

104TH CONGRESS
1ST SESSION

H. R. 2126

AN ACT

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

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

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, for military func-
4 tions administered by the Department of Defense, and for
5 other purposes, namely:

6 TITLE I

7 MILITARY PERSONNEL

8 MILITARY PERSONNEL, ARMY

9 For pay, allowances, individual clothing, interest on
10 deposits, gratuities, permanent change of station travel
11 (including all expenses thereof for organizational move-
12 ments), and expenses of temporary duty travel between
13 permanent duty stations, for members of the Army on ac-
14 tive duty (except members of reserve components provided
15 for elsewhere), cadets, and aviation cadets; and for pay-
16 ments pursuant to section 156 of Public Law 97-377, as
17 amended (42 U.S.C. 402 note), to section 229(b) of the
18 Social Security Act (42 U.S.C. 429(b)), and to the De-
19 partment of Defense Military Retirement Fund;
20 \$19,884,608,000.

21 MILITARY PERSONNEL, NAVY

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

1 permanent duty stations, for members of the Navy on ac-
2 tive duty (except members of the Reserve provided for
3 elsewhere), midshipmen, and aviation cadets; and for pay-
4 ments pursuant to section 156 of Public Law 97-377, as
5 amended (42 U.S.C. 402 note), to section 229(b) of the
6 Social Security Act (42 U.S.C. 429(b)), and to the De-
7 partment of Defense Military Retirement Fund;
8 \$17,006,363,000.

9 MILITARY PERSONNEL, MARINE CORPS

10 For pay, allowances, individual clothing, interest on
11 deposits, gratuities, permanent change of station travel
12 (including all expenses thereof for organizational move-
13 ments), and expenses of temporary duty travel between
14 permanent duty stations, for members of the Marine
15 Corps on active duty (except members of the Reserve pro-
16 vided for elsewhere); and for payments pursuant to section
17 156 of Public Law 97-377, as amended (42 U.S.C. 402
18 note), to section 229(b) of the Social Security Act (42
19 U.S.C. 429(b)), and to the Department of Defense Mili-
20 tary Retirement Fund; \$5,928,340,000.

21 MILITARY PERSONNEL, AIR FORCE

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

1 permanent duty stations, for members of the Air Force
2 on active duty (except members of reserve components
3 provided for elsewhere), cadets, and aviation cadets; and
4 for payments pursuant to section 156 of Public Law 97-
5 377, as amended (42 U.S.C. 402 note), to section 229(b)
6 of the Social Security Act (42 U.S.C. 429(b)), and to the
7 Department of Defense Military Retirement Fund;
8 \$17,294,620,000.

9 RESERVE PERSONNEL, ARMY

10 For pay, allowances, clothing, subsistence, gratuities,
11 travel, and related expenses for personnel of the Army Re-
12 serve on active duty under sections 10211, 10302, and
13 3038 of title 10, United States Code, or while serving on
14 active duty under section 12301(d) of title 10, United
15 States Code, in connection with performing duty specified
16 in section 12310(a) of title 10, United States Code, or
17 while undergoing reserve training, or while performing
18 drills or equivalent duty or other duty, and for members
19 of the Reserve Officers' Training Corps, and expenses au-
20 thorized by section 16131 of title 10, United States Code;
21 and for payments to the Department of Defense Military
22 Retirement Fund; \$2,122,566,000.

23 RESERVE PERSONNEL, NAVY

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

1 serve on active duty under section 10211 of title 10, Unit-
2 ed States Code, or while serving on active duty under sec-
3 tion 12301(d) of title 10, United States Code, in connec-
4 tion with performing duty specified in section 12310(a)
5 of title 10, United States Code, or while undergoing re-
6 serve training, or while performing drills or equivalent
7 duty, and for members of the Reserve Officers' Training
8 Corps, and expenses authorized by section 16131 of title
9 10, United States Code; and for payments to the Depart-
10 ment of Defense Military Retirement Fund;
11 \$1,350,023,000.

12 RESERVE PERSONNEL, MARINE CORPS

13 For pay, allowances, clothing, subsistence, gratuities,
14 travel, and related expenses for personnel of the Marine
15 Corps Reserve on active duty under section 10211 of title
16 10, United States Code, or while serving on active duty
17 under section 12301(d) of title 10, United States Code,
18 in connection with performing duty specified in section
19 12310(a) of title 10, United States Code, or while under-
20 going reserve training, or while performing drills or equiv-
21 alent duty, and for members of the Marine Corps platoon
22 leaders class, and expenses authorized by section 16131
23 of title 10, United States Code; and for payments to the
24 Department of Defense Military Retirement Fund;
25 \$366,101,000.

1 RESERVE PERSONNEL, AIR FORCE

2 For pay, allowances, clothing, subsistence, gratuities,
3 travel, and related expenses for personnel of the Air Force
4 Reserve on active duty under sections 10211, 10305, and
5 8038 of title 10, United States Code, or while serving on
6 active duty under section 12301(d) of title 10, United
7 States Code, in connection with performing duty specified
8 in section 12310(a) of title 10, United States Code, or
9 while undergoing reserve training, or while performing
10 drills or equivalent duty or other duty, and for members
11 of the Air Reserve Officers' Training Corps, and expenses
12 authorized by section 16131 of title 10, United States
13 Code; and for payments to the Department of Defense
14 Military Retirement Fund; \$783,586,000.

15 NATIONAL GUARD PERSONNEL, ARMY

16 For pay, allowances, clothing, subsistence, gratuities,
17 travel, and related expenses for personnel of the Army Na-
18 tional Guard while on duty under section 10211, 10302,
19 or 12402 of title 10 or section 708 of title 32, United
20 States Code, or while serving on duty under section
21 12301(d) of title 10 or section 502(f) of title 32, United
22 States Code, in connection with performing duty specified
23 in section 12310(a) of title 10, United States Code, or
24 while undergoing training, or while performing drills or
25 equivalent duty or other duty, and expenses authorized by

1 section 16131 of title 10, United States Code; and for pay-
2 ments to the Department of Defense Military Retirement
3 Fund; \$3,240,858,000.

4 NATIONAL GUARD PERSONNEL, AIR FORCE

5 For pay, allowances, clothing, subsistence, gratuities,
6 travel, and related expenses for personnel of the Air Na-
7 tional Guard on duty under section 10211, 10305, or
8 12402 of title 10 or section 708 of title 32, United States
9 Code, or while serving on duty under section 12301(d) of
10 title 10 or section 502(f) of title 32, United States Code,
11 in connection with performing duty specified in section
12 12310(a) of title 10, United States Code, or while under-
13 going training, or while performing drills or equivalent
14 duty or other duty, and expenses authorized by section
15 16131 of title 10, United States Code; and for payments
16 to the Department of Defense Military Retirement Fund;
17 \$1,254,827,000.

18 TITLE II

19 OPERATION AND MAINTENANCE

20 OPERATION AND MAINTENANCE, ARMY

21 (INCLUDING TRANSFER OF FUNDS)

22 For expenses, not otherwise provided for, necessary
23 for the operation and maintenance of the Army, as author-
24 ized by law; and not to exceed \$14,437,000 can be used
25 for emergencies and extraordinary expenses, to be ex-

1 pended on the approval or authority of the Secretary of
2 the Army, and payments may be made on his certificate
3 of necessity for confidential military purposes;
4 \$18,998,131,000 and, in addition, \$50,000,000 shall be
5 derived by transfer from the National Defense Stockpile
6 Transaction Fund.

7 OPERATION AND MAINTENANCE, NAVY

8 (INCLUDING TRANSFER OF FUNDS)

9 For expenses, not otherwise provided for, necessary
10 for the operation and maintenance of the Navy and the
11 Marine Corps, as authorized by law; and not to exceed
12 \$4,151,000 can be used for emergencies and extraordinary
13 expenses, to be expended on the approval or authority of
14 the Secretary of the Navy, and payments may be made
15 on his certificate of necessity for confidential military pur-
16 poses; \$20,846,710,000 and, in addition, \$50,000,000
17 shall be derived by transfer from the National Defense
18 Stockpile Transaction Fund.

19 OPERATION AND MAINTENANCE, MARINE CORPS

20 For expenses, not otherwise provided for, necessary
21 for the operation and maintenance of the Marine Corps,
22 as authorized by law; \$2,508,822,000.

1 OPERATION AND MAINTENANCE, AIR FORCE
2 (INCLUDING TRANSFER OF FUNDS)

3 For expenses, not otherwise provided for, necessary
4 for the operation and maintenance of the Air Force, as
5 authorized by law; and not to exceed \$8,326,000 can be
6 used for emergencies and extraordinary expenses, to be ex-
7 pended on the approval or authority of the Secretary of
8 the Air Force, and payments may be made on his certifi-
9 cate of necessity for confidential military purposes;
10 \$18,873,793,000 and, in addition, \$50,000,000 shall be
11 derived by transfer from the National Defense Stockpile
12 Transaction Fund.

13 OPERATION AND MAINTENANCE, DEFENSE-WIDE

14 For expenses, not otherwise provided for, necessary
15 for the operation and maintenance of activities and agen-
16 cies of the Department of Defense (other than the military
17 departments), as authorized by law; \$9,908,810,000, of
18 which not to exceed \$25,000,000 may be available for the
19 CINC initiative fund account; and of which not to exceed
20 \$28,588,000 can be used for emergencies and extraor-
21 dinary expenses, to be expended on the approval or author-
22 ity of the Secretary of Defense, and payments may be
23 made on his certificate of necessity for confidential mili-
24 tary purposes.

1 OPERATION AND MAINTENANCE, ARMY RESERVE

2 For expenses, not otherwise provided for, necessary
3 for the operation and maintenance, including training, or-
4 ganization, and administration, of the Army Reserve; re-
5 pair of facilities and equipment; hire of passenger motor
6 vehicles; travel and transportation; care of the dead; re-
7 cruiting; procurement of services, supplies, and equip-
8 ment; and communications; \$1,119,191,000.

9 OPERATION AND MAINTENANCE, NAVY RESERVE

10 For expenses, not otherwise provided for, necessary
11 for the operation and maintenance, including training, or-
12 ganization, and administration, of the Navy Reserve; re-
13 pair of facilities and equipment; hire of passenger motor
14 vehicles; travel and transportation; care of the dead; re-
15 cruiting; procurement of services, supplies, and equip-
16 ment; and communications; \$841,565,000: *Provided*, That
17 of the funds appropriated in this paragraph, \$19,000,000
18 shall not be obligated or expended until authorized by law.

19 OPERATION AND MAINTENANCE, MARINE CORPS

20 RESERVE

21 For expenses, not otherwise provided for, necessary
22 for the operation and maintenance, including training, or-
23 ganization, and administration, of the Marine Corps Re-
24 serve; repair of facilities and equipment; hire of passenger
25 motor vehicles; travel and transportation; care of the dead;

1 recruiting; procurement of services, supplies, and equip-
2 ment; and communications; \$102,079,000: *Provided*, That
3 of the funds appropriated in this paragraph, \$13,000,000
4 shall not be obligated or expended until authorized by law.

5 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

6 For expenses, not otherwise provided for, necessary
7 for the operation and maintenance, including training, or-
8 ganization, and administration, of the Air Force Reserve;
9 repair of facilities and equipment; hire of passenger motor
10 vehicles; travel and transportation; care of the dead; re-
11 cruiting; procurement of services, supplies, and equip-
12 ment; and communications; \$1,519,287,000: *Provided*,
13 That of the funds appropriated in this paragraph,
14 \$11,840,000 shall not be obligated or expended until au-
15 thorized by law.

16 OPERATION AND MAINTENANCE, ARMY NATIONAL
17 GUARD

18 For expenses of training, organizing, and administer-
19 ing the Army National Guard, including medical and hos-
20 pital treatment and related expenses in non-Federal hos-
21 pitals; maintenance, operation, and repairs to structures
22 and facilities; hire of passenger motor vehicles; personnel
23 services in the National Guard Bureau; travel expenses
24 (other than mileage), as authorized by law for Army per-
25 sonnel on active duty, for Army National Guard division,

1 regimental, and battalion commanders while inspecting
2 units in compliance with National Guard Bureau regula-
3 tions when specifically authorized by the Chief, National
4 Guard Bureau; supplying and equipping the Army Na-
5 tional Guard as authorized by law; and expenses of repair,
6 modification, maintenance, and issue of supplies and
7 equipment (including aircraft); \$2,334,487,000.

8 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

9 For operation and maintenance of the Air National
10 Guard, including medical and hospital treatment and re-
11 lated expenses in non-Federal hospitals; maintenance, op-
12 eration, repair, and other necessary expenses of facilities
13 for the training and administration of the Air National
14 Guard, including repair of facilities, maintenance, oper-
15 ation, and modification of aircraft; transportation of
16 things; hire of passenger motor vehicles; supplies, mate-
17 rials, and equipment, as authorized by law for the Air Na-
18 tional Guard; and expenses incident to the maintenance
19 and use of supplies, materials, and equipment, including
20 such as may be furnished from stocks under the control
21 of agencies of the Department of Defense; travel expenses
22 (other than mileage) on the same basis as authorized by
23 law for Air National Guard personnel on active Federal
24 duty, for Air National Guard commanders while inspecting
25 units in compliance with National Guard Bureau regula-

1 tions when specifically authorized by the Chief, National
2 Guard Bureau; \$2,737,221,000: *Provided*, That of the
3 funds appropriated in this paragraph, \$3,000,000 shall
4 not be obligated or expended until authorized by law.

5 UNITED STATES COURT OF APPEALS FOR THE ARMED
6 FORCES

7 For salaries and expenses necessary for the United
8 States Court of Appeals for the Armed Forces;
9 \$6,521,000, of which not to exceed \$2,500 can be used
10 for official representation purposes.

11 ENVIRONMENTAL RESTORATION, DEFENSE
12 (INCLUDING TRANSFER OF FUNDS)

13 For the Department of Defense; \$1,422,200,000, to
14 remain available until transferred: *Provided*, That the Sec-
15 retary of Defense shall, upon determining that such funds
16 are required for environmental restoration, reduction and
17 recycling of hazardous waste, removal of unsafe buildings
18 and debris of the Department of Defense, or for similar
19 purposes (including programs and operations at sites for-
20 merly used by the Department of Defense), transfer the
21 funds made available by this appropriation to other appro-
22 priations made available to the Department of Defense as
23 the Secretary may designate, to be merged with and to
24 be available for the same purposes and for the same time
25 period as the appropriations of funds to which transferred:

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

5 SUMMER OLYMPICS

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

17 OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

18 For expenses relating to the Overseas Humanitarian,
19 Disaster, and Civic Aid programs of the Department of
20 Defense (consisting of the programs provided under sec-
21 tions 401, 402, 404, 2547, and 2551 of title 10, United
22 States Code); \$50,000,000.

23 FORMER SOVIET UNION THREAT REDUCTION

24 For assistance to the republics of the former Soviet
25 Union, including assistance provided by contract or by

1 grants, for facilitating the elimination and the safe and
2 secure transportation and storage of nuclear, chemical and
3 other weapons; for establishing programs to prevent the
4 proliferation of weapons, weapons components, and weap-
5 on-related technology and expertise; for programs relating
6 to the training and support of defense and military person-
7 nel for demilitarization and protection of weapons, weap-
8 ons components and weapons technology and expertise;
9 \$200,000,000 to remain available until expended.

10

TITLE III

11

PROCUREMENT

12

AIRCRAFT PROCUREMENT, ARMY

13

14 For construction, procurement, production, modifica-
15 tion, and modernization of aircraft, equipment, including
16 ordnance, ground handling equipment, spare parts, and
17 accessories therefor; specialized equipment and training
18 devices; expansion of public and private plants, including
19 the land necessary therefor, for the foregoing purposes,
20 and such lands and interests therein, may be acquired,
21 and construction prosecuted thereon prior to approval of
22 title; and procurement and installation of equipment, ap-
23 pliances, and machine tools in public and private plants;
24 reserve plant and Government and contractor-owned
25 equipment layaway; and other expenses necessary for the
foregoing purposes; \$1,468,067,000, to remain available

1 for obligation until September 30, 1998: *Provided*, That
2 of the funds appropriated in this paragraph, \$45,000,000
3 shall not be obligated or expended until authorized by law.

4 MISSILE PROCUREMENT, ARMY

5 For construction, procurement, production, modifica-
6 tion, and modernization of missiles, equipment, including
7 ordnance, ground handling equipment, spare parts, and
8 accessories therefor; specialized equipment and training
9 devices; expansion of public and private plants, including
10 the land necessary therefor, for the foregoing purposes,
11 and such lands and interests therein, may be acquired,
12 and construction prosecuted thereon prior to approval of
13 title; and procurement and installation of equipment, ap-
14 pliances, and machine tools in public and private plants;
15 reserve plant and Government and contractor-owned
16 equipment layaway; and other expenses necessary for the
17 foregoing purposes; \$842,830,000, to remain available for
18 obligation until September 30, 1998.

19 PROCUREMENT OF WEAPONS AND TRACKED COMBAT
20 VEHICLES, ARMY

21 For construction, procurement, production, and
22 modification of weapons and tracked combat vehicles,
23 equipment, including ordnance, spare parts, and acces-
24 sories therefor; specialized equipment and training devices;
25 expansion of public and private plants, including the land

1 necessary therefor, for the foregoing purposes, and such
2 lands and interests therein, may be acquired, and con-
3 struction prosecuted thereon prior to approval of title; and
4 procurement and installation of equipment, appliances,
5 and machine tools in public and private plants; reserve
6 plant and Government and contractor-owned equipment
7 layaway; and other expenses necessary for the foregoing
8 purposes; \$1,616,964,000, to remain available for obliga-
9 tion until September 30, 1998: *Provided*, That of the
10 funds appropriated in this paragraph, \$257,300,000 shall
11 not be obligated or expended until authorized by law.

12 PROCUREMENT OF AMMUNITION, ARMY

13 For construction, procurement, production, and
14 modification of ammunition, and accessories therefor; spe-
15 cialized equipment and training devices; expansion of pub-
16 lic and private plants, including ammunition facilities au-
17 thorized by section 2854, title 10, United States Code, and
18 the land necessary therefor, for the foregoing purposes,
19 and such lands and interests therein, may be acquired,
20 and construction prosecuted thereon prior to approval of
21 title; and procurement and installation of equipment, ap-
22 pliances, and machine tools in public and private plants;
23 reserve plant and Government and contractor-owned
24 equipment layaway; and other expenses necessary for the

1 foregoing purposes; \$1,019,315,000, to remain available
2 for obligation until September 30, 1998.

3 OTHER PROCUREMENT, ARMY

4 For construction, procurement, production, and
5 modification 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 inter-
13 ests therein, may be acquired, and construction prosecuted
14 thereon prior to approval of title; and procurement and
15 installation of equipment, appliances, and machine tools
16 in public and private plants; reserve plant and Govern-
17 ment and contractor-owned equipment layaway; and other
18 expenses necessary for the foregoing purposes;
19 \$2,570,125,000, to remain available for obligation until
20 September 30, 1998: *Provided*, That of the funds appro-
21 priated in this paragraph, \$24,538,000 shall not be obli-
22 gated or expended until authorized by law.

23 AIRCRAFT PROCUREMENT, NAVY

24 For construction, procurement, production, modifica-
25 tion, and modernization of aircraft, equipment, including

1 ordnance, spare parts, and accessories therefor; specialized
2 equipment; expansion of public and private plants, includ-
3 ing the land necessary therefor, and such lands and inter-
4 ests therein, may be acquired, and construction prosecuted
5 thereon prior to approval of title; and procurement and
6 installation of equipment, appliances, and machine tools
7 in public and private plants; reserve plant and Govern-
8 ment and contractor-owned equipment layaway;
9 \$4,310,703,000, to remain available for obligation until
10 September 30, 1998: *Provided*, That of the funds appro-
11 priated in this paragraph, \$204,215,000 shall not be obli-
12 gated or expended until authorized by law.

13 WEAPONS PROCUREMENT, NAVY

14 For construction, procurement, production, modifica-
15 tion, and modernization of missiles, torpedoes, other weap-
16 ons, and related support equipment including spare parts,
17 and accessories therefor; expansion of public and private
18 plants, including the land necessary therefor, and such
19 lands and interests therein, may be acquired, and con-
20 struction prosecuted thereon prior to approval of title; and
21 procurement and installation of equipment, appliances,
22 and machine tools in public and private plants; reserve
23 plant and Government and contractor-owned equipment
24 layaway; \$1,736,211,000, to remain available for obliga-
25 tion until September 30, 1998: *Provided*, That of the

1 funds appropriated in this paragraph, \$109,800,000 shall
2 not be obligated or expended until authorized by law.

3 PROCUREMENT OF AMMUNITION, NAVY AND MARINE
4 CORPS

5 For construction, procurement, production, and
6 modification of ammunition, and accessories therefor; spe-
7 cialized equipment and training devices; expansion of pub-
8 lic and private plants, including ammunition facilities au-
9 thorized by section 2854, title 10, United States Code, and
10 the land necessary therefor, for the foregoing purposes,
11 and such lands and interests therein, may be acquired,
12 and construction prosecuted thereon prior to approval of
13 title; and procurement and installation of equipment, ap-
14 pliances, and machine tools in public and private plants;
15 reserve plant and Government and contractor-owned
16 equipment layaway; and other expenses necessary for the
17 foregoing purposes; \$483,779,000, to remain available for
18 obligation until September 30, 1998: *Provided*, That of the
19 funds appropriated in this paragraph, \$22,000,000 shall
20 not be obligated or expended until authorized by law.

21 SHIPBUILDING AND CONVERSION, NAVY

22 For expenses necessary for the construction, acquisi-
23 tion, or conversion of vessels as authorized by law, includ-
24 ing armor and armament thereof, plant equipment, appli-
25 ances, and machine tools and installation thereof in public

1 and private plants; reserve plant and Government and con-
2 tractor-owned equipment layaway; procurement of critical,
3 long leadtime components and designs for vessels to be
4 constructed or converted in the future; and expansion of
5 public and private plants, including land necessary there-
6 for, and such lands and interests therein, may be acquired,
7 and construction prosecuted thereon prior to approval of
8 title; \$5,577,958,000, to remain available for obligation
9 until September 30, 2000: *Provided*, That additional obli-
10 gations may be incurred after September 30, 2000, for
11 engineering services, tests, evaluations, and other such
12 budgeted work that must be performed in the final stage
13 of ship construction: *Provided further*, That none of the
14 funds herein provided for the construction or conversion
15 of any naval vessel to be constructed in shipyards in the
16 United States shall be expended in foreign facilities for
17 the construction of major components of such vessel: *Pro-*
18 *vided further*, That none of the funds herein provided shall
19 be used for the construction of any naval vessel in foreign
20 shipyards.

21 OTHER PROCUREMENT, NAVY

22 For procurement, production, and modernization of
23 support equipment and materials not otherwise provided
24 for, Navy ordnance (except ordnance for new aircraft, new
25 ships, and ships authorized for conversion); the purchase

1 of not to exceed 252 passenger motor vehicles for replace-
2 ment only; expansion of public and private plants, includ-
3 ing the land necessary therefor, and such lands and inter-
4 ests therein, may be acquired, and construction prosecuted
5 thereon prior to approval of title; and procurement and
6 installation of equipment, appliances, and machine tools
7 in public and private plants; reserve plant and Govern-
8 ment and contractor-owned equipment layaway;
9 \$2,480,670,000, to remain available for obligation until
10 September 30, 1998: *Provided*, That of the funds appro-
11 priated in this paragraph, \$19,198,000 shall not be obli-
12 gated or expended until authorized by law.

13 PROCUREMENT, MARINE CORPS

14 For expenses necessary for the procurement, manu-
15 facture, and modification of missiles, armament, military
16 equipment, spare parts, and accessories therefor; plant
17 equipment, appliances, and machine tools, and installation
18 thereof in public and private plants; reserve plant and
19 Government and contractor-owned equipment layaway; ve-
20 hicles for the Marine Corps, including the purchase of not
21 to exceed 194 passenger motor vehicles for replacement
22 only; and expansion of public and private plants, including
23 land necessary therefor, and such lands and interests
24 therein, may be acquired and construction prosecuted
25 thereon prior to approval of title; \$480,852,000, to remain

1 available for obligation until September 30, 1998: *Pro-*
2 *vided*, That of the funds appropriated in this paragraph,
3 \$81,605,000 shall not be obligated or expended until au-
4 thorized by law.

5 AIRCRAFT PROCUREMENT, AIR FORCE

6 For construction, procurement, and modification of
7 aircraft and equipment, including armor and armament,
8 specialized ground handling equipment, and training de-
9 vices, spare parts, and accessories therefor; specialized
10 equipment; expansion of public and private plants, Gov-
11 ernment-owned equipment and installation thereof in such
12 plants, erection of structures, and acquisition of land, for
13 the foregoing purposes, and such lands and interests
14 therein, may be acquired, and construction prosecuted
15 thereon prior to approval of title; reserve plant and Gov-
16 ernment and contractor-owned equipment layaway; and
17 other expenses necessary for the foregoing purposes in-
18 cluding rents and transportation of things;
19 \$7,140,703,000, to remain available for obligation until
20 September 30, 1998: *Provided*, That of the funds appro-
21 priated in this paragraph, \$130,651,000 shall not be obli-
22 gated or expended until authorized by law.

23 MISSILE PROCUREMENT, AIR FORCE

24 For construction, procurement, and modification of
25 missiles, spacecraft, rockets, and related equipment, in-

1 cluding spare parts and accessories therefor, ground han-
2 dling equipment, and training devices; expansion of public
3 and private plants, Government-owned equipment and in-
4 stallation thereof in such plants, erection of structures,
5 and acquisition of land, for the foregoing purposes, and
6 such lands and interests therein, may be acquired, and
7 construction prosecuted thereon prior to approval of title;
8 reserve plant and Government and contractor-owned
9 equipment layaway; and other expenses necessary for the
10 foregoing purposes including rents and transportation of
11 things; \$3,223,265,000, to remain available for obligation
12 until September 30, 1998.

13 PROCUREMENT OF AMMUNITION, AIR FORCE

14 For construction, procurement, production, and
15 modification of ammunition, and accessories therefor; spe-
16 cialized equipment and training devices; expansion of pub-
17 lic and private plants, including ammunition facilities au-
18 thorized by section 2854, title 10, United States Code, and
19 the land necessary therefor, for the foregoing purposes,
20 and such lands and interests therein, may be acquired,
21 and construction prosecuted thereon prior to approval of
22 title; and procurement and installation of equipment, ap-
23 pliances, and machine tools in public and private plants;
24 reserve plant and Government and contractor-owned
25 equipment layaway; and other expenses necessary for the

1 foregoing purposes; \$321,328,000, to remain available for
2 obligation until September 30, 1998.

3 OTHER PROCUREMENT, AIR FORCE

4 For procurement and modification of equipment (in-
5 cluding ground guidance and electronic control equipment,
6 and ground electronic and communication equipment),
7 and supplies, materials, and spare parts therefor, not oth-
8 erwise provided for; the purchase of not to exceed 385 pas-
9 senger motor vehicles for replacement only; and expansion
10 of public and private plants, Government-owned equip-
11 ment and installation thereof in such plants, erection of
12 structures, and acquisition of land, for the foregoing pur-
13 poses, and such lands and interests therein, may be ac-
14 quired, and construction prosecuted thereon, prior to ap-
15 proval of title; reserve plant and Government and contrac-
16 tor-owned equipment layaway; \$6,508,425,000, to remain
17 available for obligation until September 30, 1998.

18 PROCUREMENT, DEFENSE-WIDE

19 For expenses of activities and agencies of the Depart-
20 ment of Defense (other than the military departments)
21 necessary for procurement, production, and modification
22 of equipment, supplies, materials, and spare parts there-
23 for, not otherwise provided for; the purchase of not to ex-
24 ceed 451 passenger motor vehicles, of which 447 shall be
25 for replacement only; expansion of public and private

1 plants, equipment, and installation thereof in such plants,
2 erection of structures, and acquisition of land for the fore-
3 going purposes, and such lands and interests therein, may
4 be acquired, and construction prosecuted thereon prior to
5 approval of title; reserve plant and Government and con-
6 tractor-owned equipment layaway; \$2,187,085,000, to re-
7 main available for obligation until September 30, 1998.

8 NATIONAL GUARD AND RESERVE EQUIPMENT

9 For procurement of aircraft, missiles, tracked combat
10 vehicles, ammunition, other weapons, and other procure-
11 ment for the reserve components of the Armed Forces;
12 \$908,125,000, to remain available for obligation until Sep-
13 tember 30, 1998: *Provided*, That of the funds appro-
14 priated in this paragraph, \$138,125,000 shall not be obli-
15 gated or expended until authorized by law.

16 TITLE IV

17 RESEARCH, DEVELOPMENT, TEST AND
18 EVALUATION

19 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
20 ARMY

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

1 \$4,742,150,000, to remain available for obligation until
2 September 30, 1997.

3 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
4 NAVY

5 For expenses necessary for basic and applied sci-
6 entific research, development, test and evaluation, includ-
7 ing maintenance, rehabilitation, lease, and operation of fa-
8 cilities and equipment, as authorized by law;
9 \$8,715,481,000, to remain available for obligation until
10 September 30, 1997: *Provided*, That none of the funds
11 appropriated in this paragraph may be obligated or ex-
12 pended to develop or purchase equipment for an Aegis de-
13 stroyer variant (commonly known as “Flight IIA”) whose
14 initial operating capability is budgeted to be achieved prior
15 to the initial operating capability of the Ship Self-Defense
16 program, nor to develop sensor, processor, or display capa-
17 bilities which duplicate in any way those being developed
18 in the Ship Self-Defense program: *Provided further*, That
19 funds appropriated in this paragraph for development of
20 the LPD-17 ship may not be obligated unless the baseline
21 design of the ship includes cooperative engagement capa-
22 bility and sufficient own-ship self-defense capability
23 against advanced sea-skimming antiship cruise missiles in
24 the baseline design to achieve an estimated probability of
25 survival from attack by such missiles at a level no less

1 than any other Navy ship: *Provided further*, That funds
2 appropriated in this paragraph which are available for the
3 V-22 may be used to meet unique requirements of the
4 Special Operations Forces: *Provided further*, That of the
5 funds appropriated in this paragraph, \$189,972,000 shall
6 not be obligated or expended until authorized by law.

7 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

8 AIR FORCE

9 For expenses necessary for basic and applied sci-
10 entific research, development, test and evaluation, includ-
11 ing maintenance, rehabilitation, lease, and operation of fa-
12 cilities and equipment, as authorized by law;
13 \$13,110,335,000, to remain available for obligation until
14 September 30, 1997: *Provided*, That of the funds made
15 available in this paragraph, \$50,000,000 shall be only for
16 development of reusable launch vehicle technologies.

17 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

18 DEFENSE-WIDE

19 For expenses of activities and agencies of the Depart-
20 ment of Defense (other than the military departments),
21 necessary for basic and applied scientific research, devel-
22 opment, test and evaluation; advanced research projects
23 as may be designated and determined by the Secretary
24 of Defense, pursuant to law; maintenance, rehabilitation,
25 lease, and operation of facilities and equipment, as author-

1 ized by law; \$9,029,666,000, to remain available for obli-
2 gation until September 30, 1997: *Provided*, That not less
3 than \$170,000,000 of the funds appropriated in this para-
4 graph shall be made available only for the Sea-Based Wide
5 Area Defense (Navy Upper-Tier) program.

6 DEVELOPMENTAL TEST AND EVALUATION, DEFENSE

7 For expenses, not otherwise provided for, of inde-
8 pendent activities of the Director, Test and Evaluation in
9 the direction and supervision of developmental test and
10 evaluation, including performance and joint developmental
11 testing and evaluation; and administrative expenses in
12 connection therewith; \$259,341,000, to remain available
13 for obligation until September 30, 1997: *Provided*, That
14 of the funds appropriated in this paragraph, \$20,000,000
15 shall not be obligated or expended until authorized by law.

16 OPERATIONAL TEST AND EVALUATION, DEFENSE

17 For expenses, not otherwise provided for, necessary
18 for the independent activities of the Director, Operational
19 Test and Evaluation in the direction and supervision of
20 operational test and evaluation, including initial oper-
21 ational test and evaluation which is conducted prior to,
22 and in support of, production decisions; joint operational
23 testing and evaluation; and administrative expenses in
24 connection therewith; \$22,587,000, to remain available for
25 obligation until September 30, 1997.

TITLE V

REVOLVING AND MANAGEMENT FUNDS

DEFENSE BUSINESS OPERATIONS FUND

1 For the Defense Business Operations Fund;
2 \$1,573,800,000: *Provided*, That of this amount,
3 \$695,100,000 shall be available only for the liquidation
4 of prior year accumulated operating losses of the Depart-
5 ment of the Navy: *Provided further*, That of the funds ap-
6 propriated in this paragraph, \$695,100,000 shall not be
7 obligated or expended until authorized by law.

NATIONAL DEFENSE SEALIFT FUND

8 For National Defense Sealift Fund programs,
9 projects, and activities, and for expenses of the National
10 Defense Reserve Fleet, as established by section 11 of the
11 Merchant Ship Sales Act of 1946 (50 U.S.C. App 1744);
12 \$974,220,000, to remain available until expended: *Pro-*
13 *vided*, That none of the funds provided in this paragraph
14 shall be used to award a new contract that provides for
15 the acquisition of any of the following major components
16 unless such components are manufactured in the United
17 States: auxiliary equipment, including pumps, for all ship-
18 board services; propulsion system components (that is; en-
19 gines, reduction gears, and propellers); shipboard cranes;
20 and spreaders for shipboard cranes: *Provided further*, That
21 the exercise of an option in a contract awarded through
22
23
24
25

1 the obligation of previously appropriated funds shall not
2 be considered to be the award of a new contract: *Provided*
3 *further*, That the Secretary of the military department re-
4 sponsible for such procurement may waive this restriction
5 on a case-by-case basis by certifying in writing to the
6 Committees on Appropriations of the House of Represent-
7 atives and the Senate, that adequate domestic supplies are
8 not available to meet Department of Defense requirements
9 on a timely basis and that such an acquisition must be
10 made in order to acquire capability for national security
11 purposes.

12 TITLE VI

13 OTHER DEPARTMENT OF DEFENSE PROGRAMS

14 DEFENSE HEALTH PROGRAM

15 For expenses, not otherwise provided for, for medical
16 and health care programs of the Department of Defense,
17 as authorized by law; \$10,205,158,000, of which
18 \$9,917,125,000 shall be for Operation and maintenance,
19 of which \$288,033,000, to remain available for obligation
20 until September 30, 1998, shall be for Procurement: *Pro-*
21 *vided*, That the Department shall continue to competi-
22 tively contract during fiscal year 1996 for mail service
23 pharmacy for at least two multi-state regions in addition
24 to the ongoing solicitations for Florida, South Carolina,
25 Georgia, Delaware, New Jersey, Pennsylvania, and Ha-

1 waii, as well as each base closure area not supported by
2 an at-risk managed care plan; that such services shall be
3 procured independent of any other Department managed
4 care contracts; that one multi-state region shall include
5 the State of Kentucky and that one multi-state region
6 shall include the State of New Mexico: *Provided*, That of
7 the funds appropriated in this paragraph, \$40,600,000
8 shall not be obligated or expended until authorized by law.

9 CHEMICAL AGENTS AND MUNITIONS DESTRUCTION,

10 DEFENSE

11 For expenses, not otherwise provided for, necessary
12 for the destruction of the United States stockpile of lethal
13 chemical agents and munitions in accordance with the pro-
14 visions of section 1412 of the Department of Defense Au-
15 thorization Act, 1986 (50 U.S.C. 1521), and for the de-
16 struction of other chemical warfare materials that are not
17 in the chemical weapon stockpile, \$746,698,000, of which
18 \$393,850,000 shall be for Operation and maintenance,
19 \$299,448,000 shall be for Procurement to remain avail-
20 able until September 30, 1998, and \$53,400,000 shall be
21 for Research, development, test and evaluation to remain
22 available until September 30, 1997.

1 DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,
2 DEFENSE
3 (INCLUDING TRANSFER OF FUNDS)

4 For drug interdiction and counter-drug activities of
5 the Department of Defense, for transfer to appropriations
6 available to the Department of Defense for military per-
7 sonnel of the reserve components serving under the provi-
8 sions of title 10 and title 32, United States Code; for Op-
9 eration and maintenance; for Procurement; and for Re-
10 search, development, test and evaluation; \$688,432,000:
11 *Provided*, That the funds appropriated by this paragraph
12 shall be available for obligation for the same time period
13 and for the same purpose as the appropriation to which
14 transferred: *Provided further*, That the transfer authority
15 provided in this paragraph is in addition to any transfer
16 authority contained elsewhere in this Act: *Provided fur-*
17 *ther*, That of the funds appropriated in this paragraph,
18 \$8,000,000 shall not be obligated or expended until au-
19 thorized by law.

20 OFFICE OF THE INSPECTOR GENERAL

21 For expenses and activities of the Office of the In-
22 spector General in carrying out the provisions of the In-
23 spector General Act of 1978, as amended; \$178,226,000,
24 of which \$177,226,000 shall be for Operation and mainte-
25 nance, of which not to exceed \$400,000 is available for

1 emergencies and extraordinary expenses to be expended on
2 the approval or authority of the Inspector General, and
3 payments may be made on his certificate of necessity for
4 confidential military purposes; and of which \$1,000,000
5 to remain available until September 30, 1998, shall be for
6 Procurement.

7 TITLE VII

8 RELATED AGENCIES

9 CENTRAL INTELLIGENCE AGENCY RETIREMENT AND

10 DISABILITY SYSTEM FUND

11 For payment to the Central Intelligence Agency Re-
12 tirement and Disability System Fund, to maintain proper
13 funding level for continuing the operation of the Central
14 Intelligence Agency Retirement and Disability System;
15 \$213,900,000.

16 NATIONAL SECURITY EDUCATION TRUST FUND

17 (RESCISSION)

18 Of the funds made available under this heading in
19 Public Law 102-172, Public Law 103-50, Public Law
20 103-139, and Public Law 103-335, \$78,100,000 are re-
21 scinded: *Provided*, That the balance of funds in the Na-
22 tional Security Education Trust Fund (established pursu-
23 ant to section 804 of the David L. Boren National Secu-
24 rity Education Act of 1991 (50 U.S.C. 1904)), other than
25 such amount as is necessary for obligations made before

1 the date of the enactment of this Act, is hereby reduced
2 to zero: *Provided further*, That no outlay may be made
3 from the Fund after the date of the enactment of this Act
4 other than to liquidate an obligation made before such
5 date and upon liquidation of all such obligations made be-
6 fore such date, the Fund shall be closed: *Provided further*,
7 That no obligation may be made from the Fund after the
8 date of the enactment of this Act.

9 INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

10 For necessary expenses of the Intelligence Commu-
11 nity Management Account; \$75,683,000.

12 TITLE VIII

13 GENERAL PROVISIONS

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

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

1 computed under the provisions of section 5332 of title 5,
2 United States Code, or at a rate in excess of the percent-
3 age increase provided by the appropriate host nation to
4 its own employees, whichever is higher: *Provided further,*
5 That this section shall not apply to Department of De-
6 fense foreign service national employees serving at United
7 States diplomatic missions whose pay is set by the Depart-
8 ment of State under the Foreign Service Act of 1980.

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

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

19 (TRANSFER OF FUNDS)

20 SEC. 8005. Upon determination by the Secretary of
21 Defense that such action is necessary in the national inter-
22 est, he may, with the approval of the Office of Manage-
23 ment and Budget, transfer not to exceed \$2,000,000,000
24 of working capital funds of the Department of Defense
25 or funds made available in this Act to the Department
26 of Defense for military functions (except military con-

1 struction) between such appropriations or funds or any
2 subdivision thereof, to be merged with and to be available
3 for the same purposes, and for the same time period, as
4 the appropriation or fund to which transferred: *Provided*,
5 That such authority to transfer may not be used unless
6 for higher priority items, based on unforeseen military re-
7 quirements, than those for which originally appropriated
8 and in no case where the item for which funds are re-
9 quested has been denied by Congress: *Provided further*,
10 That only for valid Ship Cost Adjustments related to the
11 Shipbuilding and Construction, Navy Appropriation such
12 authority to transfer may be used to transfer funds made
13 available in this or any previous Department of Defense
14 Appropriations Act subject to the same conditions re-
15 quired elsewhere in this paragraph: *Provided further*, That
16 the Secretary of Defense shall notify the Congress prompt-
17 ly of all transfers made pursuant to this authority or any
18 other authority in this Act.

19 (TRANSFER OF FUNDS)

20 SEC. 8006. During the current fiscal year, cash bal-
21 ances in working capital funds of the Department of De-
22 fense established pursuant to section 2208 of title 10,
23 United States Code, may be maintained in only such
24 amounts as are necessary at any time for cash disburse-
25 ments to be made from such funds: *Provided*, That trans-
26 fers may be made between such funds and the “Foreign

1 Currency Fluctuations, Defense” and “Operation and
2 Maintenance” appropriation accounts in such amounts as
3 may be determined by the Secretary of Defense, with the
4 approval of the Office of Management and Budget, except
5 that such transfers may not be made unless the Secretary
6 of Defense has notified the Congress of the proposed
7 transfer. Except in amounts equal to the amounts appro-
8 priated to working capital funds in this Act, no obligations
9 may be made against a working capital fund to procure
10 or increase the value of war reserve material inventory,
11 unless the Secretary of Defense has notified the Congress
12 prior to any such obligation.

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

1 ices, if provisions are included for the consideration of
2 United States coal as an energy source.

3 SEC. 8008. Funds appropriated by this Act may not
4 be used to initiate a special access program without prior
5 notification 30 calendar days in session in advance to the
6 congressional defense committees.

7 SEC. 8009. None of the funds contained in this Act
8 available for the Civilian Health and Medical Program of
9 the Uniformed Services shall be available for payments to
10 physicians and other non-institutional health care provid-
11 ers in excess of the amounts allowed in fiscal year 1995
12 for similar services, except that: (a) for services for which
13 the Secretary of Defense determines an increase is justi-
14 fied by economic circumstances, the allowable amounts
15 may be increased in accordance with appropriate economic
16 index data similar to that used pursuant to title XVIII
17 of the Social Security Act; and (b) for services the Sec-
18 retary determines are overpriced based on allowable pay-
19 ments under title XVIII of the Social Security Act, the
20 allowable amounts shall be reduced by not more than 15
21 percent (except that the reduction may be waived if the
22 Secretary determines that it would impair adequate access
23 to health care services for beneficiaries). The Secretary
24 shall solicit public comment prior to promulgating regula-
25 tions to implement this section. Such regulations shall in-

1 clude a limitation, similar to that used under title XVIII
2 of the Social Security Act, on the extent to which a pro-
3 vider may bill a beneficiary an actual charge in excess of
4 the allowable amount.

5 SEC. 8010. None of the funds provided in this Act
6 shall be available to initiate (1) a multiyear contract that
7 employs economic order quantity procurement in excess of
8 \$20,000,000 in any one year of the contract or that in-
9 cludes an unfunded contingent liability in excess of
10 \$20,000,000, or (2) a contract for advance procurement
11 leading to a multiyear contract that employs economic
12 order quantity procurement in excess of \$20,000,000 in
13 any one year, unless the congressional defense committees
14 have been notified at least thirty days in advance of the
15 proposed contract award: *Provided*, That no part of any
16 appropriation contained in this Act shall be available to
17 initiate a multiyear contract for which the economic order
18 quantity advance procurement is not funded at least to
19 the limits of the Government's liability: *Provided further*,
20 That no part of any appropriation contained in this Act
21 shall be available to initiate multiyear procurement con-
22 tracts for any systems or component thereof if the value
23 of the multiyear contract would exceed \$500,000,000 un-
24 less specifically provided in this Act: *Provided further*,
25 That no multiyear procurement contract can be termi-

1 nated without 10-day prior notification to the congres-
2 sional defense committees: *Provided further*, That the exe-
3 cution of multiyear authority shall require the use of a
4 present value analysis to determine lowest cost compared
5 to an annual procurement.

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

8 E-2C aircraft;

9 AV-8B aircraft remanufacture;

10 T-45 aircraft.

11 SEC. 8011. Within the funds appropriated for the op-
12 eration and maintenance of the Armed Forces, funds are
13 hereby appropriated pursuant to section 401 of title 10,
14 United States Code, for humanitarian and civic assistance
15 costs under chapter 20 of title 10, United States Code.
16 Such funds may also be obligated for humanitarian and
17 civic assistance costs incidental to authorized operations
18 and pursuant to authority granted in section 401 of chap-
19 ter 20 of title 10, United States Code, and these obliga-
20 tions shall be reported to Congress on September 30 of
21 each year: *Provided*, That funds available for operation
22 and maintenance shall be available for providing humani-
23 tarian and similar assistance by using Civic Action Teams
24 in the Trust Territories of the Pacific Islands and freely
25 associated states of Micronesia, pursuant to the Compact

1 of Free Association as authorized by Public Law 99-
2 239.

3 SEC. 8012. (a) During fiscal year 1996, the civilian
4 personnel of the Department of Defense may not be man-
5 aged on the basis of any end-strength, and the manage-
6 ment of such personnel during that fiscal year shall not
7 be subject to any constraint or limitation (known as an
8 end-strength) on the number of such personnel who may
9 be employed on the last day of such fiscal year.

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

17 (c) Nothing in this section shall be construed to apply
18 to military (civilian) technicians.

19 SEC. 8013. Notwithstanding any other provision of
20 law, none of the funds made available by this Act shall
21 be used by the Department of Defense to exceed, outside
22 the fifty United States, its territories, and the District of
23 Columbia, 125,000 civilian workyears: *Provided*, That
24 workyears shall be applied as defined in the Federal Per-
25 sonnel Manual: *Provided further*, That workyears ex-

1 pended in dependent student hiring programs for dis-
2 advantaged youths shall not be included in this workyear
3 limitation.

4 SEC. 8014. None of the funds made available by this
5 Act shall be used in any way, directly or indirectly, to in-
6 fluence congressional action on any legislation or appro-
7 priation matters pending before the Congress.

8 SEC. 8015. None of the funds appropriated for the
9 Department of Defense during the current fiscal year and
10 hereafter shall be obligated for the pay of any individual
11 who is initially employed after the date of enactment of
12 this Act as a technician in the administration and training
13 of the Army Reserve and the maintenance and repair of
14 supplies issued to the Army Reserve unless such individual
15 is also a military member of the Army Reserve troop pro-
16 gram unit that he or she is employed to support. Those
17 technicians employed by the Army Reserve in areas other
18 than Army Reserve troop program units need only be
19 members of the Selected Reserve.

20 SEC. 8016. Notwithstanding any other provision of
21 law, during the current fiscal year and hereafter the Sec-
22 retaries of the Army and Air Force may authorize the re-
23 tention in an active status until age sixty of any person
24 who would otherwise be removed from an active status and
25 who is employed as a National Guard or Reserve techni-

1 cian in a position in which active status in a reserve com-
2 ponent of the Army or Air Force is required as a condition
3 of that employment.

4 SEC. 8017. (a) None of the funds appropriated by
5 this Act shall be used to make contributions to the Depart-
6 ment of Defense Education Benefits Fund pursuant to
7 section 2006(g) of title 10, United States Code, represent-
8 ing the normal cost for future benefits under section
9 1415(c) of title 38, United States Code, for any member
10 of the armed services who, on or after the date of enact-
11 ment of this Act—

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

14 (2) receives an enlistment bonus under section
15 308a or 308f of title 37, United States Code,

16 nor shall any amounts representing the normal cost of
17 such future benefits be transferred from the Fund by the
18 Secretary of the Treasury to the Secretary of Veterans
19 Affairs pursuant to section 2006(d) of title 10, United
20 States Code; nor shall the Secretary of Veterans Affairs
21 pay such benefits to any such member: *Provided*, That,
22 in the case of a member covered by clause (1), these limi-
23 tations shall not apply to members in combat arms skills
24 or to members who enlist in the armed services on or after
25 July 1, 1989, under a program continued or established

1 by the Secretary of Defense in fiscal year 1991 to test
2 the cost-effective use of special recruiting incentives in-
3 volving not more than nineteen noncombat arms skills ap-
4 proved in advance by the Secretary of Defense: *Provided*
5 *further*, That this subsection applies only to active compo-
6 nents of the Army.

7 (b) None of the funds appropriated by this Act shall
8 be available for the basic pay and allowances of any mem-
9 ber of the Army participating as a full-time student and
10 receiving benefits paid by the Secretary of Veterans Af-
11 fairs from the Department of Defense Education Benefits
12 Fund when time spent as a full-time student is credited
13 toward completion of a service commitment: *Provided*,
14 That this subsection shall not apply to those members who
15 have reenlisted with this option prior to October 1, 1987:
16 *Provided further*, That this subsection applies only to ac-
17 tive components of the Army.

18 SEC. 8018. Funds appropriated for the Department
19 of Defense during the current fiscal year and hereafter
20 shall be available for the payment of not more than 75
21 percent of the charges of a postsecondary educational in-
22 stitution for the tuition or expenses of an officer in the
23 Ready Reserve of the Army National Guard or Army Re-
24 serve for education or training during his off-duty periods,
25 except that no part of the charges may be paid unless the

1 officer agrees to remain a member of the Ready Reserve
2 for at least four years after completion of such training
3 or education.

4 SEC. 8019. None of the funds appropriated by this
5 Act shall be available to convert to contractor performance
6 an activity or function of the Department of Defense that,
7 on or after the date of enactment of this Act, is performed
8 by more than ten Department of Defense civilian employ-
9 ees until a most efficient and cost-effective organization
10 analysis is completed on such activity or function and cer-
11 tification of the analysis is made to the Committees on
12 Appropriations of the House of Representatives and the
13 Senate: *Provided*, That this section shall not apply to a
14 commercial or industrial type function of the Department
15 of Defense that: (1) is included on the procurement list
16 established pursuant to section 2 of the Act of June 25,
17 1938 (41 U.S.C. 47), popularly referred to as the Javits-
18 Wagner-O'Day Act; (2) is planned to be converted to per-
19 formance by a qualified nonprofit agency for the blind or
20 by a qualified nonprofit agency for other severely handi-
21 capped individuals in accordance with that Act; or (3) is
22 planned to be converted to performance by a qualified firm
23 under 51 percent Native American ownership.

24 (TRANSFER OF FUNDS)

25 SEC. 8020. Funds appropriated in title III of this Act
26 for the Department of Defense Pilot Mentor-Protege Pro-

1 gram may be transferred to any other appropriation con-
2 tained in this Act solely for the purpose of implementing
3 a Mentor-Protege Program developmental assistance
4 agreement pursuant to section 831 of the National De-
5 fense Authorization Act for Fiscal Year 1991 (Public Law
6 101-510; 10 U.S.C. 2301 note), as amended, under the
7 authority of this provision or any other transfer authority
8 contained in this Act.

9 SEC. 8021. Of the funds appropriated to the Army,
10 \$147,900,000 shall be available only for the Reserve Com-
11 ponent Automation System (RCAS): *Provided*, That none
12 of these funds can be expended—

13 (1) except as approved by the Chief of the Na-
14 tional Guard Bureau;

15 (2) unless RCAS resource management func-
16 tions are performed by the National Guard Bureau;

17 (3) to pay the salary of an RCAS program
18 manager who has not been selected and approved by
19 the Chief of the National Guard Bureau and char-
20 tered by the Chief of the National Guard Bureau
21 and the Secretary of the Army;

22 (4) unless the Program Manager (PM) charter
23 makes the PM accountable to the Chief of the Na-
24 tional Guard Bureau and fully defines his authority,

1 responsibility, reporting channels and organizational
2 structure;

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

8 (6) to pay contracted costs for the acquisition
9 of RCAS unless RCAS is an integrated system con-
10 sisting of software, hardware, and communications
11 equipment and unless such contract continues to
12 preclude the use of Government furnished equip-
13 ment, operating systems, and executive applications
14 software; and

15 (7) unless RCAS performs its own classified in-
16 formation processing;

17 *Provided further,* That notwithstanding any other provi-
18 sion of law, none of the funds appropriated shall be avail-
19 able for procurement of computers for the Army Reserve
20 Component which are used to network or expand the capa-
21 bilities of existing or future information systems or dupli-
22 cate functions to be provided under the RCAS contract
23 unless the procurement meets the following criteria: (A)
24 at sites scheduled to receive RCAS equipment prior to
25 September 30, 1995, RCAS ADP equipment may be pro-

1 cured and only in the numbers and types allocated by the
2 RCAS program to each site; and at sites scheduled to re-
3 ceive RCAS equipment after September 30, 1995, RCAS
4 ADP equipment or ADP equipment from a list of RCAS
5 compatible equipment approved by the Chief of the Na-
6 tional Guard Bureau or his designee, may be procured and
7 only in the numbers and types allocated by the RCAS pro-
8 gram to each site; (B) the requesting organizational ele-
9 ment has insufficient ADP equipment to perform adminis-
10 trative functions but not to exceed the number of work
11 stations determined by the RCAS program for that site;
12 (C) replacement equipment will not exceed the minimum
13 required to maintain the reliability of existing capabilities;
14 (D) replacement will be justified on the basis of cost and
15 feasibility of repairs and maintenance of present ADP
16 equipment as compared to the cost of replacement; and
17 (E) the procurement under this policy must be approved
18 by the Chief of the National Guard Bureau or his des-
19 ignee, provided that the procurement is a one for one re-
20 placement action of existing equipment.

21 SEC. 8022. None of the funds in this Act may be
22 available for the purchase by the Department of Defense
23 (and its departments and agencies) of welded shipboard
24 anchor and mooring chain 4 inches in diameter and under
25 unless the anchor and mooring chain are manufactured

1 in the United States from components which are substan-
2 tially manufactured in the United States: *Provided*, That
3 for the purpose of this section manufactured will include
4 cutting, heat treating, quality control, testing of chain and
5 welding (including the forging and shot blasting process):
6 *Provided further*, That for the purpose of this section sub-
7 stantially all of the components of anchor and mooring
8 chain shall be considered to be produced or manufactured
9 in the United States if the aggregate cost of the compo-
10 nents produced or manufactured in the United States ex-
11 ceeds the aggregate cost of the components produced or
12 manufactured outside the United States: *Provided further*,
13 That when adequate domestic supplies are not available
14 to meet Department of Defense requirements on a timely
15 basis, the Secretary of the service responsible for the pro-
16 curement may waive this restriction on a case-by-case
17 basis by certifying in writing to the Committees on Appro-
18 priations that such an acquisition must be made in order
19 to acquire capability for national security purposes.

20 (TRANSFER OF FUNDS)

21 SEC. 8023. None of the funds appropriated by this
22 Act available for the Civilian Health and Medical Program
23 of the Uniformed Services (CHAMPUS) shall be available
24 for the reimbursement of any health care provider for in-
25 patient mental health service for care received when a pa-

1 tient is referred to a provider of inpatient mental health
2 care or residential treatment care by a medical or health
3 care professional having an economic interest in the facil-
4 ity to which the patient is referred: *Provided*, That this
5 limitation does not apply in the case of inpatient mental
6 health services provided under the program for the handi-
7 capped under subsection (d) of section 1079 of title 10,
8 United States Code, provided as partial hospital care, or
9 provided pursuant to a waiver authorized by the Secretary
10 of Defense because of medical or psychological cir-
11 cumstances of the patient that are confirmed by a health
12 professional who is not a Federal employee after a review,
13 pursuant to rules prescribed by the Secretary, which takes
14 into account the appropriate level of care for the patient,
15 the intensity of services required by the patient, and the
16 availability of that care.

17 SEC. 8024. Funds available in this Act may be used
18 to provide transportation for the next-of-kin of individuals
19 who have been prisoners of war or missing in action from
20 the Vietnam era to an annual meeting in the United
21 States, under such regulations as the Secretary of Defense
22 may prescribe.

23 SEC. 8025. Notwithstanding any other provision of
24 law, during the current fiscal year, the Secretary of De-
25 fense may, by Executive Agreement, establish with host

1 nation governments in NATO member states a separate
2 account into which such residual value amounts negotiated
3 in the return of United States military installations in
4 NATO member states may be deposited, in the currency
5 of the host nation, in lieu of direct monetary transfers to
6 the United States Treasury: *Provided*, That such credits
7 may be utilized only for the construction of facilities to
8 support United States military forces in that host nation,
9 or such real property maintenance and base operating
10 costs that are currently executed through monetary trans-
11 fers to such host nations: *Provided further*, That the De-
12 partment of Defense's budget submission for fiscal year
13 1997 shall identify such sums anticipated in residual value
14 settlements, and identify such construction, real property
15 maintenance or base operating costs that shall be funded
16 by the host nation through such credits: *Provided further*,
17 That all military construction projects to be executed from
18 such accounts must be previously approved in a prior Act
19 of Congress: *Provided further*, That each such Executive
20 Agreement with a NATO member host nation shall be re-
21 ported to the congressional defense committees, and the
22 Committee on International Relations of the House of
23 Representatives and the Committee on Foreign Relations
24 of the Senate thirty days prior to the conclusion and en-

1 dorsement of any such agreement established under this
2 provision.

3 SEC. 8026. None of the funds available to the De-
4 partment of Defense in this Act shall be used to demili-
5 tarize or dispose of more than 310,784 unserviceable M1
6 Garand rifles and M1 Carbines.

7 SEC. 8027. 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. 8028. None of the funds appropriated by this
13 Act may be used by the Department of Defense to assign
14 a supervisor's title or grade when the number of people
15 he or she supervises is considered as a basis for this deter-
16 mination: *Provided*, That savings that result from this
17 provision are represented as such in future budget propos-
18 als.

19 SEC. 8029. None of the funds appropriated by this
20 Act shall be available for payments under the Department
21 of Defense contract with the Louisiana State University
22 Medical Center involving the use of cats for Brain Missile
23 Wound Research, and the Department of Defense shall
24 not make payments under such contract from funds obli-
25 gated prior to the date of the enactment of this Act, except

1 as necessary for costs incurred by the contractor prior to
2 the enactment of this Act: *Provided*, That funds necessary
3 for the care of animals covered by this contract are al-
4 lowed.

5 SEC. 8030. None of the funds provided in this Act
6 or any other Act shall be available to conduct bone trauma
7 research at any Army Research Laboratory until the Sec-
8 retary of the Army certifies that the synthetic compound
9 to be used in the experiments is of such a type that its
10 use will result in a significant medical finding, the re-
11 search has military application, the research will be con-
12 ducted in accordance with the standards set by an animal
13 care and use committee, and the research does not dupli-
14 cate research already conducted by a manufacturer or any
15 other research organization.

16 SEC. 8031. No more than \$50,000 of the funds ap-
17 propriated or made available in this Act shall be used for
18 any single relocation of an organization, unit, activity or
19 function of the Department of Defense into or within the
20 National Capital Region: *Provided*, That the Secretary of
21 Defense may waive this restriction on a case-by-case basis
22 by certifying in writing to the Committees on Appropria-
23 tions of the House of Representatives and Senate that
24 such a relocation is required in the best interest of the
25 Government.

1 SEC. 8032. During the current fiscal year, funds ap-
2 propriated or otherwise available for any Federal agency,
3 the Congress, the judicial branch, or the District of Co-
4 lumbia may be used for the pay, allowances, and benefits
5 of an employee as defined by section 2105 of title 5 or
6 an individual employed by the government of the District
7 of Columbia, permanent or temporary indefinite, who—

8 (1) is a member of a Reserve component of the
9 Armed Forces, as described in section 261 of title
10 10, or the National Guard, as described in section
11 101 of title 32;

12 (2) performs, for the purpose of providing mili-
13 tary aid to enforce the law or providing assistance
14 to civil authorities in the protection or saving of life
15 or property or prevention of injury—

16 (A) Federal service under section 331,
17 332, 333, 3500, or 8500 of title 10, or other
18 provision of law, as applicable, or

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

23 (3) requests and is granted—

24 (A) leave under the authority of this sec-
25 tion; or

1 (B) annual leave, which may be granted
2 without regard to the provisions of sections
3 5519 and 6323(b) of title 5, if such employee
4 is otherwise entitled to such annual leave:

5 *Provided*, That any employee who requests leave under
6 subsection (3)(A) for service described in subsection (2)
7 of this section is entitled to such leave, subject to the pro-
8 visions of this section and of the last sentence of section
9 6323(b) of title 5, and such leave shall be considered leave
10 under section 6323(b) of title 5.

11 SEC. 8033. None of the funds appropriated by this
12 Act shall be available to perform any cost study pursuant
13 to the provisions of OMB Circular A-76 if the study being
14 performed exceeds a period of twenty-four months after
15 initiation of such study with respect to a single function
16 activity or forty-eight months after initiation of such study
17 for a multi-function activity.

18 SEC. 8034. Funds appropriated by this Act for the
19 American Forces Information Service shall not be used for
20 any national or international political or psychological ac-
21 tivities.

22 SEC. 8035. Notwithstanding any other provision of
23 law or regulation, the Secretary of Defense may adjust
24 wage rates for civilian employees hired for certain health
25 care occupations as authorized for the Secretary of Veter-

1 ans Affairs by section 7455 of title 38, United States
2 Code.

3 SEC. 8036. None of the funds appropriated or made
4 available in this Act shall be used to reduce or disestablish
5 the operation of the 53rd Weather Reconnaissance Squad-
6 ron of the Air Force Reserve, if such action would reduce
7 the WC-130 Weather Reconnaissance mission below the
8 levels funded in this Act.

9 SEC. 8037. (a) Of the funds for the procurement of
10 supplies or services appropriated by this Act, qualified
11 nonprofit agencies for the blind or other severely handi-
12 capped shall be afforded the maximum practicable oppor-
13 tunity to participate as subcontractors and suppliers in the
14 performance of contracts let by the Department of De-
15 fense.

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

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

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

6 SEC. 8038. During the current fiscal year, net re-
7 ceipts pursuant to collections from third party payers pur-
8 suant to section 1095 of title 10, United States Code, shall
9 be made available to the local facility of the uniformed
10 services responsible for the collections and shall be over
11 and above the facility’s direct budget amount.

12 SEC. 8039. During the current fiscal year, the De-
13 partment of Defense is authorized to incur obligations of
14 not to exceed \$350,000,000 for purposes specified in sec-
15 tion 2350j(c) of title 10, United States Code, in anticipa-
16 tion of receipt of contributions, only from the Government
17 of Kuwait, under that section: *Provided*, That, upon re-
18 ceipt, such contributions from the Government of Kuwait
19 shall be credited to the appropriation or fund which in-
20 curred such obligations.

21 SEC. 8040. (a) Funds appropriated in this Act to fi-
22 nance activities of Department of Defense (DoD) Feder-
23 ally Funded Research and Development Centers
24 (FFRDCs) may not be obligated or expended for a
25 FFRDC if a member of its Board of Directors or Trustees

1 simultaneously serves on the Board of Directors or Trust-
2 ees of a profit-making company under contract to the De-
3 partment of Defense unless the FFRDC has a DoD ap-
4 proved conflict of interest policy for its members.

5 (b) LIMITATION ON COMPENSATION.—No employee
6 or executive officer of a defense FFRDC may be com-
7 pensated at a rate exceeding Executive Schedule Level I
8 by that FFRDC.

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

20 (d) Notwithstanding any other provision of law, of
21 the amounts available to the Department of Defense dur-
22 ing fiscal year 1996, not more than \$1,252,650,000 may
23 be obligated for financing activities of defense FFRDCs:
24 *Provided*, That in addition to any other reductions re-
25 quired by this section, the total amounts appropriated in

1 titles II, III, and IV of this Act to finance activities carried
2 out by defense FFRDCs and other entities providing con-
3 sulting services, studies and analyses, systems engineering
4 and technical assistance, and technical engineering and
5 management support are hereby reduced by \$90,097,000.

6 SEC. 8041. None of the funds appropriated or made
7 available in this Act shall be used to procure carbon, alloy
8 or armor steel plate for use in any Government-owned fa-
9 cility or property under the control of the Department of
10 Defense which were not melted and rolled in the United
11 States or Canada: *Provided*, That these procurement re-
12 strictions shall apply to any and all Federal Supply Class
13 9515, American Society of Testing and Materials (ASTM)
14 or American Iron and Steel Institute (AISI) specifications
15 of carbon, alloy or armor steel plate: *Provided further*,
16 That the Secretary of the military department responsible
17 for the procurement may waive this restriction on a case-
18 by-case basis by certifying in writing to the Committees
19 on Appropriations of the House of Representatives and the
20 Senate that adequate domestic supplies are not available
21 to meet Department of Defense requirements on a timely
22 basis and that such an acquisition must be made in order
23 to acquire capability for national security purposes: *Pro-*
24 *vided further*, That these restrictions shall not apply to

1 contracts which are in being as of the date of enactment
2 of this Act.

3 SEC. 8042. None of the unobligated balances avail-
4 able in the National Defense Stockpile Transaction Fund
5 during the current fiscal year may be obligated or ex-
6 pended to finance any grant or contract to conduct re-
7 search, development, test and evaluation activities for the
8 development or production of advanced materials, unless
9 amounts for such purposes are specifically appropriated
10 in a subsequent appropriations Act.

11 SEC. 8043. For the purposes of this Act, the term
12 “congressional defense committees” means the Commit-
13 tees on Appropriations of the Senate and the House of
14 Representatives, the subcommittee on National Security of
15 the Committee on Appropriations and the Committee on
16 National Security of the House of Representatives, and
17 the Committee on Armed Services of the Senate.

18 SEC. 8044. Notwithstanding any other provision of
19 law, during the current fiscal year, the Department of De-
20 fense may acquire the modification, depot maintenance
21 and repair of aircraft, vehicles and vessels as well as the
22 production of components and other Defense-related arti-
23 cles, through competition between Department of Defense
24 depot maintenance activities and private firms: *Provided,*
25 That the Senior Acquisition Executive of the military de-

1 partment or defense agency concerned, with power of dele-
2 gation, shall certify that successful bids include com-
3 parable estimates of all direct and indirect costs for both
4 public and private bids: *Provided further*, That Office of
5 Management and Budget Circular A-76 shall not apply
6 to competitions conducted under this section.

7 SEC. 8045. (a)(1) If the Secretary of Defense, after
8 consultation with the United States Trade Representative,
9 determines that a foreign country which is party to an
10 agreement described in paragraph (2) has violated the
11 terms of the agreement by discriminating against certain
12 types of products produced in the United States that are
13 covered by the agreement, the Secretary of Defense shall
14 rescind the Secretary's blanket waiver of the Buy Amer-
15 ican Act with respect to such types of products produced
16 in that foreign country.

17 (2) An agreement referred to in paragraph (1) is any
18 reciprocal defense procurement memorandum of under-
19 standing, between the United States and a foreign country
20 pursuant to which the Secretary of Defense has prospec-
21 tively waived the Buy American Act for certain products
22 in that country.

23 (b) The Secretary of Defense shall submit to Con-
24 gress a report on the amount of Department of Defense
25 purchases from foreign entities in fiscal year 1996. Such

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

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

13 SEC. 8046. Notwithstanding any other provision of
14 law, the Secretary of Defense may, when he considers it
15 in the best interest of the United States, cancel any part
16 of an indebtedness, up to \$2,500, that is or was owed to
17 the United States by a member or former member of a
18 uniformed service if such indebtedness, as determined by
19 the Secretary, was incurred in connection with Operation
20 Desert Shield/Storm: *Provided*, That the amount of an in-
21 debtedness previously paid by a member or former mem-
22 ber and cancelled under this section shall be refunded to
23 the member.

24 SEC. 8047. Appropriations contained in this Act that
25 remain available at the end of the current fiscal year as

1 a result of energy cost savings realized by the Department
2 of Defense shall remain available for obligation for the
3 next fiscal year to the extent, and for the purposes, pro-
4 vided in section 2865 of title 10, United States Code.

5 SEC. 8048. During the current fiscal year and there-
6 after, voluntary separation incentives payable under 10
7 U.S.C. 1175 may be paid in such amounts as are nec-
8 essary from the assets of the Voluntary Separation Incen-
9 tive Fund established by section 1175(h)(1).

10 (INCLUDING TRANSFER OF FUNDS)

11 SEC. 8049. Amounts deposited during the current fis-
12 cal year to the special account established under 40 U.S.C.
13 485(h)(2) and to the special account established under 10
14 U.S.C. 2667(d)(1) are appropriated and shall be available
15 until transferred by the Secretary of Defense to current
16 applicable appropriations or funds of the Department of
17 Defense under the terms and conditions specified by 40
18 U.S.C. 485(h)(2) (A) and (B) and 10 U.S.C.
19 2667(d)(1)(B), to be merged with and to be available for
20 the same time period and the same purposes as the appro-
21 priation to which transferred.

22 SEC. 8050. During the current fiscal year, appropria-
23 tions available to the Department of Defense may be used
24 to reimburse a member of a reserve component of the
25 Armed Forces who is not otherwise entitled to travel and
26 transportation allowances and who occupies transient gov-

1 ernment housing while performing active duty for training
2 or inactive duty training: *Provided*, That such members
3 may be provided lodging in kind if transient government
4 quarters are unavailable as if the member was entitled to
5 such allowances under subsection (a) of section 404 of title
6 37, United States Code: *Provided further*, That if lodging
7 in kind is provided, any authorized service charge or cost
8 of such lodging may be paid directly from funds appro-
9 priated for operation and maintenance of the reserve com-
10 ponent of the member concerned.

11 SEC. 8051. None of the funds available in this Act
12 may be used to support in any manner, including travel
13 or other related expenses, the “Tailhook Association”.

14 SEC. 8052. The President shall include with each
15 budget for a fiscal year submitted to the Congress under
16 section 1105 of title 31, United States Code, materials
17 that shall identify clearly and separately the amounts re-
18 quested in the budget for appropriation for that fiscal year
19 for salaries and expenses related to administrative activi-
20 ties of the Department of Defense, the military
21 departments, and the Defense Agencies.

22 SEC. 8053. During the current fiscal year, amounts
23 contained in the Department of Defense Overseas Military
24 Facility Investment Recovery Account established by sec-
25 tion 2921(c)(1) of the National Defense Authorization Act

1 of 1991 (Public Law 101-510; 10 U.S.C. 2687 note) shall
2 be available until expended for the payments specified by
3 section 2921(c)(2) of that Act.

4 SEC. 8054. During the current fiscal year and there-
5 after, annual payments granted under the provisions of
6 section 4416 of the National Defense Authorization Act
7 for Fiscal Year 1993 (Public Law 102-428; 106 Stat.
8 2714) shall be made from appropriations which are avail-
9 able for the pay of reserve component personnel.

10 SEC. 8055. Of the funds appropriated or otherwise
11 made available by this Act, not more than \$119,200,000
12 shall be available for payment of the operating costs of
13 NATO Headquarters.

14 SEC. 8056. During the current fiscal year, appropria-
15 tions which are available to the Department of Defense
16 for operation and maintenance may be used to purchase
17 items having an investment item unit cost of not more
18 than \$50,000.

19 SEC. 8057. During the current fiscal year and there-
20 after, appropriations available for the pay and allowances
21 of active duty members of the Armed Forces shall be avail-
22 able to pay the retired pay which is payable pursuant to
23 section 4403 of Public Law 102-484 (10 U.S.C. 1293
24 note) under the terms and conditions provided in section
25 4403.

1 SEC. 8058. (a) During the current fiscal year, none
2 of the appropriations or funds available to the Defense
3 Business Operations Fund shall be used for the purchase
4 of an investment item for the purpose of acquiring a new
5 inventory item for sale or anticipated sale during the cur-
6 rent fiscal year or a subsequent fiscal year to customers
7 of the Defense Business Operations Fund if such an item
8 would not have been chargeable to the Defense Business
9 Operations Fund during fiscal year 1994 and if the pur-
10 chase of such an investment item would be chargeable dur-
11 ing the current fiscal year to appropriations made to the
12 Department of Defense for procurement.

13 (b) The fiscal year 1997 budget request for the De-
14 partment of Defense as well as all justification material
15 and other documentation supporting the fiscal year 1997
16 Department of Defense budget shall be prepared and sub-
17 mitted to the Congress on the basis that any equipment
18 which was classified as an end item and funded in a pro-
19 curement appropriation contained in this Act shall be
20 budgeted for in a proposed fiscal year 1997 procurement
21 appropriation and not in the supply management business
22 area or any other area or category of the Defense Business
23 Operations Fund.

24 SEC. 8059. None of the funds provided in this Act
25 shall be available for use by a Military Department to

1 modify an aircraft, weapon, ship or other item of equip-
2 ment, that the Military Department concerned plans to
3 retire or otherwise dispose of within five years after com-
4 pletion of the modification: *Provided*, That this prohibition
5 shall not apply to safety modifications: *Provided further*,
6 That this prohibition may be waived by the Secretary of
7 a Military Department if the Secretary determines it is
8 in the best national security interest of the United States
9 to provide such waiver and so notifies the congressional
10 defense committees in writing.

11 SEC. 8060. No part of the funds in this Act shall
12 be available to prepare or present a request to the Com-
13 mittees on Appropriations for reprogramming of funds,
14 unless for higher priority items, based on unforeseen mili-
15 tary requirements, than those for which originally appro-
16 priated and in no case where the item for which
17 reprogramming is requested has been denied by the Con-
18 gress.

19 SEC. 8061. None of the funds appropriated by this
20 Act shall be available for payment of the compensation
21 of personnel assigned to or serving in the National For-
22 eign Intelligence Program in excess of 92 percent of such
23 personnel actually assigned to or serving in the National
24 Foreign Intelligence Program on September 30, 1992:
25 *Provided*, That in making any reduction in the number

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

11 SEC. 8062. None of the funds provided by this Act
12 may be used to pay the salaries of any person or persons
13 who authorize the transfer of obligated and deobligated
14 appropriations into the Reserve for Contingencies of the
15 Central Intelligence Agency.

16 SEC. 8063. None of the funds appropriated by this
17 Act for programs of the Central Intelligence Agency shall
18 remain available for obligation beyond the current fiscal
19 year, except for funds appropriated for the Reserve for
20 Contingencies, which shall remain available until Septem-
21 ber 30, 1997.

22 SEC. 8064. The classified Annex prepared by the
23 Committee on Appropriations to accompany the report on
24 the Department of Defense Appropriations Act, 1996 is
25 hereby incorporated into this Act: *Provided,* That the

1 amounts specified in the classified Annex are not in addi-
2 tion to amounts appropriated by other provisions of this
3 Act: *Provided further*, That the President shall provide for
4 appropriate distribution of the classified Annex, or of ap-
5 propriate portions of the classified Annex, within the exec-
6 utive branch of the Government.

7 SEC. 8065. Notwithstanding any other provision of
8 law, funds made available in this Act for the Defense In-
9 telligence Agency may be used for the design, develop-
10 ment, and deployment of General Defense Intelligence
11 Program intelligence communications and intelligence in-
12 formation systems for the Services, the Unified and Speci-
13 fied Commands, and the component commands.

14 SEC. 8066. Notwithstanding any other provision of
15 law, funds appropriated in this Act for the High Perform-
16 ance Computing Modernization Program shall be made
17 available only for the acquisition and sustainment of oper-
18 ations, including maintenance of the supercomputing and
19 related networking capability at (1) the DOD Science and
20 Technology sites under the cognizance of the DDR&E, (2)
21 the DOD Test and Evaluation centers under the Director,
22 Test and Evaluation, OUSD (A&T), and (3) the Ballistic
23 Missile Defense Organization: *Provided*, That the con-
24 tracts, contract modifications, or contract options are

1 awarded competitively solely upon the requirements of the
2 users.

3 SEC. 8067. Amounts collected for the use of the fa-
4 cilities of the National Science Center for Communications
5 and Electronics during the current fiscal year pursuant
6 to section 1459(g) of the Department of Defense Author-
7 ization Act, 1986 and deposited to the special account es-
8 tablished under subsection 1459(g)(2) of that Act are ap-
9 propriated and shall be available until expended for the
10 operation and maintenance of the Center as provided for
11 in subsection 1459(g)(2).

12 SEC. 8068. None of the funds appropriated in this
13 Act may be used to fill the commander's position at any
14 military medical facility with a health care professional
15 unless the prospective candidate can demonstrate profes-
16 sional administrative skills.

17 SEC. 8069. (a) None of the funds appropriated in this
18 Act may be expended by an entity of the Department of
19 Defense unless the entity, in expending the funds, com-
20 plies with the Buy American Act. For purposes of this
21 subsection, the term "Buy American Act" means title III
22 of the Act entitled "An Act making appropriations for the
23 Treasury and Post Office Departments for the fiscal year
24 ending June 30, 1934, and for other purposes", approved
25 March 3, 1933 (41 U.S.C. 10a et seq.).

1 (b) If the Secretary of Defense determines that a per-
2 son has been convicted of intentionally affixing a label
3 bearing a “Made in America” inscription to any product
4 sold in or shipped to the United States that is not made
5 in America, the Secretary shall determine, in accordance
6 with section 2410f of title 10, United States Code, wheth-
7 er the person should be debarred from contracting with
8 the Department of Defense.

9 SEC. 8070. None of the funds appropriated by this
10 Act shall be available for a contract for studies, analyses,
11 or consulting services entered into without competition on
12 the basis of an unsolicited proposal unless the head of the
13 activity responsible for the procurement determines—

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

17 (2) the purpose of the contract is to explore an
18 unsolicited proposal which offers significant sci-
19 entific or technological promise, represents the prod-
20 uct of original thinking, and was submitted in con-
21 fidence by one source, or

22 (3) the purpose of the contract is to take ad-
23 vantage of unique and significant industrial accom-
24 plishment by a specific concern, or to insure that a

1 new product or idea of a specific concern is given fi-
2 nancial support:

3 *Provided*, That this limitation shall not apply to contracts
4 in an amount of less than \$25,000, contracts related to
5 improvements of equipment that is in development or pro-
6 duction, or contracts as to which a civilian official of the
7 Department of Defense, who has been confirmed by the
8 Senate, determines that the award of such contract is in
9 the interest of the national defense.

10 SEC. 8071. Funds appropriated by this Act for intel-
11 ligence activities are deemed to be specifically authorized
12 by the Congress for purposes of section 504 of the Na-
13 tional Security Act of 1947 (50 U.S.C. 414) during fiscal
14 year 1996 until the enactment of the Intelligence Author-
15 ization Act for fiscal year 1996.

16 SEC. 8072. (a) None of the funds made available by
17 this Act may be obligated for design, development, acquisi-
18 tion, or operation of more than 47 Titan IV expendable
19 launch vehicles, or for satellite mission-model planning for
20 a Titan IV requirement beyond 47 vehicles.

21 (b) \$115,226,000 made available in this Act for Re-
22 search, Development, Test and Evaluation, Air Force,
23 may only be obligated for development of a new family
24 of medium-lift and heavy-lift expendable launch vehicles
25 evolved from existing technologies.

1 SEC. 8073. No funds available to the Department of
2 Defense in this Act may be used to establish additional
3 field operating agencies of any element of the Department
4 during fiscal year 1996, except for field operating agencies
5 funded within the National Foreign Intelligence Program.

6 SEC. 8074. Notwithstanding any other provision of
7 law, for resident classes entering the war colleges after
8 September 30, 1996, the Department of Defense shall re-
9 quire that not less than 20 percent of the total of United
10 States military students at each war college shall be from
11 military departments other than the hosting military de-
12 partment: *Provided*, That each military department will
13 recognize the attendance at a sister military department
14 war college as the equivalent of attendance at its own war
15 college for promotion and advancement of personnel.

16 SEC. 8075. None of the funds provided in this Act
17 may be obligated for payment on new contracts on which
18 allowable costs charged to the government include pay-
19 ments for individual compensation at a rate in excess of
20 \$200,000 per year.

21 SEC. 8076. None of the funds available in this Act
22 may be used to reduce the authorized positions for mili-
23 tary (civilian) technicians of the Army National Guard,
24 the Air National Guard, Army Reserve and Air Force Re-
25 serve for the purpose of applying any administratively im-

1 posed civilian personnel ceiling, freeze, or reduction on
2 military (civilian) technicians, unless such reductions are
3 a direct result of a reduction in military force structure.

4 SEC. 8077. During the current fiscal year, funds ap-
5 propriated in this Act are available to compensate mem-
6 bers of the National Guard for duty performed pursuant
7 to a plan submitted by a Governor of a State and approved
8 by the Secretary of Defense under section 112 of title 32,
9 United States Code: *Provided*, That during the perform-
10 ance of such duty, the members of the National Guard
11 shall be under State command and control: *Provided fur-*
12 *ther*, That such duty shall be treated as full-time National
13 Guard duty for purposes of sections 12602 (a)(2) and
14 (b)(2) of title 10, United States Code.

15 SEC. 8078. 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 for 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
2 deviation from established Reserve and National Guard
3 personnel and training procedures.

4 SEC. 8079. (a) No project for the construction of any
5 facility, or improvement to any facility, having an esti-
6 mated Federal cost in excess of \$750,000, may be under-
7 taken in any fiscal year unless specifically identified as
8 a separate item in the President's annual fiscal year budg-
9 et request or otherwise specifically authorized and appro-
10 priated if such facility or improvement would be used pri-
11 marily by personnel of the intelligence community.

12 (b) As used in this section, the term "intelligence
13 community" has the same meaning given that term in sec-
14 tion 3(4) of the National Security Act of 1947 (50 U.S.C.
15 401a(4)).

16 SEC. 8080. The Secretary of Defense, from within
17 funds provided in this Act, may obligate not to exceed
18 \$75,000 to fulfill Department of Defense obligations
19 under the Educational Loan Repayment Programs for
20 State-sponsored student loan programs not covered under
21 title IV, part B or E of the Higher Education Act of 1965
22 (title 20 U.S.C. 1071–1087).

23 SEC. 8081. All refunds or other amounts collected in
24 the administration of the Civilian Health and Medical Pro-

1 gram of the Uniformed Services (CHAMPUS) shall be
2 credited to current year appropriations.

3 (INCLUDING TRANSFER OF FUNDS)

4 SEC. 8082. None of the funds appropriated in this
5 Act may be transferred to or obligated from the Pentagon
6 Reservation Maintenance Revolving Fund, unless the Sec-
7 retary of Defense certifies that the total cost for the plan-
8 ning design, construction and installation of equipment for
9 the renovation of the Pentagon Reservation will not exceed
10 \$1,218,000,000.

11 SEC. 8083. (a) None of the funds available to the
12 Department of Defense for any fiscal year for drug inter-
13 diction or counter-drug activities may be transferred to
14 any other department or agency of the United States ex-
15 cept as specifically provided in an appropriations law.

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

21 (TRANSFER OF FUNDS)

22 SEC. 8084. Appropriations available in this Act under
23 the heading "Operation and Maintenance, Defense-Wide"
24 for increasing energy and water efficiency in Federal
25 buildings may, during their period of availability, be trans-
26 ferred to other appropriations or funds of the Department

1 of Defense for projects related to increasing energy and
2 water efficiency, to be merged with and to be available
3 for the same general purposes, and for the same time pe-
4 riod, as the appropriation or fund to which transferred.

5 SEC. 8085. Funds in the amount of \$61,300,000 re-
6 ceived during fiscal year 1996 by the Department of the
7 Air Force pursuant to the “Memorandum of Agreement
8 between the National Aeronautics and Space Administra-
9 tion and the United States Air Force on Titan IV/Centaur
10 Launch Support for the Cassini Mission,” signed Septem-
11 ber 8, 1994, and September 23, 1994, and Attachments
12 A, B and C to the Memorandum, shall be merged with
13 appropriations available for research, development, test
14 and evaluation and procurement for fiscal year 1996, and
15 shall be available for the same time period as the appro-
16 priation with which merged, and shall be available for obli-
17 gation only for those Titan IV vehicles and Titan IV-relat-
18 ed activities under contract as of the date of enactment
19 of this Act, as well as on the follow-on launch services and
20 program sustaining support contract to be awarded in fis-
21 cal year 1996.

22 (INCLUDING TRANSFER OF FUNDS)

23 SEC. 8086. In addition to amounts appropriated or
24 otherwise made available by this Act, \$44,000,000 is here-
25 by appropriated to the Department of Defense and shall

1 be available only for transfer to the United States Coast
2 Guard for activities relating to national security.

3 SEC. 8087. The total amount appropriated in title II,
4 III, and IV of this Act is hereby reduced by \$30,000,000
5 for savings through improved management of contractor
6 automatic data processing costs charged through indirect
7 rates on Department of Defense acquisition contracts.

8 SEC. 8088. (a) None of the funds appropriated in
9 title III of this Act may be obligated by the Department
10 of Defense for acquisition or advance procurement of any
11 system or end item using incremental funding.

12 (b) For purposes of this section, the term “incremen-
13 tal funding” has the meaning provided in paragraph (3)
14 of section 114(f) of title 10, United States Code, as added
15 by section 1007 of H.R. 1530 of the One Hundred Fourth
16 Congress (the National Defense Authorization Act for Fis-
17 cal Year 1996), as passed by the House of Representatives
18 on June 15, 1995.

19 (c) This section does not apply to an obligation that
20 is classified as an advance procurement for a system or
21 end item that is to be procured on a full funding basis.

22 SEC. 8089. None of the funds in this Act may be
23 used to purchase any supercomputer which is not manu-
24 factured in the United States, unless the Secretary of De-
25 fense certifies to the congressional defense committees

1 that such an acquisition must be made in order to acquire
2 capability for national security purposes that is not avail-
3 able from United States manufacturers.

4 SEC. 8090. None of the funds appropriated in this
5 Act to the Department of the Army may be obligated for
6 procurement of 120mm mortars or 120mm mortar ammu-
7 nition manufactured outside of the United States.

8 SEC. 8091. The Department of Defense shall release
9 all funds appropriated and available for the HAVE GAZE
10 program to the Department of the Air Force for obligation
11 under existing contractual arrangements.

12 SEC. 8092. Notwithstanding any other provision of
13 law, (a) funds available to the Navy in the Operation and
14 Maintenance appropriation for refueling overhauls and
15 defueling inactivations of nuclear-powered warships are
16 available to transport the shipments of naval spent nuclear
17 fuel to the Idaho National Engineering Laboratory needed
18 for examination and storage to avoid threats to the na-
19 tional security; and (b) the Secretary of the Navy is hereby
20 authorized to immediately commence and accomplish such
21 transportation: *Provided*, That the Secretary of Defense
22 shall make the determination as to what shipments are
23 required for that purpose and shall ensure that the ship-
24 ments are made in accordance with the practices and re-
25 quirements applied to previous container shipments of

1 naval spent fuel to the Idaho National Engineering Lab-
2 oratory: *Provided further*, That the authority in this sec-
3 tion shall expire on September 30, 1996 or upon the vaca-
4 tion or stay of the current or any subsequent injunction
5 issued by the United States District Court for the District
6 of Idaho which enjoins such shipments, whichever occurs
7 first: *Provided further*, That the authority in this section
8 may not be used unless the Secretary of Defense certifies
9 in writing to the congressional defense committees that a
10 good-faith agreement between the State of Idaho and the
11 United States Government was attempted but could not
12 be reached concerning interim shipments of spent nuclear
13 fuel enjoined by any such injunction based on national se-
14 curity reasons.

15 SEC. 8093. None of the funds appropriated by this
16 Act shall be available to lease or charter a vessel on a
17 long-term basis used to transport fuel or oil for the De-
18 partment of Defense in those instances where the leases
19 involve the construction of new ships unless the Secretary
20 of Defense requires that the vessel be constructed in the
21 United States with a double hull under the long term lease
22 or charter authority provided in section 2401 note of title
23 10, United States Code: *Provided*, That this limitation
24 shall not apply to contracts in force on the date of enact-
25 ment of this Act: *Provided further*, That by 1997 at least

1 20 percent of annual leases and charters must be for ships
2 of new construction: *Provided further*, That the Military
3 Sealift Command shall plan to achieve the goal of elimi-
4 nating single hull ship leases by the year 2015.

5 SEC. 8094. None of the funds appropriated or made
6 available in this Act to the Department of the Navy shall
7 be used to develop or procure main propulsion engines for
8 the LPD-17 class of ships unless such equipment is pow-
9 ered by a diesel engine manufactured in the United States
10 by a domestically operated entity: *Provided*, That the Sec-
11 retary of Defense may waive this restriction on a case-
12 by-case basis by certifying in writing to the Committees
13 on Appropriations of the House of Representatives and the
14 Senate that adequate domestic supplies are not available
15 to meet Department of Defense requirements on a timely
16 basis and that such an acquisition must be made in order
17 to acquire capability for national security purposes or
18 there exists a significant cost or quality difference.

19 SEC. 8095. None of the funds appropriated or made
20 available in this Act to the Department of the Navy shall
21 be used to develop or procure an emergency generator set
22 for the New Attack Submarine unless such equipment is
23 powered by a diesel engine manufactured in the United
24 States by a domestically operated entity: *Provided*, That
25 the Secretary of Defense may waive this restriction on a

1 case-by-case basis by certifying in writing to the Commit-
2 tees on Appropriations of the House of Representatives
3 and the Senate that adequate domestic supplies are not
4 available to meet Department of Defense requirements on
5 a timely basis and that such an acquisition must be made
6 in order to acquire capability for national security pur-
7 poses or there exists a significant cost or quality dif-
8 ference.

9 SEC. 8096. The Army shall use George Air Force
10 Base as the interim airhead for the National Training
11 Center at Fort Irwin until Barstow-Daggett reaches Ini-
12 tial Operational Capability as the permanent airhead: *Pro-*
13 *vided*, That within funds appropriated for “Operation and
14 Maintenance, Army” in this Act, not less than \$2,000,000
15 shall be available only to operate the National Training
16 Center’s rotational airhead at the now closed George Air
17 Force Base: *Provided further*, That the Secretary of the
18 Army shall provide the congressional defense committees
19 with a report assessing the Army’s compliance with the
20 terms of this provision not later than March 31, 1996:
21 *Provided further*, That not later than April 30, 1996, the
22 Department of the Army shall complete planning and de-
23 sign of the Barstow-Daggett airfield as the permanent
24 airhead in support of training rotations at the National
25 Training Center.

(TRANSFER OF FUNDS)

1
2 SEC. 8097. During the current fiscal year, the Sec-
3 retary of Defense may carry out transfers of funds of not
4 to exceed \$200,000,000, as provided in section 127a(c) of
5 title 10, United States Code, as amended by section 1003
6 of the National Defense Authorization Act for Fiscal Year
7 1996 (H.R. 1530): *Provided*, That the transfer authority
8 provided in this paragraph is in addition to any transfer
9 authority contained elsewhere in this Act.

10 SEC. 8098. The sum of \$77,500,000 appropriated in
11 title I and the sum of \$564,300,000 appropriated in title
12 II for additional incremental costs associated with the op-
13 erations of the Department of Defense designated, as of
14 June 1, 1995, as Operation Southern Watch and Oper-
15 ation Provide Comfort—

16 (1) shall not be obligated or expended before
17 the date on which the budget of the President for
18 fiscal year 1997 is transmitted to Congress; and

19 (2) may be obligated or expended for such in-
20 cremental costs on or after such date only if that
21 budget specifically sets forth amounts proposed for
22 fiscal year 1997 for each of those operations.

23 SEC. 8099. (a) The Secretary of Defense shall sub-
24 mit, on a quarterly basis, a report to the congressional
25 defense committees, the Committee on International Rela-

1 tions of the House of Representatives and the Committee
2 on Foreign Relations of the Senate setting forth all costs
3 (including incremental costs) incurred by the Department
4 of Defense during the preceding quarter in implementing
5 or supporting resolutions of the United Nations Security
6 Council, including any such resolution calling for inter-
7 national sanctions, international peacekeeping operations,
8 and humanitarian missions undertaken by the Depart-
9 ment of Defense. The quarterly report shall include an ag-
10 gregate of all such Department of Defense costs by oper-
11 ation or mission.

12 (b) The Secretary of Defense shall detail in the quar-
13 terly reports all efforts made to seek credit against past
14 United Nations expenditures and all efforts made to seek
15 compensation from the United Nations for costs incurred
16 by the Department of Defense in implementing and sup-
17 porting United Nations activities.

18 SEC. 8100. (a) LIMITATION ON PARTICIPATION IN
19 CERTAIN OPERATIONS.—None of the funds available to
20 the Department of Defense for the current fiscal year shall
21 be obligated or expended for costs incurred by United
22 States Armed Forces units serving in an operation de-
23 scribed in subsection (b) unless the President engages in
24 consultations with the bipartisan leadership of Congress
25 and the congressional committees named in subsection (e)

1 regarding such operation in accordance with subsection
2 (c)(1).

3 (b) COVERED OPERATIONS.—(1) This section applies
4 to the following:

5 (A) Any international peacekeeping or peace-en-
6 forcement operation that is not underway as of the
7 date of the enactment of this Act and that is author-
8 ized by the Security Council of the United Nations
9 under chapter VI or VII of the Charter of the Unit-
10 ed Nations.

11 (B) Any other international peacekeeping or
12 peace-enforcement operation that is not underway as
13 of the date of the enactment of this Act.

14 (C) Any deployment after the date of the enact-
15 ment of this Act of United States ground forces in
16 the territory of the former Yugoslavia above the level
17 of such forces so deployed as of such date of enact-
18 ment, other than a deployment involving fewer than
19 100 personnel.

20 (D) Except as provided in paragraph (2), any
21 international humanitarian assistance operation.

22 (2) This section does not apply with respect to—

23 (A) an international humanitarian assistance
24 operation carried out in response to a disaster; or

1 (B) any other international humanitarian as-
2 sistance operation if the President reports to Con-
3 gress that the estimated cost of such operation is
4 less than \$50,000,000.

5 (c) CONSULTATION WITH CONGRESS.—(1) Consulta-
6 tions under subsection (a) in the case of any operation
7 shall be initiated before the initial deployment of United
8 States Armed Forces units to participate in the operation
9 and, whenever possible, at least 15 days before such de-
10 ployment. However, if the President determines that the
11 national security so requires, the President may delay the
12 initiation of such consultations until after such initial de-
13 ployment, but in no case may such consultations be initi-
14 ated later than 48 hours after such deployment.

15 (2) Such consultations shall include discussion of all
16 of the following:

17 (A) The goals of the operation and the mission
18 of any United States Armed Forces units involved in
19 the operation.

20 (B) The United States interests that will be
21 served by the operation.

22 (C) The estimated cost of the operation.

23 (D) The strategy by which the President pro-
24 poses to fund the operation, including possible sup-
25 plemental appropriations or payments from inter-

1 national organizations, foreign countries, or other
2 donors.

3 (E) The extent of involvement of armed forces
4 and other contributions of personnel from other na-
5 tions.

6 (F) The anticipated duration and scope of the
7 operation.

8 (3) Such consultations shall continue on a periodic
9 basis throughout the period of the deployment.

10 (d) REQUESTS FOR EMERGENCY SUPPLEMENTAL
11 APPROPRIATIONS.—Whenever there is a deployment of
12 United States Armed Forces to perform an international
13 humanitarian, peacekeeping, or peace-enforcement oper-
14 ation, the President should seek emergency supplemental
15 appropriations to meet the incremental costs to the De-
16 partment of Defense of that deployment not later than 90
17 days after the date on which such deployment commences.

18 (e) COMMITTEES TO BE INCLUDED IN CONSULTA-
19 TIONS.—The committees referred to in subsection (a) are
20 the following:

21 (1) The congressional defense committees.

22 (2) The Committee on Foreign Relations of the
23 Senate and the Committee on International Rela-
24 tions of the House of Representatives.

1 (3) The Select Committee on Intelligence of the
2 Senate and the Permanent Select Committee on In-
3 telligence of the House of Representatives.

4 SEC. 8101. (a) LIMITATION ON TRANSFER OF DE-
5 FENSE ARTICLES AND SERVICES.—Notwithstanding any
6 other provision of law, none of the funds available to the
7 Department of Defense for the current fiscal year may be
8 obligated or expended to transfer to another nation or an
9 international organization any defense articles or services
10 (other than intelligence services) for use in the activities
11 described in subsection (b) unless the congressional de-
12 fense committees, and the Committee on International Re-
13 lations of the House of Representatives and the Commit-
14 tee on Foreign Relations of the Senate are notified 15
15 days in advance of such transfer.

16 (b) COVERED ACTIVITIES.—(1) This section applies
17 to—

18 (A) any international peacekeeping or peace-en-
19 forcement operation under the authority of chapter
20 VI or chapter VII of the United Nations Charter
21 under the authority of a United Nations Security
22 Council resolution; and

23 (B) any other international peacekeeping,
24 peace-enforcement, humanitarian, or disaster relief
25 operation.

1 (c) REQUIRED NOTICE.—A notice under subsection
2 (a) shall include the following:

3 (1) A description of the equipment, supplies, or
4 services to be transferred.

5 (2) A statement of the value of the equipment,
6 supplies, or services to be transferred.

7 (3) In the case of a proposed transfer of equip-
8 ment or supplies—

9 (A) a statement of whether the inventory
10 requirements of all elements of the Armed
11 Forces (including the reserve components) for
12 the type of equipment or supplies to be trans-
13 ferred have been met; and

14 (B) a statement of whether the items pro-
15 posed to be transferred will have to be replaced
16 and, if so, how the President proposes to pro-
17 vide funds for such replacement.

18 SEC. 8102. None of the funds available to the De-
19 partment of Defense shall be obligated or expended for
20 the purposes of deploying United States Armed Forces to
21 participate in the implementation of a negotiated peace
22 settlement in Bosnia-Herzegovina, unless such deployment
23 is previously authorized by law.

24 SEC. 8103. Except as expressly authorized by law or
25 provided for specifically in an Act making appropriations

1 for the Department of Defense, none of the funds available
2 to the Department of Defense after December 1, 1995,
3 for the current fiscal year or any fiscal year hereafter shall
4 be available to support or otherwise provide funds for any
5 program or activity (other than an intelligence program
6 or activity) for which another Federal department or agen-
7 cy has primary responsibility or which is a type of pro-
8 gram or activity for which funds are customarily provided
9 in appropriations available to another Federal department
10 or agency. The limitation in the preceding sentence does
11 not apply with respect to funds made available to another
12 department or agency in accordance with section 1535 of
13 title 31, United States Code.

14 SEC. 8104. None of the funds available to the De-
15 partment of Defense shall be obligated or expended to
16 make a financial contribution to the United Nations for
17 the cost of an United Nations peacekeeping activity
18 (whether pursuant to assessment or a voluntary contribu-
19 tion) or for payment of any United States arrearage to
20 the United Nations.

21 SEC. 8105. None of the funds made available in this
22 Act may be used to administer any policy that permits
23 the performance of abortions at medical treatment or
24 other facilities of the Department of Defense, except when
25 it is made known to the Federal official having authority

1 to obligate or expend such funds that the life of the moth-
2 er would be endangered if the fetus were carried to term.

3 SEC. 8106. None of the funds made available in this
4 Act under the heading “Procurement of Ammunition,
5 Army” may be obligated or expended for the procurement
6 of munitions unless such acquisition fully complies with
7 the Competition in Contracting Act.

8 SEC. 8107. None of the funds in this Act may be
9 used to implement any change to the computation of mili-
10 tary retired pay as required by law in fiscal year 1995
11 for military personnel who entered the Service before Sep-
12 tember 8, 1980.

13 SEC. 8108. None of the funds available to the De-
14 partment of Defense under this Act shall be obligated or
15 expended to pay a contractor under a contract with the
16 Department of Defense for costs of any amount paid by
17 the contractor to an employee when it is made known to
18 the Federal official having authority to obligate or expend
19 such funds that—

20 (1) such costs are for a bonus or otherwise in
21 excess of the normal salary paid by the contractor
22 to the employee; and

23 (2) such bonus is part of restructuring costs as-
24 sociated with a business combination.

1 SEC. 8109. LIMITATION ON PROCUREMENT OF CER-
2 TAIN VESSEL PROPELLERS AND SHIP PROPULSION
3 SHAFTING.—(a) Subject to subsection (c), none of the
4 funds made available by this Act may be used to procure
5 vessel propellers six feet in diameter or greater when it
6 is made known to the Federal official having authority to
7 obligate or expend such funds that such propellers are not
8 manufactured in the United States and do not incorporate
9 castings that are poured and finished only in the United
10 States.

11 (b) Subject to subsection (c), none of the funds made
12 available by this Act may be used to procure ship propul-
13 sion shafting when it is made known to the Federal official
14 having authority to obligate or expend such funds that
15 such ship propulsion shafting is not manufactured in the
16 United States.

17 (c) The limitation in subsection (a) or subsection (b),
18 as the case may be, does not apply when it is made known
19 to the Federal official having authority to obligate or ex-
20 pend such funds that adequate domestic supplies of pro-
21 pellers described in subsection (a) or of ship propulsion
22 shafting are not available to meet Department of Defense
23 requirements on a timely basis.

24 SEC. 8110. None of the funds provided in title II of
25 this Act for “FORMER SOVIET UNION THREAT REDUC-

1 TION'' may be obligated or expended to finance housing
2 for any individual when it is made known to the Federal
3 official having authority to obligate or expend such funds
4 that such individual was a member of the military forces
5 of the Soviet Union or that such individual is or was a
6 member of the military forces of the Russian Federation.

7 SEC. 8111. None of the funds available to the De-
8 partment of Defense for the current fiscal year shall be
9 obligated or expended for costs incurred by the participa-
10 tion of United States Armed Forces units in any operation
11 in the territory of the former Yugoslavia above the level
12 of forces so deployed as of date of enactment: *Provided,*
13 That this section shall not apply to emergency air rescue
14 operations, the airborne delivery of humanitarian supplies,
15 or the planning and execution of OPLAN 40104 to extract
16 UNPROFOR personnel.

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

Passed the House of Representatives September 7,
1995.

Attest:

Clerk.