 *and for other purposes”, approved March 3, 1933 (41*  
18 *U.S.C. 10a et seq.).*

19        *SEC. 8065. Of the funds appropriated to the Depart-*  
20 *ment of Defense under the heading “Operation and Mainte-*  
21 *nance, Defense-Wide”, not less than \$8,000,000 shall be*  
22 *made available only for the mitigation of environmental*  
23 *impacts, including training and technical assistance to*  
24 *tribes, related administrative support, the gathering of in-*  
25 *formation, documenting of environmental damage, and de-*

1 *veloping a system for prioritization of mitigation, on In-*  
2 *dian lands resulting from Department of Defense activities.*

3 *SEC. 8066. None of the funds appropriated by this Act*  
4 *shall be available for a contract for studies, analyses, or*  
5 *consulting services entered into without competition on the*  
6 *basis of an unsolicited proposal unless the head of the activ-*  
7 *ity responsible for the procurement determines—*

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

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

16 *(3) the purpose of the contract is to take advan-*  
17 *tage of unique and significant industrial accomplish-*  
18 *ment by a specific concern, or to insure that a new*  
19 *product or idea of a specific concern is given finan-*  
20 *cial support:*

21 *Provided, That this limitation shall not apply to contracts*  
22 *in an amount of less than \$25,000, contracts related to im-*  
23 *provements of equipment that is in development or produc-*  
24 *tion, or contracts as to which a civilian official of the De-*  
25 *partment of Defense, who has been confirmed by the Senate,*

1 *determines that the award of such contract is in the interest*  
2 *of the national defense.*

3 *SEC. 8067. To the extent authorized in law, the Sec-*  
4 *retary of Defense shall issue loan guarantees in support of*  
5 *U.S. defense exports not otherwise provided for: Provided,*  
6 *That the total contingent liability of the United States for*  
7 *guarantees issues under the authority of this section may*  
8 *not exceed \$15,000,000,000: Provided further, That the ex-*  
9 *posure fees charged and collected by the Secretary for each*  
10 *guarantee, shall be paid by the country involved and shall*  
11 *not be financed as part of a loan guaranteed by the United*  
12 *States: Provided further, That the Secretary shall provide*  
13 *quarterly reports to the Committees on Appropriations,*  
14 *Armed Services and Foreign Relations of the Senate and*  
15 *the Committees of Appropriations, National Security and*  
16 *International Relations in the House of Representatives on*  
17 *the implementation of this program.*

18 *SEC. 8068. Funds appropriated by this Act for intel-*  
19 *ligence activities are deemed to be specifically authorized*  
20 *by the Congress for purposes of section 504 of the National*  
21 *Security Act of 1947 (50 U.S.C. 414) during fiscal year*  
22 *1996 until the enactment of the Intelligence Authorization*  
23 *Act for fiscal year 1996.*

24 *SEC. 8069. None of the funds provided in this Act may*  
25 *be obligated or expended for the sale of zinc in the National*

1 *Defense Stockpile if zinc commodity prices decline more*  
2 *than five percent below the London Metals Exchange market*  
3 *price reported on the date of enactment of this Act.*

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

15 *SEC. 8071. Funds appropriated in this Act for oper-*  
16 *ation and maintenance of the Military Departments, Uni-*  
17 *fied and Specified Commands and Defense Agencies shall*  
18 *be available for reimbursement of pay, allowances, and*  
19 *other expenses which would otherwise be incurred against*  
20 *appropriations of the National Guard and Reserve when*  
21 *members of the National Guard and Reserve provide intel-*  
22 *ligence support to Unified Commands, Defense Agencies*  
23 *and Joint Intelligence Activities, including the activities*  
24 *and programs included within the General Defense Intel-*  
25 *ligence Program and the Consolidated Cryptologic Pro-*

1 *gram: Provided, That nothing in this section authorizes de-*  
2 *viation from established Reserve and National Guard per-*  
3 *sonnel and training procedures.*

4 *SEC. 8072. All refunds or other amounts collected in*  
5 *the administration of the Civilian Health and Medical Pro-*  
6 *gram of the Uniformed Services (CHAMPUS) shall be cred-*  
7 *ited to current year appropriations.*

8 *(RESCISSION)*

9 *SEC. 8073. Of the funds provided in Department of*  
10 *Defense Appropriations Acts, the following funds are hereby*  
11 *rescinded from the following accounts in the specified*  
12 *amounts:*

13 *“Procurement of Ammunition, Army, 1993/*  
14 *1995”, \$15,000,000;*

15 *“Aircraft Procurement, Air Force, 1994/1996”,*  
16 *\$53,654,000;*

17 *“Aircraft Procurement, Air Force, 1995/1997”,*  
18 *\$53,100,000;*

19 *“Shipbuilding and Conversion, Navy, 1991/*  
20 *1995”, \$13,570,000;*

21 *“Other Procurement, Navy, 1995/1997”,*  
22 *\$8,600,000;*

23 *“Research, Development, Test and Evaluation,*  
24 *Army, 1994/1995”, \$242,000;*

25 *“Research, Development, Test and Evaluation,*  
26 *Army, 1995/1996”, \$11,156,000;*

1           *“Research, Development, Test and Evaluation,*  
2           *Navy, 1994/1995”*, \$4,416,000;

3           *“Research, Development, Test and Evaluation,*  
4           *Navy, 1995/1996”*, \$10,150,000;

5           *“Research, Development, Test and Evaluation,*  
6           *Air Force, 1994/1995”*, \$46,589,000; and

7           *“Research, Development, Test and Evaluation,*  
8           *Air Force, 1995/1996”*, \$15,767,000.

9           *SEC. 8074. None of the funds in this or any other Act*  
10 *may be used to implement the plan to reorganize the re-*  
11 *gional headquarters and basic camps structure of the Re-*  
12 *serve Officer Training Corps program of the Army until*  
13 *the Comptroller General of the United States has certified*  
14 *to the congressional defense committees that the methodology*  
15 *and evaluation of the potential sites were consistent with*  
16 *the established criteria for the consolidation, that all data*  
17 *used by the Army in the evaluation was accurate and com-*  
18 *plete, and that the conclusions reached are based upon the*  
19 *total costs of the Army’s final plan to establish the Eastern*  
20 *Reserve Officer Training Corps Headquarters at Fort*  
21 *Benning, Georgia: Provided, That all cost, including Mili-*  
22 *tary Construction, shall be considered as well as an analysis*  
23 *of the impact of the consolidation on the surrounding com-*  
24 *munities for all affected installations.*



1       *SEC. 8075. During the current fiscal year, the mini-*  
2 *imum number of personnel employed as military reserve*  
3 *technicians (as defined in section 8401(30) of title 5, United*  
4 *States Code) for reserve components as of the last day of*  
5 *the fiscal year shall be as follows:*

6               *For the Army National Guard, 25,750;*

7               *For the Army Reserve, 7,000;*

8               *For the Air National Guard, 23,250; and*

9               *For the Air Force Reserve, 10,000:*

10 *Provided, That in addition to funds provided elsewhere in*  
11 *this Act, the following amounts are appropriated to the fol-*  
12 *lowing accounts only for the pay of military reserve techni-*  
13 *cians (as defined in section 8401(30) of title 5, United*  
14 *States Code):*

15               *Operation and Maintenance, Army Reserve,*  
16 *\$24,822,000;*

17               *Operation and Maintenance, Air Force Reserve,*  
18 *\$12,800,000;*

19               *Operation and Maintenance, Army National*  
20 *Guard, \$27,628,000; and*

21               *Operation and Maintenance, Air National*  
22 *Guard, \$30,800,000.*

23       *SEC. 8076. None of the funds appropriated or other-*  
24 *wise made available in this Act may be obligated or ex-*  
25 *pended for assistance to or programs in the Democratic*

1 *People's Republic of North Korea unless specifically appro-*  
2 *priated for that purpose: Provided, That the Secretary of*  
3 *Defense and the Secretaries of the military services must*  
4 *notify the congressional defense committees within 24 hours*  
5 *of any obligation, transfer, or expenditure of funds in excess*  
6 *of \$500,000 pursuant to authorities granted for emergency*  
7 *and extraordinary requirements provided in title II of this*  
8 *Act.*

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

15 *(b) LIMITATION ON COMPENSATION.—No member of a*  
16 *Board of Directors, Trustees, Overseers, Advisory Group,*  
17 *Special Issues Panel, Visiting Committee, or any similar*  
18 *entity of a defense FFRDC, and no paid consultant to any*  
19 *defense FFRDC, may be compensated for his or her services*  
20 *as a member of such entity, or as a paid consultant, except*  
21 *under the same conditions, and to the same extent, as mem-*  
22 *bers of the Defense Science Board: Provided, That a member*  
23 *of any such entity referred to previously in this subsection*  
24 *shall be allowed travel expenses and per diem as authorized*

1 *under the Federal Joint Travel Regulations, when engaged*  
2 *in the performance of membership duties.*

3 *(c) Notwithstanding any other provision of law, none*  
4 *of the funds available to the Department of Defense from*  
5 *any source during fiscal year 1996 may be used by a defense*  
6 *FFRDC, through a fee or other payment mechanism, for*  
7 *charitable contributions, for construction of new buildings,*  
8 *for payment of cost sharing for projects funded by govern-*  
9 *ment grants, or for absorption of contract overruns.*

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

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

22 *(TRANSFER OF FUNDS)*

23 *SEC. 8079. Upon enactment of this Act, the Secretary*  
24 *of Defense shall make the following transfers of funds: Pro-*  
25 *vided, That the amounts transferred shall be available for*  
26 *the same purposes as the appropriations to which trans-*

1 *ferred, and for the same time period as the appropriation*  
2 *from which transferred: Provided further, That the amounts*  
3 *shall be transferred between the following appropriations in*  
4 *the amount specified:*

5 *From:*

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

8 *SSN-688 attack submarine program,*  
9 *\$5,051,000;*

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

11 *BB battleship reactivation, \$4,000,000;*

12 *T-AGOS SURTASS ship program,*  
13 *\$2,135,000;*

14 *LCAC landing craft air cushion program,*  
15 *\$4,800,000;*

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

18 *Weapons Procurement, Navy, 1994/1996,*  
19 *\$30,900,000;*

20 *Other Procurement, Navy, 1994/1996,*  
21 *\$9,200,000;*

22 *Aircraft procurement, Navy, 1994/1996,*  
23 *\$2,056,000;*

24 *To:*

1           Under the heading, “Shipbuilding and Conver-  
2           sion, Navy, 1986/1990”:

3                   MSH coastal mine hunter program,  
4                   \$69,302,000;

5           From:

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

8                   SSN-688 attack submarine program,  
9                   \$1,500,000;

10          To:

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

13                   T-ACS auxiliary crane ship program,  
14                   \$1,500,000;

15          From:

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

18                   SSN-688 attack submarine program,  
19                   \$23,535,000;

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

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

22          To:

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

1            *SSN-21 attack submarine program,*  
2            *\$65,886,000;*

3            *MHC coastal mine hunter program,*  
4            *\$30,318,000;*

5            *From:*

6            *Under the heading, "Shipbuilding and Conver-*  
7            *sion, Navy, 1990/1994":*

8            *SSN-688 attack submarine program,*  
9            *\$1,907,000;*

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

11           *For craft, outfitting and post delivery,*  
12           *\$3,900,000;*

13           *Aircraft Procurement, Navy, 1994/1996,*  
14           *\$17,944,000;*

15           *Procurement of Ammunition, Navy and*  
16           *Marine Corps, 1995/1997, \$5,116,000;*

17           *To:*

18           *Under the heading, "Shipbuilding and Conver-*  
19           *sion, Navy, 1990/1994":*

20           *MHC coastal mine hunter, \$9,536,000;*

21           *T-AGOS surveillance ship program,*  
22           *\$42,000,000;*

23           *From:*

24           *Under the heading, "Shipbuilding and Conver-*  
25           *sion, Navy, 1991/1995":*

1           *SSN-21 attack submarine program,*  
2           *\$18,330,000;*

3       *To:*

4           *Under the heading, "Shipbuilding and Conver-*  
5           *sion, Navy, 1991/1995":*

6           *LHD-1 amphibious assault ship program,*  
7           *\$6,178,000;*

8           *MHC coastal mine hunter program,*  
9           *\$12,152,000;*

10       *From:*

11           *Under the heading, "Shipbuilding and Conver-*  
12           *sion, Navy, 1992/1996":*

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

14           *For craft, outfitting, post delivery, and*  
15           *DBOF transfer, \$9,675,000;*

16           *For escalation, \$3,347,000;*

17           *Weapons Procurement, Navy, 1995/1997,*  
18           *\$7,500,000;*

19           *Procurement, Marine Corps, 1995/1997,*  
20           *\$378,000;*

21           *Other Procurement, Navy, 1995/1997,*  
22           *\$355,000;*

23           *Aircraft Procurement, Navy, 1995/1997,*  
24           *\$3,600,000;*

1            *Research, Development, Test and Evalua-*  
2            *tion, Navy, 1995/1996, \$5,600,000;*

3            *To:*

4            *Under the heading, "Shipbuilding and Conver-*  
5            *sion, Navy, 1992/1996":*

6            *MHC coastal mine hunter program,*  
7            *\$35,770,000;*

8            *From:*

9            *Under the heading, "Shipbuilding and Conver-*  
10           *sion, Navy, 1993/1997":*

11           *LSD-41 cargo variant ship program,*  
12           *\$1,600,000;*

13           *For craft, outfitting, post delivery, and first*  
14           *destination transportation, and inflation adjust-*  
15           *ments, \$5,627,000;*

16           *Procurement of Ammunition, Navy and*  
17           *Marine Corps, 1995/1997, \$1,784,000;*

18           *Other Procurement, Navy, 1995/1997,*  
19           *\$645,000.*

20           *To:*

21           *Under the heading, "Shipbuilding and Conver-*  
22           *sion, Navy, 1993/1997":*

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

24           *AOE combat support ship program,*  
25           *\$2,300,000;*



1        *From:*

2                *Under the heading, “Shipbuilding and Conver-*  
3                *sion, Navy, 1994/1998”:*

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

5                *Under the heading, “Shipbuilding and Conver-*  
6                *sion, Navy, 1995/1999”:*

7                        *Nuclear submarine main steam condensor*  
8                        *industrial base, \$900,000;*

9        *To:*

10                *Under the heading, “Shipbuilding and Conver-*  
11                *sion, Navy, 1994/1998”:*

12                        *LHD program, \$6,200,000.*

13        *SEC. 8080. The Department shall include, in the oper-*  
14        *ation of TRICARE Regions 7/8, a region-wide wraparound*  
15        *care package that requires providers of residential treat-*  
16        *ment services to share financial risk through case rate reim-*  
17        *bursement, to include planning and individualized wrap-*  
18        *around services to prevent recidivism.*

19        *SEC. 8081. None of the funds available to the Depart-*  
20        *ment of Defense shall be available to make progress pay-*  
21        *ments based on costs to large business concerns at rates*  
22        *lower than 85 percent on contract solicitations issued after*  
23        *enactment of this Act.*

1       *SEC. 8082. Notwithstanding any other provision of*  
2 *law, the Department of Defense shall execute payment in*  
3 *not more than 24 days after receipt of a proper invoice.*

4       *SEC. 8083. Funds provided in title II of this Act for*  
5 *real Property Maintenance may be obligated and expended*  
6 *for the renovation, refurbishment and modernization of*  
7 *bachelor enlisted living quarters up to a level of \$1,000,000*  
8 *per facility project.*

9       *SEC. 8084. None of the funds appropriated by this Act*  
10 *may be used to carry out the ship depot maintenance solici-*  
11 *tation policy issued by the Secretary of the Navy in a*  
12 *memorandum dated 16 June 1995.*

13       *SEC. 8085. None of the funds appropriated by this Act*  
14 *may be used for the procurement of ball and roller bearings*  
15 *other than those produced by a domestic source and of do-*  
16 *mestic origin.*

17       *SEC. 8086. None of the funds appropriated or other-*  
18 *wise made available under this Act may be used for the*  
19 *destruction of pentaborane currently stored at Edwards Air*  
20 *Force Base, California, until the Secretary of Energy cer-*  
21 *tifies to the congressional defense committees that the Sec-*  
22 *retary does not intend to use the pentaborane or the by-*  
23 *products of such destruction at the Idaho National Engi-*  
24 *neering Laboratory for—*

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

3           (2) *as a source of raw materials for boron drugs*  
4           *for Boron Neutron Capture Therapy.*

5           *SEC. 8087. (a) ENERGY SAVINGS AT FEDERAL FACILI-*  
6           *TIES.—The head of each agency for which funds are made*  
7           *available under this Act shall take all actions necessary to*  
8           *achieve during fiscal year 1996 a 5 percent reduction, from*  
9           *fiscal year 1995 levels, in the energy costs of the facilities*  
10          *used by the agency.*

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

16                (1) *CONSERVATION MEASURES.—Fifty percent of*  
17                *the amount shall remain available for the implemen-*  
18                *tation of additional energy conservation measures*  
19                *and for water conservation measures at such facilities*  
20                *used by the agency as are designated by the head of*  
21                *the agency.*

22                (2) *OTHER PURPOSES.—Fifty percent of the*  
23                *amount shall remain available for use by the agency*  
24                *for such purposes as are designated by the head of the*  
25                *agency, consistent with applicable law.*

1       (c) *REPORT.*—

2           (1) *IN GENERAL.*—Not later than December 31,  
3       1996, the head of each agency described in subsection  
4       (a) shall submit a report to Congress specifying the  
5       results of the actions taken under subsection (a) and  
6       providing any recommendations concerning how to  
7       further reduce energy costs and energy consumption  
8       in the future.

9           (2) *CONTENTS.*—Each report shall—

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

12           (B) identify the reductions achieved; and

13           (C) specify the actions that resulted in the  
14       reductions.

15       *SEC. 8088. (a)(1) Not later than October 1, 1995, the*  
16       *Secretary of Defense shall require that each disbursement*  
17       *by the Department of Defense in an amount in excess of*  
18       *\$1,000,000 be matched to a particular obligation before the*  
19       *disbursement is made.*

20           (2) *Not later than September 30, 1996, the Secretary*  
21       *of Defense shall require that each disbursement by the De-*  
22       *partment of Defense in an amount in excess of \$500,000*  
23       *be matched to a particular obligation before the disburse-*  
24       *ment is made.*

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

6           (c) *The Secretary of Defense may waive a requirement*  
7 *for advance matching of a disbursement of the Department*  
8 *of Defense with a particular obligation in the case of (1)*  
9 *a disbursement involving deployed forces, (2) a disburse-*  
10 *ment for an operation in a war declared by Congress or*  
11 *a national emergency declared by the President or Congress,*  
12 *or (3) a disbursement under any other circumstances for*  
13 *which the waiver is necessary in the national security inter-*  
14 *ests of the United States, as determined by the Secretary*  
15 *and certified by the Secretary to the congressional defense*  
16 *committees.*

17           (d) *This section shall not be construed to limit the au-*  
18 *thority of the Secretary of Defense to require that a dis-*  
19 *bursement not in excess of the amount applicable under sub-*  
20 *section (a) be matched to a particular obligation before the*  
21 *disbursement is made.*

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

1       (b) *The amount of the limitation set forth in subsection*  
2 *(a) is increased after fiscal year 1995 by the following*  
3 *amounts:*

4           (1) *The amounts of outfitting costs and post-de-*  
5 *livery costs incurred for the submarines referred to in*  
6 *such subsection.*

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

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

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

13       *None of the funds provided in this Act may be obli-*  
14 *gated for payment on new contracts on which allowable*  
15 *costs charged to the government include payments for indi-*  
16 *vidual compensation at a rate in excess of \$250,000 per*  
17 *year.*

18       *SEC. 8091. None of the funds available to the Depart-*  
19 *ment of Defense during fiscal year 1996 may be obligated*  
20 *or expended to support or finance the activities of the De-*  
21 *fense Policy Advisory Committee on Trade.*

1 **SEC. 8092. PROHIBITION OF PAY AND ALLOWANCES FOR**  
2 **MILITARY PERSONNEL CONVICTED OF SERI-**  
3 **OUS CRIMES.**

4 (a) *Notwithstanding any other provision of law, none*  
5 *of the funds appropriated by this Act shall be obligated for*  
6 *the pay or allowances of any member of the Armed Forces*  
7 *who has been sentenced by a court-martial to any sentence*  
8 *that includes confinement for one year or more, death, dis-*  
9 *honorable discharge, bad-conduct discharge, or dismissal*  
10 *during any period of confinement or parole.*

11 (b) *In a case involving an accused who has dependents,*  
12 *the convening authority or other person acting under title*  
13 *10, section 860, may waive any or all of the forfeitures of*  
14 *pay and allowances required by subsection (a) for a period*  
15 *not to exceed six months. Any amount of pay or allowances*  
16 *that, except for a waiver under this subsection, would be*  
17 *forfeited shall be paid, as the convening authority or other*  
18 *person taking action directs, to the dependents of the ac-*  
19 *cused.*

20 (c) *If the sentence of a member who forfeits pay and*  
21 *allowances under subsection (a) is set aside or disapproved*  
22 *or, as finally approved, does not provide for a punishment*  
23 *referred to in subsection (a), the member shall be paid the*  
24 *pay and allowances which the member would have been*  
25 *paid, except for the forfeiture, for the period during which*  
26 *the forfeiture was in effect.*

1       *SEC. 8093. None of the funds made available in this*  
2 *Act under the heading “Procurement of Ammunition,*  
3 *Army” may be obligated or expended for the procurement*  
4 *of munitions unless such acquisition fully complies with the*  
5 *Competition in Contracting Act.*

6       *SEC. 8094. Six months after the date of enactment of*  
7 *this Act the General Accounting Office shall report to the*  
8 *Committees on Appropriations of the Senate and the House*  
9 *of Representatives on any changes in Department of Defense*  
10 *commissary access policy, including providing reservists*  
11 *additional or new privileges, and addressing the financial*  
12 *impact on the commissaries as a result of any policy*  
13 *changes.*

14       *SEC. 8095. The Secretary of Defense shall develop and*  
15 *provide to the congressional defense committees an Elec-*  
16 *tronic Combat Master Plan to establish an optimum infra-*  
17 *structure for electronic combat assets no later than March*  
18 *31, 1996.*

19       *SEC. 8096. The Secretary of Defense and the Secretary*  
20 *of the Army shall reconsider the decision not to include the*  
21 *infantry military occupational specialty among the mili-*  
22 *tary skills and specialties for which special pays are pro-*  
23 *vided under the Selected Reserve Incentive Program.*



1 **SEC. 8097. INTERIM LEASES OF PROPERTY APPROVED FOR**  
2 **CLOSURE OR REALIGNMENT.**

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

5 *“(4)(A) Notwithstanding the National Environmental*  
6 *Policy Act of 1969 (42 U.S.C. 4321 et seq.), the scope of*  
7 *any environmental impact analysis necessary to support an*  
8 *interim lease of property under this subsection shall be lim-*  
9 *ited to the environmental consequences of activities author-*  
10 *ized under the proposed lease and the cumulative impacts*  
11 *of other past, present, and reasonably foreseeable future ac-*  
12 *tions during the period of the proposed lease.*

13 *“(B) Interim leases entered into under this subsection*  
14 *shall be deemed not to prejudice the final property disposal*  
15 *decision, even if final property disposal may be delayed*  
16 *until completion of the interim lease term. An interim lease*  
17 *under this subsection shall not be entered into without prior*  
18 *consultation with the redevelopment authority concerned.*

19 *“(C) The provisions of subparagraphs (A) and (B)*  
20 *shall not apply to an interim lease under this subsection*  
21 *if authorized activities under the lease would—*

22 *“(i) significantly effect the quality of the human*  
23 *environment; or*

24 *“(ii) irreversibly alter the environment in a way*  
25 *that would preclude any reasonable disposal alter-*  
26 *native of the property concerned.”.*

1        *SEC. 8098. (a) If, on February 18, 1996, the Secretary*  
2 *of the Navy has not certified in writing to the Committees*  
3 *on Appropriations of the Senate and the House of Rep-*  
4 *resentatives that—*

5            *(1) the Secretary has restructured the new attack*  
6 *submarine program to provide for—*

7            *(A) procurement of the lead vessel under the*  
8 *program from General Dynamics Corporation*  
9 *Electric Boat Division (hereafter in this section*  
10 *referred to as “Electric Boat Division”) begin-*  
11 *ning in fiscal year 1998 (subject to the price of-*  
12 *fered by Electric Boat Division being determined*  
13 *fair and reasonable by the Secretary),*

14            *(B) procurement of the second vessel under*  
15 *the program from Newport News Shipbuilding*  
16 *and Drydock Company beginning in fiscal year*  
17 *1999 (subject to the price offered by Newport*  
18 *News Shipbuilding and Drydock Company being*  
19 *determined fair and reasonable by the Sec-*  
20 *retary), and*

21            *(C) procurement of other vessels under the*  
22 *program under one or more contracts that are*  
23 *entered into after competition between Electric*  
24 *Boat Division and Newport News Shipbuilding*  
25 *and Drydock Company for which the Secretary*

1           *shall solicit competitive proposals and award the*  
2           *contract or contracts on the basis of price, and*  
3           *(2) the Secretary has directed, as set forth in de-*  
4           *tail in such certification that—*

5                   *(A) no action is to be taken to terminate or*  
6                   *to fail to extend either the existing Planning*  
7                   *Yard contract for the Trident class submarines*  
8                   *or the existing Planning Yard contract for the*  
9                   *SSN-688 Los Angeles class submarines except by*  
10                  *reason of a breach of contract by the contractor*  
11                  *or an insufficiency of appropriations,*

12                   *(B) no action is to be taken to terminate*  
13                   *any existing Lead Design Yard contract for the*  
14                   *SSN-21 Seawolf class submarines or for the*  
15                   *SSN-688 Los Angeles class submarines, except*  
16                   *by reason of a breach of contract by the contrac-*  
17                   *tor or an insufficiency of appropriations,*

18                   *(C) both Electric Boat Division and New-*  
19                   *port News Shipbuilding and Drydock Company*  
20                   *are to have access to sufficient information con-*  
21                   *cerning the design of the new attack submarine*  
22                   *to ensure that each is capable of constructing the*  
23                   *new attack submarine, and*

24                   *(D) no action is to be taken to impair the*  
25                   *design, engineering, construction, and mainte-*



1        *posal of Russia to neutralize its chemical weapons*  
2        *and the United States agrees with the proposal.*

3            (2) *That Russia is in the process of preparing,*  
4        *with the assistance of the United States as necessary,*  
5        *a comprehensive plan to manage the dismantlement*  
6        *and destruction of the Russia chemical weapons stock-*  
7        *pile.*

8            (3) *That the United States and Russia are com-*  
9        *mitted to resolving outstanding issues under the 1989*  
10       *Wyoming Memorandum of Understanding and the*  
11       *1990 Bilateral Destruction Agreement.*

12        (b) *DEFINITIONS.—In this section:*

13            (1) *The term “1989 Wyoming Memorandum of*  
14        *Understanding” means the Memorandum of Under-*  
15        *standing between the Government of the United States*  
16        *of America and the Government of the Union of So-*  
17        *viet Socialist Republics Regarding a Bilateral Ver-*  
18        *ification Experiment and Data Exchange Related to*  
19        *Prohibition on Chemical Weapons, signed at Jackson*  
20        *Hole, Wyoming, on September 23, 1989.*

21            (2) *The term “1990 Bilateral Destruction Agree-*  
22        *ment” means the Agreement between the United*  
23        *States of America and the Union of Soviet Socialist*  
24        *Republics on destruction and non-production of chem-*  
25        *ical weapons and on measures to facilitate the multi-*

1 *lateral convention on banning chemical weapons*  
2 *signed on June 1, 1990.*

3 **SEC. 8100. SENSE OF SENATE REGARDING UNDERGROUND**  
4 **NUCLEAR TESTING.**

5 *(a) FINDINGS.—The Senate makes the following find-*  
6 *ings:*

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

11 *(2) The People's Republic of China continues to*  
12 *conduct underground nuclear weapons tests.*

13 *(3) The United States, France, Russia, and*  
14 *Great Britain have observed a moratorium on nuclear*  
15 *testing since 1992.*

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

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

23 *(6) The United Nations Conference on Disar-*  
24 *mament presently is meeting in Geneva, Switzerland,*  
25 *for the purpose of negotiating a Comprehensive Nu-*



1           (1) *has successfully completed initial operational*  
2           *test and evaluation; and*

3           (2) *involves a suitable and effective system.*

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

8           (A) *that were conducted with multiple intercep-*  
9           *tors and multiple targets in the presence of realistic*  
10           *countermeasures; and*

11           (B) *the results of which demonstrate the achieve-*  
12           *ment of baseline performance thresholds by such inter-*  
13           *ceptors.*

14           (2) *The Director of Operational Test and Evaluation*  
15           *shall specify the number of flight tests required with respect*  
16           *to a program under paragraph (1) in order to make a cer-*  
17           *tification referred to in subsection (a).*

18           (3) *The Secretary may utilize modeling and simula-*  
19           *tion validated by ground and flight testing in order to aug-*  
20           *ment flight testing to demonstrate weapons system perform-*  
21           *ance for purposes of a certification under subsection (a).*

22           (c) *REPORTS.—(1) The Director of Operational Test*  
23           *and Evaluation and the head of the Ballistic Missile De-*  
24           *fense Organization shall include in the annual reports to*  
25           *Congress of such officials plans to test adequately theater*



1 *missile defense interceptor programs throughout the acquisi-*  
2 *tion process.*

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

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

16 **SEC. 8102. ELIGIBILITY FOR DEFENSE DUAL-USE ASSIST-**  
17 **ANCE EXTENSION PROGRAM.**

18 *Section 2524(e) of title 10, United States Code, is*  
19 *amended—*

20 (1) *in paragraph (3), by striking out “at least*  
21 *25 percent of the value of the borrower’s sales during*  
22 *the preceding year” in the matter preceding subpara-*  
23 *graph (A) and inserting in lieu thereof “at least 25*  
24 *percent of the amount equal to the average value of*

1        *the borrower's sales during the preceding 5 fiscal*  
2        *years”;*

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

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

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

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

Attest:

*Secretary.*

104<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

**H. R. 2126**

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**AMENDMENT**

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