

Calendar No. 395105TH CONGRESS
2^D SESSION**S. 2132****[Report No. 105-200]**

Making appropriations for the Department of Defense for the fiscal year ending September 30, 1999, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 4 (legislative day, JUNE 2), 1998

Mr. STEVENS, from the Committee on Appropriations, reported the following original bill; which was read twice and placed on the calendar

A BILL

Making appropriations for the Department of Defense for the fiscal year ending September 30, 1999, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the
5 fiscal year ending September 30, 1999, for military func-
6 tions administered by the Department of Defense, and for
7 other purposes, namely:

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TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; \$20,822,051,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), to section 229(b)

1 of the Social Security Act (42 U.S.C. 429(b)), and to the
2 Department of Defense Military Retirement Fund;
3 \$16,532,153,000.

4 MILITARY PERSONNEL, MARINE CORPS

5 For pay, allowances, individual clothing, subsistence,
6 interest on deposits, gratuities, permanent change of sta-
7 tion travel (including all expenses thereof for organiza-
8 tional movements), and expenses of temporary duty travel
9 between permanent duty stations, for members of the Ma-
10 rine Corps on active duty (except members of the Reserve
11 provided for elsewhere); and for payments pursuant to sec-
12 tion 156 of Public Law 97-377, as amended (42 U.S.C.
13 402 note), to section 229(b) of the Social Security Act
14 (42 U.S.C. 429(b)), and to the Department of Defense
15 Military Retirement Fund; \$6,253,189,000.

16 MILITARY PERSONNEL, AIR FORCE

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

1 229(b) of the Social Security Act (42 U.S.C. 429(b)), and
2 to the Department of Defense Military Retirement Fund;
3 \$17,205,660,000.

4 RESERVE PERSONNEL, ARMY

5 For pay, allowances, clothing, subsistence, gratuities,
6 travel, and related expenses for personnel of the Army Re-
7 serve on active duty under sections 10211, 10302, and
8 3038 of title 10, United States Code, or while serving on
9 active duty under section 12301(d) of title 10, United
10 States Code, in connection with performing duty specified
11 in section 12310(a) of title 10, United States Code, or
12 while undergoing reserve training, or while performing
13 drills or equivalent duty or other duty, and for members
14 of the Reserve Officers' Training Corps, and expenses au-
15 thorized by section 16131 of title 10, United States Code;
16 and for payments to the Department of Defense Military
17 Retirement Fund; \$2,152,075,000.

18 RESERVE PERSONNEL, NAVY

19 For pay, allowances, clothing, subsistence, gratuities,
20 travel, and related expenses for personnel of the Navy Re-
21 serve on active duty under section 10211 of title 10,
22 United States Code, or while serving on active duty under
23 section 12301(d) of title 10, United States Code, in con-
24 nection with performing duty specified in section 12310(a)
25 of title 10, United States Code, or while undergoing re-

1 serve training, or while performing drills or equivalent
2 duty, and for members of the Reserve Officers' Training
3 Corps, and expenses authorized by section 16131 of title
4 10, United States Code; and for payments to the Depart-
5 ment of Defense Military Retirement Fund;
6 \$1,387,379,000.

7 RESERVE PERSONNEL, MARINE CORPS

8 For pay, allowances, clothing, subsistence, gratuities,
9 travel, and related expenses for personnel of the Marine
10 Corps Reserve on active duty under section 10211 of title
11 10, United States Code, or while serving on active duty
12 under section 12301(d) of title 10, United States Code,
13 in connection with performing duty specified in section
14 12310(a) of title 10, United States Code, or while under-
15 going reserve training, or while performing drills or equiv-
16 alent duty, and for members of the Marine Corps platoon
17 leaders class, and expenses authorized by section 16131
18 of title 10, United States Code; and for payments to the
19 Department of Defense Military Retirement Fund;
20 \$401,888,000.

21 RESERVE PERSONNEL, AIR FORCE

22 For pay, allowances, clothing, subsistence, gratuities,
23 travel, and related expenses for personnel of the Air Force
24 Reserve on active duty under sections 10211, 10305, and
25 8038 of title 10, United States Code, or while serving on

1 active duty under section 12301(d) of title 10, United
2 States Code, in connection with performing duty specified
3 in section 12310(a) of title 10, United States Code, or
4 while undergoing reserve training, or while performing
5 drills or equivalent duty or other duty, and for members
6 of the Air Reserve Officers' Training Corps, and expenses
7 authorized by section 16131 of title 10, United States
8 Code; and for payments to the Department of Defense
9 Military Retirement Fund; \$856,176,000.

10 NATIONAL GUARD PERSONNEL, ARMY

11 For pay, allowances, clothing, subsistence, gratuities,
12 travel, and related expenses for personnel of the Army Na-
13 tional Guard while on duty under section 10211, 10302,
14 or 12402 of title 10 or section 708 of title 32, United
15 States Code, or while serving on duty under section
16 12301(d) of title 10 or section 502(f) of title 32, United
17 States Code, in connection with performing duty specified
18 in section 12310(a) of title 10, United States Code, or
19 while undergoing training, or while performing drills or
20 equivalent duty or other duty, and expenses authorized by
21 section 16131 of title 10, United States Code; and for pay-
22 ments to the Department of Defense Military Retirement
23 Fund; \$3,499,595,000.

1 NATIONAL GUARD PERSONNEL, AIR FORCE

2 For pay, allowances, clothing, subsistence, gratuities,
3 travel, and related expenses for personnel of the Air Na-
4 tional Guard on duty under section 10211, 10305, or
5 12402 of title 10 or section 708 of title 32, United States
6 Code, or while serving on duty under section 12301(d) of
7 title 10 or section 502(f) of title 32, United States Code,
8 in connection with performing duty specified in section
9 12310(a) of title 10, United States Code, or while under-
10 going training, or while performing drills or equivalent
11 duty or other duty, and expenses authorized by section
12 16131 of title 10, United States Code; and for payments
13 to the Department of Defense Military Retirement Fund;
14 \$1,376,097,000.

15

TITLE II

16

OPERATION AND MAINTENANCE

17

OPERATION AND MAINTENANCE, ARMY

18

(INCLUDING TRANSFER OF FUNDS)

19 For expenses, not otherwise provided for, necessary
20 for the operation and maintenance of the Army, as author-
21 ized by law; and not to exceed \$11,437,000 can be used
22 for emergencies and extraordinary expenses, to be ex-
23 pended on the approval or authority of the Secretary of
24 the Army, and payments may be made on his certificate
25 of necessity for confidential military purposes;

1 \$17,212,463,000 and, in addition, \$50,000,000 shall be
2 derived by transfer from the National Defense Stockpile
3 Transaction Fund: *Provided*, That of the funds appro-
4 priated under this heading, \$130,000,000 shall be trans-
5 ferred to the Quality of Life Enhancements, Defense ac-
6 count in this Act and shall be available only for expenses,
7 not otherwise provided for, resulting from unfunded short-
8 falls in the repair and maintenance of real property of the
9 Department of the Army (including minor construction
10 and major maintenance and repair of military housing and
11 barracks): *Provided further*, That of the funds appro-
12 priated in this paragraph, not less than \$375,000,000
13 shall be made available only for conventional ammunition
14 care and maintenance.

15 OPERATION AND MAINTENANCE, NAVY

16 (INCLUDING TRANSFER OF FUNDS)

17 For expenses, not otherwise provided for, necessary
18 for the operation and maintenance of the Navy and the
19 Marine Corps, as authorized by law; and not to exceed
20 \$5,360,000 can be used for emergencies and extraordinary
21 expenses, to be expended on the approval or authority of
22 the Secretary of the Navy, and payments may be made
23 on his certificate of necessity for confidential military pur-
24 poses; \$21,813,315,000 and, in addition, \$50,000,000
25 shall be derived by transfer from the National Defense

1 Stockpile Transaction Fund: *Provided*, That of the funds
2 appropriated under this heading, \$48,000,000 shall be
3 transferred to the Quality of Life Enhancements, Defense
4 account in this Act and shall be available only for ex-
5 penses, not otherwise provided for, resulting from un-
6 funded shortfalls in the repair and maintenance of real
7 property of the Department of the Navy (including minor
8 construction and major maintenance and repair of military
9 housing and barracks).

10 OPERATION AND MAINTENANCE, MARINE CORPS

11 For expenses, not otherwise provided for, necessary
12 for the operation and maintenance of the Marine Corps,
13 as authorized by law; \$2,576,190,000: *Provided*, That of
14 the funds appropriated under this heading, \$36,000,000
15 shall be transferred to the Quality of Life Enhancements,
16 Defense account in this Act and shall be available only
17 for expenses, not otherwise provided for, resulting from
18 unfunded shortfalls in the repair and maintenance of real
19 property of the Marine Corps (including minor construc-
20 tion and major maintenance and repair of military housing
21 and barracks).

22 OPERATION AND MAINTENANCE, AIR FORCE

23 (INCLUDING TRANSFER OF FUNDS)

24 For expenses, not otherwise provided for, necessary
25 for the operation and maintenance of the Air Force, as

1 authorized by law; and not to exceed \$7,968,000 can be
2 used for emergencies and extraordinary expenses, to be ex-
3 pended on the approval or authority of the Secretary of
4 the Air Force, and payments may be made on his certifi-
5 cate of necessity for confidential military purposes;
6 \$19,073,141,000 and, in addition, \$50,000,000 shall be
7 derived by transfer from the National Defense Stockpile
8 Transaction Fund: *Provided*, That of the funds appro-
9 priated under this heading, \$50,000,000 shall be trans-
10 ferred to the Quality of Life Enhancements, Defense ac-
11 count in this Act and shall be available only for expenses,
12 not otherwise provided for, resulting from unfunded short-
13 falls in the repair and maintenance of real property of the
14 Air Force (including minor construction and major main-
15 tenance and repair of military housing and barracks).

16 OPERATION AND MAINTENANCE, DEFENSE-WIDE

17 For expenses, not otherwise provided for, necessary
18 for the operation and maintenance of activities and agen-
19 cies of the Department of Defense (other than the military
20 departments), as authorized by law; \$10,259,231,000, of
21 which not to exceed \$25,000,000 may be available for the
22 CINC initiative fund account; and of which not to exceed
23 \$29,000,000 can be used for emergencies and extraor-
24 dinary expenses, to be expended on the approval or author-
25 ity of the Secretary of Defense, and payments may be

1 made on his certificate of necessity for confidential mili-
2 tary purposes: *Provided*, That of the funds appropriated
3 under this heading, \$10,000,000 shall be made available
4 only for use in federally owned educational facilities lo-
5 cated on military installations for the purpose of transfer-
6 ring title of such facilities to the local educational facili-
7 ties.

8 OPERATION AND MAINTENANCE, ARMY RESERVE

9 For expenses, not otherwise provided for, necessary
10 for the operation and maintenance, including training, or-
11 ganization, and administration, of the Army Reserve; re-
12 pair of facilities and equipment; hire of passenger motor
13 vehicles; travel and transportation; care of the dead; re-
14 cruiting; procurement of services, supplies, and equip-
15 ment; and communications; \$1,202,622,000.

16 OPERATION AND MAINTENANCE, NAVY RESERVE

17 For expenses, not otherwise provided for, necessary
18 for the operation and maintenance, including training, or-
19 ganization, and administration, of the Navy Reserve; re-
20 pair of facilities and equipment; hire of passenger motor
21 vehicles; travel and transportation; care of the dead; re-
22 cruiting; procurement of services, supplies, and equip-
23 ment; and communications; \$928,639,000.

1 OPERATION AND MAINTENANCE, MARINE CORPS

2 RESERVE

3 For expenses, not otherwise provided for, necessary
4 for the operation and maintenance, including training, or-
5 ganization, and administration, of the Marine Corps Re-
6 serve; repair of facilities and equipment; hire of passenger
7 motor vehicles; travel and transportation; care of the dead;
8 recruiting; procurement of services, supplies, and equip-
9 ment; and communications; \$114,593,000.

10 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

11 For expenses, not otherwise provided for, necessary
12 for the operation and maintenance, including training, or-
13 ganization, and administration, of the Air Force Reserve;
14 repair of facilities and equipment; hire of passenger motor
15 vehicles; travel and transportation; care of the dead; re-
16 cruiting; procurement of services, supplies, and equip-
17 ment; and communications; \$1,744,696,000.

18 OPERATION AND MAINTENANCE, ARMY NATIONAL

19 GUARD

20 For expenses of training, organizing, and administer-
21 ing the Army National Guard, including medical and hos-
22 pital treatment and related expenses in non-Federal hos-
23 pitals; maintenance, operation, and repairs to structures
24 and facilities; hire of passenger motor vehicles; personnel
25 services in the National Guard Bureau; travel expenses

1 (other than mileage), as authorized by law for Army per-
2 sonnel on active duty, for Army National Guard division,
3 regimental, and battalion commanders while inspecting
4 units in compliance with National Guard Bureau regula-
5 tions when specifically authorized by the Chief, National
6 Guard Bureau; supplying and equipping the Army Na-
7 tional Guard as authorized by law; and expenses of repair,
8 modification, maintenance, and issue of supplies and
9 equipment (including aircraft); \$2,661,815,000: *Provided*,
10 That not later than March 15, 1999, the Director of the
11 Army National Guard shall provide a report to the con-
12 gressional defense committees identifying the allocation,
13 by installation and activity, of all base operations funds
14 appropriated under this heading.

15 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

16 For operation and maintenance of the Air National
17 Guard, including medical and hospital treatment and re-
18 lated expenses in non-Federal hospitals; maintenance, op-
19 eration, repair, and other necessary expenses of facilities
20 for the training and administration of the Air National
21 Guard, including repair of facilities, maintenance, oper-
22 ation, and modification of aircraft; transportation of
23 things, hire of passenger motor vehicles; supplies, mate-
24 rials, and equipment, as authorized by law for the Air Na-
25 tional Guard; and expenses incident to the maintenance

1 and use of supplies, materials, and equipment, including
2 such as may be furnished from stocks under the control
3 of agencies of the Department of Defense; travel expenses
4 (other than mileage) on the same basis as authorized by
5 law for Air National Guard personnel on active Federal
6 duty, for Air National Guard commanders while inspecting
7 units in compliance with National Guard Bureau regula-
8 tions when specifically authorized by the Chief, National
9 Guard Bureau; \$3,113,933,000.

10 OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND

11 (INCLUDING TRANSFER OF FUNDS)

12 For expenses directly relating to Overseas Contin-
13 gency Operations by United States military forces;
14 \$746,900,000: *Provided*, That the Secretary of Defense
15 may transfer these funds only to operation and mainte-
16 nance accounts within this title, and working capital
17 funds: *Provided further*, That the funds transferred shall
18 be merged with and shall be available for the same pur-
19 poses and for the same time period, as the appropriation
20 to which transferred: *Provided further*, That the transfer
21 authority provided in this paragraph is in addition to any
22 other transfer authority contained elsewhere in this Act.

1 UNITED STATES COURT OF APPEALS FOR THE ARMED
2 FORCES

3 For salaries and expenses necessary for the United
4 States Court of Appeals for the Armed Forces;
5 \$7,324,000, of which not to exceed \$2,500 can be used
6 for official representation purposes.

7 ENVIRONMENTAL RESTORATION, ARMY
8 (INCLUDING TRANSFER OF FUNDS)

9 For the Department of the Army, \$370,640,000, to
10 remain available until transferred: *Provided*, That the Sec-
11 retary of the Army shall, upon determining that such
12 funds are required for environmental restoration, reduc-
13 tion and recycling of hazardous waste, removal of unsafe
14 buildings and debris of the Department of the Army, or
15 for similar purposes, transfer the funds made available by
16 this appropriation to other appropriations made available
17 to the Department of the Army, to be merged with and
18 to be available for the same purposes and for the same
19 time period as the appropriations to which transferred:
20 *Provided further*, That upon a determination that all or
21 part of the funds transferred from this appropriation are
22 not necessary for the purposes provided herein, such
23 amounts may be transferred back to this appropriation:
24 *Provided further*, That not more than twenty-five per cen-
25 tum of funds provided under this heading may be obli-

1 gated for environmental remediation by the Corps of Engi-
2 neers under total environmental remediation contracts.

3 ENVIRONMENTAL RESTORATION, NAVY

4 (INCLUDING TRANSFER OF FUNDS)

5 For the Department of the Navy, \$274,600,000, to
6 remain available until transferred: *Provided*, That the Sec-
7 retary of the Navy shall, upon determining that such
8 funds are required for environmental restoration, reduc-
9 tion and recycling of hazardous waste, removal of unsafe
10 buildings and debris of the Department of the Navy, or
11 for similar purposes, transfer the funds made available by
12 this appropriation to other appropriations made available
13 to the Department of the Navy, to be merged with and
14 to be available for the same purposes and for the same
15 time period as the appropriations to which transferred:
16 *Provided further*, That upon a determination that all or
17 part of the funds transferred from this appropriation are
18 not necessary for the purposes provided herein, such
19 amounts may be transferred back to this appropriation.

20 ENVIRONMENTAL RESTORATION, AIR FORCE

21 (INCLUDING TRANSFER OF FUNDS)

22 For the Department of the Air Force, \$372,100,000,
23 to remain available until transferred: *Provided*, That the
24 Secretary of the Air Force shall, upon determining that
25 such funds are required for environmental restoration, re-

1 duction and recycling of hazardous waste, removal of un-
2 safe buildings and debris of the Department of the Air
3 Force, or for similar purposes, transfer the funds made
4 available by this appropriation to other appropriations
5 made available to the Department of the Air Force, to be
6 merged with and to be available for the same purposes
7 and for the same time period as the appropriations to
8 which transferred: *Provided further*, That upon a deter-
9 mination that all or part of the funds transferred from
10 this appropriation are not necessary for the purposes pro-
11 vided herein, such amounts may be transferred back to
12 this appropriation.

13 ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

14 (INCLUDING TRANSFER OF FUNDS)

15 For the Department of Defense, \$23,091,000, to re-
16 main available until transferred: *Provided*, That the Sec-
17 retary of Defense shall, upon determining that such funds
18 are required for environmental restoration, reduction and
19 recycling of hazardous waste, removal of unsafe buildings
20 and debris of the Department of Defense, or for similar
21 purposes, transfer the funds made available by this appro-
22 priation to other appropriations made available to the De-
23 partment of Defense, to be merged with and to be avail-
24 able for the same purposes and for the same time period
25 as the appropriations to which transferred: *Provided fur-*

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

5 ENVIRONMENTAL RESTORATION, FORMERLY USED

6 DEFENSE SITES

7 (INCLUDING TRANSFER OF FUNDS)

8 For the Department of the Army, \$225,000,000, to
9 remain available until transferred: *Provided*, That the Sec-
10 retary of the Army shall, upon determining that such
11 funds are required for environmental restoration, reduc-
12 tion and recycling of hazardous waste, removal of unsafe
13 buildings and debris at sites formerly used by the Depart-
14 ment of Defense, transfer the funds made available by this
15 appropriation to other appropriations made available to
16 the Department of the Army, to be merged with and to
17 be available for the same purposes and for the same time
18 period as the appropriations to which transferred: *Pro-*
19 *vided further*, That upon a determination that all or part
20 of the funds transferred from this appropriation are not
21 necessary for the purposes provided herein, such amounts
22 may be transferred back to this appropriation.

23 OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

24 For expenses relating to the Overseas Humanitarian,
25 Disaster, and Civic Aid programs of the Department of

1 Defense (consisting of the programs provided under sec-
2 tions 401, 402, 404, 2547, and 2551 of title 10, United
3 States Code); \$50,000,000, to remain available until Sep-
4 tember 30, 2000.

5 FORMER SOVIET UNION THREAT REDUCTION

6 For assistance to the republics of the former Soviet
7 Union, including assistance provided by contract or by
8 grants, for facilitating the elimination and the safe and
9 secure transportation and storage of nuclear, chemical and
10 other weapons; for establishing programs to prevent the
11 proliferation of weapons, weapons components, and weap-
12 on-related technology and expertise; for programs relating
13 to the training and support of defense and military person-
14 nel for demilitarization and protection of weapons, weap-
15 ons components and weapons technology and expertise;
16 \$440,400,000, to remain available until September 30,
17 2001: *Provided*, That of the amounts provided under this
18 heading, \$35,000,000 shall be available only to support
19 the dismantling and disposal of nuclear submarines and
20 submarine reactor components in the Russian Far East.

21 QUALITY OF LIFE ENHANCEMENTS, DEFENSE

22 (INCLUDING TRANSFER OF FUNDS)

23 For expenses, not otherwise provided for, resulting
24 from unfunded shortfalls in the repair and maintenance
25 of real property of the Department of Defense (including

1 military housing and barracks); \$264,000,000 shall be
2 derived by transfer from the Operation and Maintenance
3 accounts, for the maintenance of real property of the De-
4 partment of Defense (including minor construction and
5 major maintenance and repair), which shall remain avail-
6 able for obligation until September 30, 2000.

7 PENTAGON RENOVATION TRANSFER FUND

8 (INCLUDING TRANSFER OF FUNDS)

9 For expenses, not otherwise provided for, resulting
10 from the Department of Defense renovation of the Penta-
11 gon Reservation; \$279,820,000 derived by transfer from
12 the Operation and Maintenance accounts, for the renova-
13 tion of the Pentagon Reservation, which shall remain
14 available for obligation until September 30, 2000, as fol-
15 lows:

16 Army, \$96,000,000;
17 Navy, \$32,087,000;
18 Marine Corps, \$9,513,000;
19 Air Force, \$52,200,000; and
20 Defense-Wide, \$90,020,000.

21 MORALE, WELFARE AND RECREATION AND PERSONNEL

22 SUPPORT FOR CONTINGENCY DEPLOYMENTS

23 (INCLUDING TRANSFER OF FUNDS)

24 For expenses, not otherwise provided for, to provide
25 necessary morale, welfare and recreation support, family

1 support, and to sustain necessary retention and re-enlist-
2 ment of military personnel in critical military occupational
3 specialties, resulting from the deployment of military per-
4 sonnel to Bosnia and Southwest Asia; \$50,000,000 to re-
5 main available until expended: *Provided*, That the Sec-
6 retary of Defense may transfer these funds only to oper-
7 ation and maintenance accounts for the military services:
8 *Provided further*, That the funds transferred shall be avail-
9 able only for the purposes as described under this heading:
10 *Provided further*, That the transfer authority provided in
11 this paragraph is in addition to any other transfer author-
12 ity contained elsewhere in this Act.

13 TITLE III

14 PROCUREMENT

15 AIRCRAFT PROCUREMENT, ARMY

16 For construction, procurement, production, modifica-
17 tion, and modernization of aircraft, equipment, including
18 ordnance, ground handling equipment, spare parts, and
19 accessories therefor; specialized equipment and training
20 devices; expansion of public and private plants, including
21 the land necessary therefor, for the foregoing purposes,
22 and such lands and interests therein, may be acquired,
23 and construction prosecuted thereon prior to approval of
24 title; and procurement and installation of equipment, ap-
25 pliances, and machine tools in public and private plants;

1 reserve plant and Government and contractor-owned
2 equipment layaway; and other expenses necessary for the
3 foregoing purposes; \$1,408,652,000, to remain available
4 for obligation until September 30, 2001.

5 MISSILE PROCUREMENT, ARMY

6 For construction, procurement, production, modifica-
7 tion, and modernization of missiles, equipment, including
8 ordnance, ground handling equipment, spare parts, and
9 accessories therefor; specialized equipment and training
10 devices; expansion of public and private plants, including
11 the land necessary therefor, for the foregoing purposes,
12 and such lands and interests therein, may be acquired,
13 and construction prosecuted thereon prior to approval of
14 title; and procurement and installation of equipment, ap-
15 pliances, and machine tools in public and private plants;
16 reserve plant and Government and contractor-owned
17 equipment layaway; and other expenses necessary for the
18 foregoing purposes; \$1,188,739,000, to remain available
19 for obligation until September 30, 2001.

20 PROCUREMENT OF WEAPONS AND TRACKED COMBAT

21 VEHICLES, ARMY

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

1 expansion of public and private plants, including the land
2 necessary therefor, for the foregoing purposes, and such
3 lands and interests therein, may be acquired, and con-
4 struction prosecuted thereon prior to approval of title; and
5 procurement and installation of equipment, appliances,
6 and machine tools in public and private plants; reserve
7 plant and Government and contractor-owned equipment
8 layaway; and other expenses necessary for the foregoing
9 purposes; \$1,484,055,000, to remain available for obliga-
10 tion until September 30, 2001.

11 PROCUREMENT OF AMMUNITION, ARMY

12 For construction, procurement, production, and
13 modification of ammunition, and accessories therefor; spe-
14 cialized equipment and training devices; expansion of pub-
15 lic and private plants, including ammunition facilities au-
16 thorized by section 2854 of title 10, United States Code,
17 and the land necessary therefor, for the foregoing pur-
18 poses, and such lands and interests therein, may be ac-
19 quired, and construction prosecuted thereon prior to ap-
20 proval of title; and procurement and installation of equip-
21 ment, appliances, and machine tools in public and private
22 plants; reserve plant and Government and contractor-
23 owned equipment layaway; and other expenses necessary
24 for the foregoing purposes; \$998,655,000, to remain avail-
25 able for obligation until September 30, 2001.

1 OTHER PROCUREMENT, ARMY

2 For construction, procurement, production, and
3 modification of vehicles, including tactical and non-tracked
4 combat vehicles and the lease of support vehicles; commu-
5 nications and electronic equipment; other support equip-
6 ment; spare parts, ordnance, and accessories therefor; spe-
7 cialized equipment and training devices; expansion of pub-
8 lic and private plants, including the land necessary there-
9 for, for the foregoing purposes, and such lands and inter-
10 ests therein, may be acquired, and construction prosecuted
11 thereon prior to approval of title; and procurement and
12 installation of equipment, appliances, and machine tools
13 in public and private plants; reserve plant and Govern-
14 ment and contractor-owned equipment layaway; and other
15 expenses necessary for the foregoing purposes;
16 \$3,395,729,000, to remain available for obligation until
17 September 30, 2001.

18 AIRCRAFT PROCUREMENT, NAVY

19 For construction, procurement, production, modifica-
20 tion, and modernization of aircraft, equipment, including
21 ordnance, spare parts, and accessories therefor; specialized
22 equipment; expansion of public and private plants, includ-
23 ing the land necessary therefor, and such lands and inter-
24 ests therein, may be acquired, and construction prosecuted
25 thereon prior to approval of title; and procurement and

1 installation of equipment, appliances, and machine tools
2 in public and private plants; reserve plant and Govern-
3 ment and contractor-owned equipment layaway;
4 \$7,473,403,000, to remain available for obligation until
5 September 30, 2001.

6 WEAPONS PROCUREMENT, NAVY

7 For construction, procurement, production, modifica-
8 tion, and modernization of missiles, torpedoes, other weap-
9 ons, and related support equipment including spare parts,
10 and accessories therefor; expansion of public and private
11 plants, including the land necessary therefor, and such
12 lands and interests therein, may be acquired, and con-
13 struction prosecuted thereon prior to approval of title; and
14 procurement and installation of equipment, appliances,
15 and machine tools in public and private plants; reserve
16 plant and Government and contractor-owned equipment
17 layaway; \$1,324,045,000, to remain available for obliga-
18 tion until September 30, 2001.

19 PROCUREMENT OF AMMUNITION, NAVY AND MARINE

20 CORPS

21 For construction, procurement, production, and
22 modification of ammunition, and accessories therefor; spe-
23 cialized equipment and training devices; expansion of pub-
24 lic and private plants, including ammunition facilities au-
25 thorized by section 2854 of title 10, United States Code,

1 and the land necessary therefor, for the foregoing pur-
2 poses, and such lands and interests therein, may be ac-
3 quired, and construction prosecuted thereon prior to ap-
4 proval of title; and procurement and installation of equip-
5 ment, appliances, and machine tools in public and private
6 plants; reserve plant and Government and contractor-
7 owned equipment layaway; and other expenses necessary
8 for the foregoing purposes; \$480,739,000, to remain avail-
9 able for obligation until September 30, 2001.

10 SHIPBUILDING AND CONVERSION, NAVY

11 For expenses necessary for the construction, acquisi-
12 tion, or conversion of vessels as authorized by law, includ-
13 ing armor and armament thereof, plant equipment, appli-
14 ances, and machine tools and installation thereof in public
15 and private plants; reserve plant and Government and con-
16 tractor-owned equipment layaway; procurement of critical,
17 long leadtime components and designs for vessels to be
18 constructed or converted in the future; and expansion of
19 public and private plants, including land necessary there-
20 for, and such lands and interests therein, may be acquired,
21 and construction prosecuted thereon prior to approval of
22 title, as follows:

23 NSSN, \$1,498,165,000;

24 NSSN (AP), \$504,736,000;

25 CVN-77 (AP), \$124,515,000;

1 CVN Refuelings (AP), \$274,980,000;
2 DDG-51 destroyer program, \$2,672,078,000;
3 DDG-51 destroyer program (AP), \$7,396,000;
4 LPD-17 amphibious transport dock ship,
5 \$638,780,000;
6 LHD-8 (AP), \$50,000,000;
7 Oceanographic ship program, \$60,341,000;
8 LCAC landing craft air cushion program,
9 \$16,000,000; and
10 For craft, outfitting, post delivery, conversions,
11 and first destination transportation, \$220,281,000;
12 In all: \$6,067,272,000, to remain available for obligation
13 until September 30, 2003: *Provided*, That additional obli-
14 gations may be incurred after September 30, 2003, for
15 engineering services, tests, evaluations, and other such
16 budgeted work that must be performed in the final stage
17 of ship construction: *Provided further*, That none of the
18 funds provided under this heading for the construction or
19 conversion of any naval vessel to be constructed in ship-
20 yards in the United States shall be expended in foreign
21 facilities for the construction of major components of such
22 vessel: *Provided further*, That none of the funds provided
23 under this heading shall be used for the construction of
24 any naval vessel in foreign shipyards.

1 OTHER PROCUREMENT, NAVY

2 For procurement, production, and modernization of
3 support equipment and materials not otherwise provided
4 for, Navy ordnance (except ordnance for new aircraft, new
5 ships, and ships authorized for conversion); lease of pas-
6 senger motor vehicles; expansion of public and private
7 plants, including the land necessary therefor, and such
8 lands and interests therein, may be acquired, and con-
9 struction prosecuted thereon prior to approval of title; and
10 procurement and installation of equipment, appliances,
11 and machine tools in public and private plants; reserve
12 plant and Government and contractor-owned equipment
13 layaway; \$3,886,475,000, to remain available for obliga-
14 tion until September 30, 2001.

15 PROCUREMENT, MARINE CORPS

16 For expenses necessary for the procurement, manu-
17 facture, and modification of missiles, armament, military
18 equipment, spare parts, and accessories therefor; plant
19 equipment, appliances, and machine tools, and installation
20 thereof in public and private plants; reserve plant and
21 Government and contractor-owned equipment layaway;
22 lease of passenger motor vehicles; and expansion of public
23 and private plants, including land necessary therefor, and
24 such lands and interests therein, may be acquired, and
25 construction prosecuted thereon prior to approval of title;

1 \$954,177,000, to remain available for obligation until Sep-
2 tember 30, 2001.

3 AIRCRAFT PROCUREMENT, AIR FORCE

4 For construction, procurement, lease, and modifica-
5 tion of aircraft and equipment, including armor and arma-
6 ment, specialized ground handling equipment, and train-
7 ing devices, spare parts, and accessories therefor; special-
8 ized equipment; expansion of public and private plants,
9 Government-owned equipment and installation thereof in
10 such plants, erection of structures, and acquisition of land,
11 for the foregoing purposes, and such lands and interests
12 therein, may be acquired, and construction prosecuted
13 thereon prior to approval of title; reserve plant and Gov-
14 ernment and contractor-owned equipment layaway; and
15 other expenses necessary for the foregoing purposes in-
16 cluding rents and transportation of things;
17 \$7,967,023,000, to remain available for obligation until
18 September 30, 2001.

19 MISSILE PROCUREMENT, AIR FORCE

20 For construction, procurement, and modification of
21 missiles, spacecraft, rockets, and related equipment, in-
22 cluding spare parts and accessories therefor, ground han-
23 dling equipment, and training devices; expansion of public
24 and private plants, Government-owned equipment and in-
25 stallation thereof in such plants, erection of structures,

1 and acquisition of land, for the foregoing purposes, and
2 such lands and interests therein, may be acquired, and
3 construction prosecuted thereon prior to approval of title;
4 reserve plant and Government and contractor-owned
5 equipment layaway; and other expenses necessary for the
6 foregoing purposes including rents and transportation of
7 things; \$2,219,299,000, to remain available for obligation
8 until September 30, 2001.

9 PROCUREMENT OF AMMUNITION, AIR FORCE

10 For construction, procurement, production, and
11 modification of ammunition, and accessories therefor; spe-
12 cialized equipment and training devices; expansion of pub-
13 lic and private plants, including ammunition facilities au-
14 thorized by section 2854 of title 10, United States Code,
15 and the land necessary therefor, for the foregoing pur-
16 poses, and such lands and interests therein, may be ac-
17 quired, and construction prosecuted thereon prior to ap-
18 proval of title; and procurement and installation of equip-
19 ment, appliances, and machine tools in public and private
20 plants; reserve plant and Government and contractor-
21 owned equipment layaway; and other expenses necessary
22 for the foregoing purposes; \$384,161,000, to remain avail-
23 able for obligation until September 30, 2001.

1 OTHER PROCUREMENT, AIR FORCE

2 For procurement and modification of equipment (in-
3 cluding ground guidance and electronic control equipment,
4 and ground electronic and communication equipment),
5 and supplies, materials, and spare parts therefor, not oth-
6 erwise provided for; lease of passenger motor vehicles; and
7 expansion of public and private plants, Government-owned
8 equipment and installation thereof in such plants, erection
9 of structures, and acquisition of land, for the foregoing
10 purposes, and such lands and interests therein, may be
11 acquired, and construction prosecuted thereon, prior to
12 approval of title; reserve plant and Government and con-
13 tractor-owned equipment layaway; \$6,904,164,000, to re-
14 main available for obligation until September 30, 2001.

15 PROCUREMENT, DEFENSE-WIDE

16 For expenses of activities and agencies of the Depart-
17 ment of Defense (other than the military departments)
18 necessary for procurement, production, and modification
19 of equipment, supplies, materials, and spare parts there-
20 for, not otherwise provided for; the lease of passenger
21 motor vehicles; expansion of public and private plants,
22 equipment, and installation thereof in such plants, erec-
23 tion of structures, and acquisition of land for the foregoing
24 purposes, and such lands and interests therein, may be
25 acquired, and construction prosecuted thereon prior to ap-

1 proval of title; reserve plant and Government and contrac-
2 tor-owned equipment layaway; \$1,932,250,000, to remain
3 available for obligation until September 30, 2001.

4 NATIONAL GUARD AND RESERVE EQUIPMENT

5 For procurement of aircraft, missiles, tracked combat
6 vehicles, ammunition, other weapons, and other procure-
7 ment for the reserve components of the Armed Forces;
8 \$500,000,000, to remain available for obligation until Sep-
9 tember 30, 2001: *Provided*, That the Chiefs of the Reserve
10 and National Guard components shall, not later than 30
11 days after the enactment of this Act, individually submit
12 to the congressional defense committees the modernization
13 priority assessment for their respective Reserve or Na-
14 tional Guard component.

15

TITLE IV

16

RESEARCH, DEVELOPMENT, TEST AND

17

EVALUATION

18

RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

19

ARMY

20

For expenses necessary for basic and applied sci-
21 entific research, development, test and evaluation, includ-
22 ing maintenance, rehabilitation, lease, and operation of fa-
23 cilities and equipment; \$4,891,640,000, to remain avail-
24 able for obligation until September 30, 2000.

1 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
2 NAVY

3 For expenses necessary for basic and applied sci-
4 entific research, development, test and evaluation, includ-
5 ing maintenance, rehabilitation, lease, and operation of fa-
6 cilities and equipment; \$8,215,519,000, to remain avail-
7 able for obligation until September 30, 2000.

8 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
9 AIR FORCE

10 For expenses necessary for basic and applied sci-
11 entific research, development, test and evaluation, includ-
12 ing maintenance, rehabilitation, lease, and operation of fa-
13 cilities and equipment; \$13,693,153,000, to remain avail-
14 able for obligation until September 30, 2000.

15 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
16 DEFENSE-WIDE

17 For expenses of activities and agencies of the Depart-
18 ment of Defense (other than the military departments),
19 necessary for basic and applied scientific research, devel-
20 opment, test and evaluation; advanced research projects
21 as may be designated and determined by the Secretary
22 of Defense, pursuant to law; maintenance, rehabilitation,
23 lease, and operation of facilities and equipment;
24 \$9,032,908,000, to remain available for obligation until
25 September 30, 2000.

1 DEVELOPMENTAL TEST AND EVALUATION, DEFENSE

2 For expenses, not otherwise provided for, of inde-
3 pendent activities of the Director, Test and Evaluation in
4 the direction and supervision of developmental test and
5 evaluation, including performance and joint developmental
6 testing and evaluation; and administrative expenses in
7 connection therewith; \$249,106,000, to remain available
8 for obligation until September 30, 2000.

9 OPERATIONAL TEST AND EVALUATION, DEFENSE

10 For expenses, not otherwise provided for, necessary
11 for the independent activities of the Director, Operational
12 Test and Evaluation in the direction and supervision of
13 operational test and evaluation, including initial oper-
14 ational test and evaluation which is conducted prior to,
15 and in support of, production decisions; joint operational
16 testing and evaluation; and administrative expenses in
17 connection therewith; \$25,245,000, to remain available for
18 obligation until September 30, 2000.

19 TITLE V

20 REVOLVING AND MANAGEMENT FUNDS

21 DEFENSE WORKING CAPITAL FUNDS

22 (INCLUDING TRANSFER OF FUNDS)

23 For the Defense Working Capital Funds;
24 \$94,500,000: *Provided*, That during fiscal year 1999, in
25 order to maintain adequate cash balances in the Defense

1 Working Capital Funds, the Secretary of Defense may
2 transfer up to \$151,000,000 from the National Defense
3 Stockpile Transaction Fund to the Defense Working Cap-
4 ital Funds: *Provided further*, That the total of amounts
5 so transferred during the fiscal year shall be transferred
6 back to the National Defense Stockpile Transaction Fund
7 not later than September 30, 1999.

8 NATIONAL DEFENSE SEALIFT FUND

9 For National Defense Sealift Fund programs,
10 projects, and activities, and for expenses of the National
11 Defense Reserve Fleet, as established by section 11 of the
12 Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744);
13 \$669,566,000, to remain available until expended: *Pro-*
14 *vided*, That none of the funds provided in this paragraph
15 shall be used to award a new contract that provides for
16 the acquisition of any of the following major components
17 unless such components are manufactured in the United
18 States: auxiliary equipment, including pumps, for all ship-
19 board services; propulsion system components (that is; en-
20 gines, reduction gears, and propellers); shipboard cranes;
21 and spreaders for shipboard cranes: *Provided further*, That
22 the exercise of an option in a contract awarded through
23 the obligation of previously appropriated funds shall not
24 be considered to be the award of a new contract: *Provided*
25 *further*, That the Secretary of the military department re-

1 sponsible for such procurement may waive these restric-
2 tions on a case-by-case basis by certifying in writing to
3 the Committees on Appropriations of the House of Rep-
4 resentatives and the Senate, that adequate domestic sup-
5 plies are not available to meet Department of Defense re-
6 quirements on a timely basis and that such an acquisition
7 must be made in order to acquire capability for national
8 security purposes.

9 TITLE VI

10 OTHER DEPARTMENT OF DEFENSE PROGRAMS

11 DEFENSE HEALTH PROGRAM

12 For expenses, not otherwise provided for, for medical
13 and health care programs of the Department of Defense,
14 as authorized by law; \$10,337,322,000, of which
15 \$9,684,935,000 shall be for Operation and maintenance,
16 of which not to exceed two per centum shall remain avail-
17 able until September 30, 1999, of which \$402,387,000,
18 to remain available for obligation until September 30,
19 2001, shall be for Procurement, and of which
20 \$250,000,000, to remain available for obligation until Sep-
21 tember 30, 2000, shall be for Research, development, test
22 and evaluation.

1 CHEMICAL AGENTS AND MUNITIONS DESTRUCTION,
2 DEFENSE

3 For expenses, not otherwise provided for, necessary
4 for the destruction of the United States stockpile of lethal
5 chemical agents and munitions in accordance with the pro-
6 visions of section 1412 of the Department of Defense Au-
7 thorization Act, 1986 (50 U.S.C. 1521), and for the de-
8 struction of other chemical warfare materials that are not
9 in the chemical weapon stockpile, \$780,150,000, of which
10 \$491,700,000 shall be for Operation and maintenance,
11 \$115,670,000 shall be for Procurement to remain avail-
12 able until September 30, 2001, and \$172,780,000 shall
13 be for Research, development, test and evaluation to re-
14 main available until September 30, 2000: *Provided*, That
15 of the funds available under this heading, \$1,000,000 shall
16 be available until expended each year only for a Johnston
17 Atoll off-island leave program: *Provided further*, That the
18 Secretaries concerned shall, pursuant to uniform regula-
19 tions, prescribe travel and transportation allowances for
20 travel by participants in the off-island leave program.

21 DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,
22 DEFENSE
23 (INCLUDING TRANSFER OF FUNDS)

24 For drug interdiction and counter-drug activities of
25 the Department of Defense, for transfer to appropriations

1 available to the Department of Defense for military per-
2 sonnel of the reserve components serving under the provi-
3 sions of title 10 and title 32, United States Code; for Op-
4 eration and maintenance; for Procurement; and for Re-
5 search, development, test and evaluation; \$742,582,000:
6 *Provided*, That the funds appropriated under this head
7 shall be available for obligation for the same time period
8 and for the same purpose as the appropriation to which
9 transferred: *Provided further*, That the transfer authority
10 provided in this paragraph is in addition to any transfer
11 authority contained elsewhere in this Act.

12 OFFICE OF THE INSPECTOR GENERAL

13 For expenses and activities of the Office of the In-
14 spector General in carrying out the provisions of the In-
15 spector General Act of 1978, as amended; \$132,064,000,
16 of which \$130,764,000 shall be for Operation and mainte-
17 nance, of which not to exceed \$500,000 is available for
18 emergencies and extraordinary expenses to be expended on
19 the approval or authority of the Inspector General, and
20 payments may be made on his certificate of necessity for
21 confidential military purposes; and of which \$1,300,000,
22 to remain available until September 30, 2001, shall be for
23 Procurement.

1 TITLE VII
2 RELATED AGENCIES
3 CENTRAL INTELLIGENCE AGENCY RETIREMENT AND
4 DISABILITY SYSTEM FUND

5 For payment to the Central Intelligence Agency Re-
6 tirement and Disability System Fund, to maintain proper
7 funding level for continuing the operation of the Central
8 Intelligence Agency Retirement and Disability System;
9 \$201,500,000.

10 INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT
11 (INCLUDING TRANSFER OF FUNDS)

12 For necessary expenses of the Intelligence Commu-
13 nity Management Account; \$134,623,000, of which
14 \$39,011,000 for the Advanced Research and Development
15 Committee and the Environmental Intelligence and Appli-
16 cations Program shall remain available until September
17 30, 2000: *Provided*, That of the funds appropriated under
18 this heading, \$27,000,000 shall be transferred to the De-
19 partment of Justice for the National Drug Intelligence
20 Center to support the Department of Defense's counter-
21 drug intelligence responsibilities, and of the said amount,
22 \$1,500,000 for Procurement shall remain available until
23 September 30, 2001, and \$3,000,000 for Research, devel-
24 opment, test and evaluation shall remain available until
25 September 30, 2000.

1 PAYMENT TO KAHO'OLAWE ISLAND CONVEYANCE, RE-
2 MEDIATION, AND ENVIRONMENTAL RESTORATION
3 FUND

4 For payment to Kaho'olawe Island Conveyance, Re-
5 mediation, and Environmental Restoration Fund, as au-
6 thorized by law; \$25,000,000, to remain available until ex-
7 pended.

8 NATIONAL SECURITY EDUCATION TRUST FUND

9 For the purposes of title VIII of Public Law 102-
10 183, \$3,000,000, to be derived from the National Security
11 Education Trust Fund, to remain available until ex-
12 pended.

13 TITLE VIII

14 GENERAL PROVISIONS

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

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

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

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

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

23 (TRANSFER OF FUNDS)

24 SEC. 8005. Upon determination by the Secretary of
25 Defense that such action is necessary in the national inter-
26 est, he may, with the approval of the Office of Manage-

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

24 (TRANSFER OF FUNDS)

25 SEC. 8006. During the current fiscal year, cash bal-
26 ances in working capital funds of the Department of De-

1 fense established pursuant to section 2208 of title 10,
2 United States Code, may be maintained in only such
3 amounts as are necessary at any time for cash disburse-
4 ments to be made from such funds: *Provided*, That trans-
5 fers may be made between such funds: *Provided further*,
6 That transfers may be made between working capital
7 funds and the “Foreign Currency Fluctuations, Defense”
8 appropriation and the “Operation and Maintenance” ap-
9 propriation accounts in such amounts as may be deter-
10 mined by the Secretary of Defense, with the approval of
11 the Office of Management and Budget, except that such
12 transfers may not be made unless the Secretary of Defense
13 has notified the Congress of the proposed transfer. Except
14 in amounts equal to the amounts appropriated to working
15 capital funds in this Act, no obligations may be made
16 against a working capital fund to procure or increase the
17 value of war reserve material inventory, unless the Sec-
18 retary of Defense has notified the Congress prior to any
19 such obligation.

20 SEC. 8007. Funds appropriated by this Act may not
21 be used to initiate a special access program without prior
22 notification 30 calendar days in session in advance to the
23 congressional defense committees.

24 SEC. 8008. None of the funds provided in this Act
25 shall be available to initiate: (1) a multiyear contract that

1 employs economic order quantity procurement in excess of
2 \$20,000,000 in any one year of the contract or that in-
3 cludes an unfunded contingent liability in excess of
4 \$20,000,000; or (2) a contract for advance procurement
5 leading to a multiyear contract that employs economic
6 order quantity procurement in excess of \$20,000,000 in
7 any one year, unless the congressional defense committees
8 have been notified at least 30 days in advance of the pro-
9 posed contract award: *Provided*, That no part of any ap-
10 propriation contained in this Act shall be available to initi-
11 ate a multiyear contract for which the economic order
12 quantity advance procurement is not funded at least to
13 the limits of the Government's liability: *Provided further*,
14 That no part of any appropriation contained in this Act
15 shall be available to initiate multiyear procurement con-
16 tracts for any systems or component thereof if the value
17 of the multiyear contract would exceed \$500,000,000 un-
18 less specifically provided in this Act: *Provided further*,
19 That no multiyear procurement contract can be termi-
20 nated without 10-day prior notification to the congres-
21 sional defense committees: *Provided further*, That the exe-
22 cution of multiyear authority shall require the use of a
23 present value analysis to determine lowest cost compared
24 to an annual procurement.

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

3 E-2C aircraft;

4 Longbow Hellfire missile; and

5 Medium tactical vehicle replacement (MTVR).

6 SEC. 8009. Within the funds appropriated for the op-
7 eration and maintenance of the Armed Forces, funds are
8 hereby appropriated pursuant to section 401 of title 10,
9 United States Code, for humanitarian and civic assistance
10 costs under chapter 20 of title 10, United States Code.
11 Such funds may also be obligated for humanitarian and
12 civic assistance costs incidental to authorized operations
13 and pursuant to authority granted in section 401 of chap-
14 ter 20 of title 10, United States Code, and these obliga-
15 tions shall be reported to Congress on September 30 of
16 each year: *Provided*, That funds available for operation
17 and maintenance shall be available for providing humani-
18 tarian and similar assistance by using Civic Action Teams
19 in the Trust Territories of the Pacific Islands and freely
20 associated states of Micronesia, pursuant to the Compact
21 of Free Association as authorized by Public Law 99-239:
22 *Provided further*, That upon a determination by the Sec-
23 retary of the Army that such action is beneficial for grad-
24 uate medical education programs conducted at Army med-
25 ical facilities located in Hawaii, the Secretary of the Army

1 may authorize the provision of medical services at such
2 facilities and transportation to such facilities, on a non-
3 reimbursable basis, for civilian patients from American
4 Samoa, the Commonwealth of the Northern Mariana Is-
5 lands, the Marshall Islands, the Federated States of Mi-
6 cronesia, Palau, and Guam.

7 SEC. 8010. (a) During fiscal year 1999, the civilian
8 personnel of the Department of Defense may not be man-
9 aged on the basis of any end-strength, and the manage-
10 ment of such personnel during that fiscal year shall not
11 be subject to any constraint or limitation (known as an
12 end-strength) on the number of such personnel who may
13 be employed on the last day of such fiscal year.

14 (b) The fiscal year 2000 budget request for the De-
15 partment of Defense as well as all justification material
16 and other documentation supporting the fiscal year 2000
17 Department of Defense budget request shall be prepared
18 and submitted to the Congress as if subsections (a) and
19 (b) of this provision were effective with regard to fiscal
20 year 2000.

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

23 SEC. 8011. Notwithstanding any other provision of
24 law, none of the funds made available by this Act shall
25 be used by the Department of Defense to exceed, outside

1 the 50 United States, its territories, and the District of
2 Columbia, 125,000 civilian workyears: *Provided*, That
3 workyears shall be applied as defined in the Federal Per-
4 sonnel Manual: *Provided further*, That workyears ex-
5 pended in dependent student hiring programs for dis-
6 advantaged youths shall not be included in this workyear
7 limitation.

8 SEC. 8012. None of the funds made available by this
9 Act shall be used in any way, directly or indirectly, to in-
10 fluence congressional action on any legislation or appro-
11 priation matters pending before the Congress.

12 SEC. 8013. (a) None of the funds appropriated by
13 this Act shall be used to make contributions to the Depart-
14 ment of Defense Education Benefits Fund pursuant to
15 section 2006(g) of title 10, United States Code, represent-
16 ing the normal cost for future benefits under section
17 3015(c) of title 38, United States Code, for any member
18 of the armed services who, on or after the date of enact-
19 ment of this Act—

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

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

24 nor shall any amounts representing the normal cost of
25 such future benefits be transferred from the Fund by the

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

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

1 SEC. 8014. None of the funds appropriated by this
2 Act shall be available to convert to contractor performance
3 an activity or function of the Department of Defense that,
4 on or after the date of enactment of this Act, is performed
5 by more than ten Department of Defense civilian employ-
6 ees until a most efficient and cost-effective organization
7 analysis is completed on such activity or function and cer-
8 tification of the analysis is made to the Committees on
9 Appropriations of the House of Representatives and the
10 Senate: *Provided*, That this section shall not apply to a
11 commercial or industrial type function of the Department
12 of Defense that: (1) is included on the procurement list
13 established pursuant to section 2 of the Act of June 25,
14 1938 (41 U.S.C. 47), popularly referred to as the Javits-
15 Wagner-O'Day Act; (2) is planned to be converted to per-
16 formance by a qualified nonprofit agency for the blind or
17 by a qualified nonprofit agency for other severely handi-
18 capped individuals in accordance with that Act; or (3) is
19 planned to be converted to performance by a qualified firm
20 under 51 per centum Native American ownership.

21 (TRANSFER OF FUNDS)

22 SEC. 8015. Funds appropriated in title III of this Act
23 for the Department of Defense Pilot Mentor-Protege Pro-
24 gram may be transferred to any other appropriation con-
25 tained in this Act solely for the purpose of implementing
26 a Mentor-Protege Program developmental assistance

1 agreement pursuant to section 831 of the National De-
2 fense Authorization Act for Fiscal Year 1991 (Public Law
3 101–510; 10 U.S.C. 2301 note), as amended, under the
4 authority of this provision or any other transfer authority
5 contained in this Act.

6 SEC. 8016. None of the funds in this Act may be
7 available for the purchase by the Department of Defense
8 (and its departments and agencies) of welded shipboard
9 anchor and mooring chain 4 inches in diameter and under
10 unless the anchor and mooring chain are manufactured
11 in the United States from components which are substan-
12 tially manufactured in the United States: *Provided*, That
13 for the purpose of this section manufactured will include
14 cutting, heat treating, quality control, testing of chain and
15 welding (including the forging and shot blasting process):
16 *Provided further*, That for the purpose of this section sub-
17 stantially all of the components of anchor and mooring
18 chain shall be considered to be produced or manufactured
19 in the United States if the aggregate cost of the compo-
20 nents produced or manufactured in the United States ex-
21 ceeds the aggregate cost of the components produced or
22 manufactured outside the United States: *Provided further*,
23 That when adequate domestic supplies are not available
24 to meet Department of Defense requirements on a timely
25 basis, the Secretary of the service responsible for the pro-

1 curement may waive this restriction on a case-by-case
2 basis by certifying in writing to the Committees on Appro-
3 priations that such an acquisition must be made in order
4 to acquire capability for national security purposes.

5 SEC. 8017. None of the funds appropriated by this
6 Act available for the Civilian Health and Medical Program
7 of the Uniformed Services (CHAMPUS) shall be available
8 for the reimbursement of any health care provider for in-
9 patient mental health service for care received when a pa-
10 tient is referred to a provider of inpatient mental health
11 care or residential treatment care by a medical or health
12 care professional having an economic interest in the facil-
13 ity to which the patient is referred: *Provided*, That this
14 limitation does not apply in the case of inpatient mental
15 health services provided under the program for the handi-
16 capped under subsection (d) of section 1079 of title 10,
17 United States Code, provided as partial hospital care, or
18 provided pursuant to a waiver authorized by the Secretary
19 of Defense because of medical or psychological cir-
20 cumstances of the patient that are confirmed by a health
21 professional who is not a Federal employee after a review,
22 pursuant to rules prescribed by the Secretary, which takes
23 into account the appropriate level of care for the patient,
24 the intensity of services required by the patient, and the
25 availability of that care.

1 SEC. 8018. Funds available in this Act may be used
2 to provide transportation for the next-of-kin of individuals
3 who have been prisoners of war or missing in action from
4 the Vietnam era to an annual meeting in the United
5 States, under such regulations as the Secretary of Defense
6 may prescribe.

7 SEC. 8019. Notwithstanding any other provision of
8 law, during the current fiscal year, the Secretary of De-
9 fense may, by executive agreement, establish with host na-
10 tion governments in NATO member states a separate ac-
11 count into which such residual value amounts negotiated
12 in the return of United States military installations in
13 NATO member states may be deposited, in the currency
14 of the host nation, in lieu of direct monetary transfers to
15 the United States Treasury: *Provided*, That such credits
16 may be utilized only for the construction of facilities to
17 support United States military forces in that host nation,
18 or such real property maintenance and base operating
19 costs that are currently executed through monetary trans-
20 fers to such host nations: *Provided further*, That the De-
21 partment of Defense's budget submission for fiscal year
22 2000 shall identify such sums anticipated in residual value
23 settlements, and identify such construction, real property
24 maintenance or base operating costs that shall be funded
25 by the host nation through such credits: *Provided further*,

1 That all military construction projects to be executed from
2 such accounts must be previously approved in a prior Act
3 of Congress: *Provided further*, That each such executive
4 agreement with a NATO member host nation shall be re-
5 ported to the congressional defense committees, the Com-
6 mittee on International Relations of the House of Rep-
7 resentatives and the Committee on Foreign Relations of
8 the Senate 30 days prior to the conclusion and endorse-
9 ment of any such agreement established under this provi-
10 sion.

11 SEC. 8020. None of the funds available to the De-
12 partment of Defense may be used to demilitarize or dis-
13 pose of M-1 Carbines, M-1 Garand rifles, M-14 rifles,
14 .22 caliber rifles, .30 caliber rifles, or M-1911 pistols.

15 SEC. 8021. Notwithstanding any other provision of
16 law, none of the funds appropriated by this Act shall be
17 available to pay more than 50 per centum of an amount
18 paid to any person under section 308 of title 37, United
19 States Code, in a lump sum.

20 SEC. 8022. A member of a reserve component whose
21 unit or whose residence is located in a State which is not
22 contiguous with another State is authorized to travel in
23 a space required status on aircraft of the Armed Forces
24 between home and place of inactive duty training, or place
25 of duty in lieu of unit training assembly, when there is

1 no road or railroad transportation (or combination of road
2 and railroad transportation between those locations): *Pro-*
3 *vided*, That a member traveling in that status on a mili-
4 tary aircraft pursuant to the authority provided in this
5 section is not authorized to receive travel, transportation,
6 or per diem allowances in connection with that travel.

7 SEC. 8023. In addition to funds provided elsewhere
8 in this Act, \$8,000,000 is appropriated only for incentive
9 payments authorized by section 504 of the Indian Financ-
10 ing Act of 1974, 25 U.S.C. 1544: *Provided*, That these
11 payments shall be available only to contractors which have
12 submitted subcontracting plans pursuant to 15 U.S.C.
13 637(d), and according to regulations which shall be pro-
14 mulgated by the Secretary of Defense within 90 days of
15 the passage of this Act: *Provided further*, That contractors
16 participating in the test program established by section
17 854 of Public Law 101–189 (15 U.S.C. 637 note) shall
18 be eligible for the program established by section 504 of
19 the Indian Financing Act of 1974 (25 U.S.C. 1544).

20 SEC. 8024. During the current fiscal year, funds ap-
21 propriated or otherwise available for any Federal agency,
22 the Congress, the judicial branch, or the District of Co-
23 lumbia may be used for the pay, allowances, and benefits
24 of an employee as defined by section 2105 of title 5,
25 United States Code, or an individual employed by the gov-

1 ernment of the District of Columbia, permanent or tem-
2 porary indefinite, who—

3 (1) is a member of a Reserve component of the
4 Armed Forces, as described in section 10101 of title
5 10, United States Code, or the National Guard, as
6 described in section 101 of title 32;

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

11 (A) Federal service under sections 331,
12 332, 333, or 12406 of title 10, or other provi-
13 sion of law, as applicable; or

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

18 (3) requests and is granted—

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

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

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

7 SEC. 8025. None of the funds appropriated by this
8 Act shall be available to perform any cost study pursuant
9 to the provisions of OMB Circular A-76 if the study being
10 performed exceeds a period of 24 months after initiation
11 of such study with respect to a single function activity or
12 48 months after initiation of such study for a multi-func-
13 tion activity.

14 SEC. 8026. Funds appropriated by this Act for the
15 American Forces Information Service shall not be used for
16 any national or international political or psychological ac-
17 tivities.

18 SEC. 8027. Notwithstanding any other provision of
19 law or regulation, the Secretary of Defense may adjust
20 wage rates for civilian employees hired for certain health
21 care occupations as authorized for the Secretary of Veter-
22 ans Affairs by section 7455 of title 38, United States
23 Code.

24 SEC. 8028. None of the funds appropriated or made
25 available in this Act shall be used to reduce or disestablish

1 the operation of the 53rd Weather Reconnaissance Squad-
2 ron of the Air Force Reserve, if such action would reduce
3 the WC-130 Weather Reconnaissance mission below the
4 levels funded in this Act.

5 SEC. 8029. (a) Of the funds for the procurement of
6 supplies or services appropriated by this Act, qualified
7 nonprofit agencies for the blind or other severely handi-
8 capped shall be afforded the maximum practicable oppor-
9 tunity to participate as subcontractors and suppliers in the
10 performance of contracts let by the Department of De-
11 fense.

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

20 (c) For the purpose of this section, the phrase “quali-
21 fied nonprofit agency for the blind or other severely handi-
22 capped” means a nonprofit agency for the blind or other
23 severely handicapped that has been approved by the Com-
24 mittee for the Purchase from the Blind and Other Severely

1 Handicapped under the Javits-Wagner-O'Day Act (41
2 U.S.C. 46–48).

3 SEC. 8030. During the current fiscal year, net re-
4 cepts pursuant to collections from third party payers pur-
5 suant to section 1095 of title 10, United States Code, shall
6 be made available to the local facility of the uniformed
7 services responsible for the collections and shall be over
8 and above the facility's direct budget amount.

9 SEC. 8031. During the current fiscal year, the De-
10 partment of Defense is authorized to incur obligations of
11 not to exceed \$350,000,000 for purposes specified in sec-
12 tion 2350j(c) of title 10, United States Code, in anticipa-
13 tion of receipt of contributions, only from the Government
14 of Kuwait, under that section: *Provided*, That, upon re-
15 ceipt, such contributions from the Government of Kuwait
16 shall be credited to the appropriations or fund which in-
17 curred such obligations.

18 SEC. 8032. Of the funds made available in this Act,
19 not less than \$23,964,000 shall be available for the Civil
20 Air Patrol, of which \$20,654,000 shall be available for op-
21 eration and maintenance.

22 SEC. 8033. (a) None of the funds appropriated in this
23 Act are available to establish a new Department of De-
24 fense (department) federally funded research and develop-
25 ment center (FFRDC), either as a new entity, or as a

1 separate entity administrated by an organization manag-
2 ing another FFRDC, or as a nonprofit membership cor-
3 poration consisting of a consortium of other FFRDCs and
4 other non-profit entities.

5 (b) LIMITATION ON COMPENSATION—FEDERALLY
6 FUNDED RESEARCH AND DEVELOPMENT CENTER
7 (FFRDC).—No member of a Board of Directors, Trust-
8 ees, Overseers, Advisory Group, Special Issues Panel, Vis-
9 iting Committee, or any similar entity of a defense
10 FFRDC, and no paid consultant to any defense FFRDC,
11 except when acting in a technical advisory capacity, may
12 be compensated for his or her services as a member of
13 such entity, or as a paid consultant by more than one
14 FFRDC in a fiscal year: *Provided*, That a member of any
15 such entity referred to previously in this subsection shall
16 be allowed travel expenses and per diem as authorized
17 under the Federal Joint Travel Regulations, when en-
18 gaged in the performance of membership duties.

19 (c) Notwithstanding any other provision of law, none
20 of the funds available to the department from any source
21 during fiscal year 1999 may be used by a defense FFRDC,
22 through a fee or other payment mechanism, for construc-
23 tion of new buildings, for payment of cost sharing for
24 projects funded by government grants, for absorption of
25 contract overruns, or for certain charitable contributions,

1 not to include employee participation in community service
2 and/or development.

3 (d) Notwithstanding any other provision of law, of
4 the funds available to the department during fiscal year
5 1999, not more than 6,206 staff years of technical effort
6 (staff years) may be funded for defense FFRDCs: *Pro-*
7 *vided*, That of the specific amount referred to previously
8 in this subsection, not more than 1,105 staff years may
9 be funded for the defense studies and analysis FFRDCs.

10 (e) Within 60 days after enactment of this Act, the
11 Secretary of Defense shall submit to the congressional de-
12 fense committees a report presenting the specific amounts
13 of staff years of technical effort to be allocated by the de-
14 partment for each defense FFRDC during fiscal year
15 1999: *Provided*, That, after the submission of the report
16 required by this subsection, the department may not re-
17 allocate more than five per centum of an FFRDC's staff
18 years among other defense FFRDCs until 30 days after
19 a detailed justification for any such reallocation is submit-
20 ted to the congressional defense committees.

21 (f) The Secretary of Defense shall, with the submis-
22 sion of the department's fiscal year 2000 budget request,
23 submit a report presenting the specific amounts of staff
24 years of technical effort to be allocated for each defense
25 FFRDC during that fiscal year.

1 SEC. 8034. None of the funds appropriated or made
2 available in this Act shall be used to procure carbon, alloy
3 or armor steel plate for use in any Government-owned fa-
4 cility or property under the control of the Department of
5 Defense which were not melted and rolled in the United
6 States or Canada: *Provided*, That these procurement re-
7 strictions shall apply to any and all Federal Supply Class
8 9515, American Society of Testing and Materials (ASTM)
9 or American Iron and Steel Institute (AISI) specifications
10 of carbon, alloy or armor steel plate: *Provided further*,
11 That the Secretary of the military department responsible
12 for the procurement may waive this restriction on a case-
13 by-case basis by certifying in writing to the Committees
14 on Appropriations of the House of Representatives and the
15 Senate that adequate domestic supplies are not available
16 to meet Department of Defense requirements on a timely
17 basis and that such an acquisition must be made in order
18 to acquire capability for national security purposes: *Pro-*
19 *vided further*, That these restrictions shall not apply to
20 contracts which are in being as of the date of enactment
21 of this Act.

22 SEC. 8035. For the purposes of this Act, the term
23 “congressional defense committees” means the National
24 Security Committee of the House of Representatives, the
25 Armed Services Committee of the Senate, the Subcommit-

1 tee on Defense of the Committee on Appropriations of the
2 Senate, and the Subcommittee on National Security of the
3 Committee on Appropriations of the House of Representa-
4 tives.

5 SEC. 8036. During the current fiscal year, the De-
6 partment of Defense may acquire the modification, depot
7 maintenance and repair of aircraft, vehicles and vessels
8 as well as the production of components and other De-
9 fense-related articles, through competition between De-
10 partment of Defense depot maintenance activities and pri-
11 vate firms: *Provided*, That the Senior Acquisition Execu-
12 tive of the military department or defense agency con-
13 cerned, with power of delegation, shall certify that success-
14 ful bids include comparable estimates of all direct and in-
15 direct costs for both public and private bids: *Provided fur-*
16 *ther*, That Office of Management and Budget Circular A-
17 76 shall not apply to competitions conducted under this
18 section.

19 SEC. 8037. (a)(1) If the Secretary of Defense, after
20 consultation with the United States Trade Representative,
21 determines that a foreign country which is party to an
22 agreement described in paragraph (2) has violated the
23 terms of the agreement by discriminating against certain
24 types of products produced in the United States that are
25 covered by the agreement, the Secretary of Defense shall

1 rescind the Secretary's blanket waiver of the Buy Amer-
2 ican Act with respect to such types of products produced
3 in that foreign country.

4 (2) An agreement referred to in paragraph (1) is any
5 reciprocal defense procurement memorandum of under-
6 standing, between the United States and a foreign country
7 pursuant to which the Secretary of Defense has prospec-
8 tively waived the Buy American Act for certain products
9 in that country.

10 (b) The Secretary of Defense shall submit to Con-
11 gress a report on the amount of Department of Defense
12 purchases from foreign entities in fiscal year 1999. Such
13 report shall separately indicate the dollar value of items
14 for which the Buy American Act was waived pursuant to
15 any agreement described in subsection (a)(2), the Trade
16 Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any
17 international agreement to which the United States is a
18 party.

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

1 SEC. 8038. Appropriations contained in this Act that
2 remain available at the end of the current fiscal year as
3 a result of energy cost savings realized by the Department
4 of Defense shall remain available for obligation for the
5 next fiscal year to the extent, and for the purposes, pro-
6 vided in section 2865 of title 10, United States Code.

7 SEC. 8039. During the current fiscal year, appropria-
8 tions available to the Department of Defense may be used
9 to reimburse a member of a reserve component of the
10 Armed Forces who is not otherwise entitled to travel and
11 transportation allowances and who occupies transient gov-
12 ernment housing while performing active duty for training
13 or inactive duty training: *Provided*, That such members
14 may be provided lodging in kind if transient government
15 quarters are unavailable as if the member was entitled to
16 such allowances under subsection (a) of section 404 of title
17 37, United States Code: *Provided further*, That if lodging
18 in kind is provided, any authorized service charge or cost
19 of such lodging may be paid directly from funds appro-
20 priated for operation and maintenance of the reserve com-
21 ponent of the member concerned.

22 SEC. 8040. The President shall include with each
23 budget for a fiscal year submitted to the Congress under
24 section 1105 of title 31, United States Code, materials
25 that shall identify clearly and separately the amounts re-

1 requested in the budget for appropriation for that fiscal year
2 for salaries and expenses related to administrative activi-
3 ties of the Department of Defense, the military depart-
4 ments, and the Defense Agencies.

5 SEC. 8041. Notwithstanding any other provision of
6 law, funds available for “Drug Interdiction and Counter-
7 Drug Activities, Defense” may be obligated for the Young
8 Marines program.

9 SEC. 8042. During the current fiscal year, amounts
10 contained in the Department of Defense Overseas Military
11 Facility Investment Recovery Account established by sec-
12 tion 2921(c)(1) of the National Defense Authorization Act
13 of 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall
14 be available until expended for the payments specified by
15 section 2921(c)(2) of that Act: *Provided*, That none of the
16 funds made available for expenditure under this section
17 may be transferred or obligated until thirty days after the
18 Secretary of Defense submits a report which details the
19 balance available in the Overseas Military Facility Invest-
20 ment Recovery Account, all projected income into the ac-
21 count during fiscal years 1999 and 2000, and the specific
22 expenditures to be made using funds transferred from this
23 account during fiscal year 1999.

24 SEC. 8043. Of the funds appropriated or otherwise
25 made available by this Act, not more than \$119,200,000

1 shall be available for payment of the operating costs of
2 NATO Headquarters: *Provided*, That the Secretary of De-
3 fense may waive this section for Department of Defense
4 support provided to NATO forces in and around the
5 former Yugoslavia.

6 SEC. 8044. During the current fiscal year, appropria-
7 tions which are available to the Department of Defense
8 for operation and maintenance may be used to purchase
9 items having an investment item unit cost of not more
10 than \$100,000.

11 SEC. 8045. (a) During the current fiscal year, none
12 of the appropriations or funds available to the Department
13 of Defense Working Capital Funds shall be used for the
14 purchase of an investment item for the purpose of acquir-
15 ing a new inventory item for sale or anticipated sale dur-
16 ing the current fiscal year or a subsequent fiscal year to
17 customers of the Department of Defense Working Capital
18 Funds if such an item would not have been chargeable
19 to the Department of Defense Business Operations Fund
20 during fiscal year 1994 and if the purchase of such an
21 investment item would be chargeable during the current
22 fiscal year to appropriations made to the Department of
23 Defense for procurement.

24 (b) The fiscal year 2000 budget request for the De-
25 partment of Defense as well as all justification material

1 and other documentation supporting the fiscal year 2000
2 Department of Defense budget shall be prepared and sub-
3 mitted to the Congress on the basis that any equipment
4 which was classified as an end item and funded in a pro-
5 curement appropriation contained in this Act shall be
6 budgeted for in a proposed fiscal year 2000 procurement
7 appropriation and not in the supply management business
8 area or any other area or category of the Department of
9 Defense Working Capital Funds.

10 SEC. 8046. None of the funds provided in this Act
11 and hereafter shall be available for use by a military de-
12 partment to modify an aircraft, weapon, ship or other item
13 of equipment, that the military department concerned
14 plans to retire or otherwise dispose of within 5 years after
15 completion of the modification: *Provided*, That this prohi-
16 bition shall not apply to safety modifications: *Provided fur-*
17 *ther*, That this prohibition may be waived by the Secretary
18 of a military department if the Secretary determines it is
19 in the best national security interest of the United States
20 to provide such waiver and so notifies the congressional
21 defense committees in writing.

22 SEC. 8047. None of the funds appropriated by this
23 Act for programs of the Central Intelligence Agency shall
24 remain available for obligation beyond the current fiscal
25 year, except for funds appropriated for the Reserve for

1 Contingencies, which shall remain available until Septem-
2 ber 30, 2000: *Provided*, That funds appropriated, trans-
3 ferred or otherwise credited to the Central Intelligence
4 Agency Central Services Working Capital Fund during
5 this or any prior or subsequent fiscal year shall remain
6 available until expended.

7 SEC. 8048. 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. 8049. Of the funds appropriated by the Depart-
15 ment of Defense under the heading “OPERATION AND
16 MAINTENANCE, DEFENSE-WIDE”, not less than
17 \$8,000,000 shall be made available only for the mitigation
18 of environmental impacts, including training and technical
19 assistance to tribes, related administrative support, the
20 gathering of information, documenting of environmental
21 damage, and developing a system for prioritization of miti-
22 gation and cost to complete estimates for mitigation, on
23 Indian lands resulting from Department of Defense activi-
24 ties.

1 SEC. 8050. Amounts collected for the use of the fa-
2 cilities of the National Science Center for Communications
3 and Electronics during the current fiscal year pursuant
4 to section 1459(g) of the Department of Defense Author-
5 ization Act, 1986, and deposited to the special account es-
6 tablished under subsection 1459(g)(2) of that Act are ap-
7 propriated and shall be available until expended for the
8 operation and maintenance of the Center as provided for
9 in subsection 1459(g)(2).

10 SEC. 8051. None of the funds appropriated in this
11 Act may be used to fill the commander's position at any
12 military medical facility with a health care professional
13 unless the prospective candidate can demonstrate profes-
14 sional administrative skills.

15 SEC. 8052. (a) None of the funds appropriated in this
16 Act may be expended by an entity of the Department of
17 Defense unless the entity, in expending the funds, com-
18 plies with the Buy American Act. For purposes of this
19 subsection, the term "Buy American Act" means title III
20 of the Act entitled "An Act making appropriations for the
21 Treasury and Post Office Departments for the fiscal year
22 ending June 30, 1934, and for other purposes", approved
23 March 3, 1933 (41 U.S.C. 10a et seq.).

24 (b) If the Secretary of Defense determines that a per-
25 son has been convicted of intentionally affixing a label

1 bearing a “Made in America” inscription to any product
2 sold in or shipped to the United States that is not made
3 in America, the Secretary shall determine, in accordance
4 with section 2410f of title 10, United States Code, wheth-
5 er the person should be debarred from contracting with
6 the Department of Defense.

7 (c) In the case of any equipment or products pur-
8 chased with appropriations provided under this Act, it is
9 the sense of the Congress that any entity of the Depart-
10 ment of Defense, in expending the appropriation, purchase
11 only American-made equipment and products, provided
12 that American-made equipment and products are cost-
13 competitive, quality-competitive, and available in a timely
14 fashion.

15 SEC. 8053. None of the funds appropriated by this
16 Act shall be available for a contract for studies, analysis,
17 or consulting services entered into without competition on
18 the basis of an unsolicited proposal unless the head of the
19 activity responsible for the procurement determines—

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

23 (2) the purpose of the contract is to explore an
24 unsolicited proposal which offers significant sci-
25 entific or technological promise, represents the prod-

1 uct of original thinking, and was submitted in con-
2 fidence by one source; or

3 (3) the purpose of the contract is to take ad-
4 vantage of unique and significant industrial accom-
5 plishment by a specific concern, or to insure that a
6 new product or idea of a specific concern is given fi-
7 nancial support:

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

15 SEC. 8054. (a) Except as provided in subsections (b)
16 and (c), none of the funds made available by this Act may
17 be used—

18 (1) to establish a field operating agency; or

19 (2) to pay the basic pay of a member of the
20 Armed Forces or civilian employee of the depart-
21 ment who is transferred or reassigned from a head-
22 quarters activity if the member or employee's place
23 of duty remains at the location of that headquarters.

24 (b) The Secretary of Defense or Secretary of a mili-
25 tary department may waive the limitations in subsection

1 (a), on a case-by-case basis, if the Secretary determines,
2 and certifies to the Committees on Appropriations of the
3 House of Representatives and Senate that the granting
4 of the waiver will reduce the personnel requirements or
5 the financial requirements of the department.

6 (c) This section does not apply to field operating
7 agencies funded within the National Foreign Intelligence
8 Program.

9 SEC. 8055. Funds appropriated by this Act for intel-
10 ligence activities are deemed to be specifically authorized
11 by the Congress for purposes of section 504 of the Na-
12 tional Security Act of 1947 (50 U.S.C. 414) during fiscal
13 year 1999 until the enactment of the Intelligence Author-
14 ization Act for Fiscal Year 1999.

15 SEC. 8056. Notwithstanding section 303 of Public
16 Law 96-487 or any other provision of law, the Secretary
17 of the Navy is authorized to lease real and personal prop-
18 erty at Naval Air Facility, Adak, Alaska, pursuant to 10
19 U.S.C. 2667(f), for commercial, industrial or other pur-
20 poses: *Provided*, That notwithstanding any other provision
21 of law, the Secretary of the Navy may remove hazardous
22 materials from facilities, buildings, and structures at
23 Adak, Alaska, and may demolish or otherwise dispose of
24 such facilities, buildings, and structures.

(RESCISSIONS)

1
2 SEC. 8057. Of the funds provided in Department of
3 Defense Appropriations Acts, the following funds are here-
4 by rescinded from the following accounts in the specified
5 amounts:

6 “Shipbuilding and Conversion, Navy, 1998/
7 2002”, \$25,000,000;

8 “Other Procurement, Army, 1998/2000”,
9 \$24,000,000;

10 “Aircraft Procurement, Air Force, 1998/2000”,
11 \$10,800,000; and

12 “Research, Development, Test and Evaluation,
13 Defense-Wide, 1997/1998”, \$10,000,000.

14 SEC. 8058. None of the funds available in this Act
15 may be used to reduce the authorized positions for mili-
16 tary (civilian) technicians of the Army National Guard,
17 the Air National Guard, Army Reserve and Air Force Re-
18 serve for the purpose of applying any administratively im-
19 posed civilian personnel ceiling, freeze, or reduction on
20 military (civilian) technicians, unless such reductions are
21 a direct result of a reduction in military force structure.

22 SEC. 8059. None of the funds appropriated or other-
23 wise made available in this Act may be obligated or ex-
24 pended for assistance to the Democratic People’s Republic

1 of North Korea unless specifically appropriated for that
2 purpose.

3 SEC. 8060. During the current fiscal year, funds ap-
4 propriated in this Act are available to compensate mem-
5 bers of the National Guard for duty performed pursuant
6 to a plan submitted by a Governor of a State and approved
7 by the Secretary of Defense under section 112 of title 32,
8 United States Code: *Provided*, That during the perform-
9 ance of such duty, the members of the National Guard
10 shall be under State command and control: *Provided fur-*
11 *ther*, That such duty shall be treated as full-time National
12 Guard duty for purposes of sections 12602(a)(2) and
13 (b)(2) of title 10, United States Code.

14 SEC. 8061. Funds appropriated in this Act for oper-
15 ation and maintenance of the Military Departments, Uni-
16 fied and Specified Commands and Defense Agencies shall
17 be available for reimbursement of pay, allowances and
18 other expenses which would otherwise be incurred against
19 appropriations for the National Guard and Reserve when
20 members of the National Guard and Reserve provide intel-
21 ligence support to Unified Commands, Defense Agencies
22 and Joint Intelligence Activities, including the activities
23 and programs included within the National Foreign Intel-
24 ligence Program (NFIP), the Joint Military Intelligence
25 Program (JMIP) and the Tactical Intelligence and Relat-

1 ed Activities (TIARA) aggregate: *Provided*, That nothing
2 in this section authorizes deviation from established Re-
3 serve and National Guard personnel and training proce-
4 dures.

5 SEC. 8062. During the current fiscal year, none of
6 the funds appropriated in this Act may be used to reduce
7 the civilian medical and medical support personnel as-
8 signed to military treatment facilities below the September
9 30, 1997 level: *Provided*, That the Service Surgeons Gen-
10 eral may waive this section by certifying to the congres-
11 sional defense committees that the beneficiary population
12 is declining in some catchment areas and civilian strength
13 reductions may be consistent with responsible resource
14 stewardship and capitation-based budgeting.

15 (INCLUDING TRANSFER OF FUNDS)

16 SEC. 8063. None of the funds appropriated in this
17 Act may be transferred to or obligated from the Pentagon
18 Reservation Maintenance Revolving Fund, unless the Sec-
19 retary of Defense certifies that the total cost for the plan-
20 ning, design, construction and installation of equipment
21 for the renovation of the Pentagon Reservation will not
22 exceed \$1,118,000,000.

23 SEC. 8064. (a) None of the funds available to the
24 Department of Defense for any fiscal year for drug inter-
25 diction or counter-drug activities may be transferred to

1 any other department or agency of the United States ex-
2 cept as specifically provided in an appropriations law.

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

8 (TRANSFER OF FUNDS)

9 SEC. 8065. Appropriations available in this Act under
10 the heading "OPERATION AND MAINTENANCE, DEFENSE-
11 WIDE" for increasing energy and water efficiency in Fed-
12 eral buildings may, during their period of availability, be
13 transferred to other appropriations or funds of the De-
14 partment of Defense for projects related to increasing en-
15 ergy and water efficiency, to be merged with and to be
16 available for the same general purposes, and for the same
17 time period, as the appropriation or fund to which trans-
18 ferred.

19 SEC. 8066. None of the funds appropriated by this
20 Act may be used for the procurement of ball and roller
21 bearings other than those produced by a domestic source
22 and of domestic origin: *Provided*, That the Secretary of
23 the military department responsible for such procurement
24 may waive this restriction on a case-by-case basis by cer-
25 tifying in writing to the Committees on Appropriations of
26 the House of Representatives and the Senate, that ade-

1 quate domestic supplies are not available to meet Depart-
2 ment of Defense requirements on a timely basis and that
3 such an acquisition must be made in order to acquire ca-
4 pability for national security purposes.

5 SEC. 8067. Notwithstanding any other provision of
6 law, funds available to the Department of Defense shall
7 be made available to provide transportation of medical
8 supplies and equipment, on a nonreimbursable basis, to
9 American Samoa: *Provided*, That notwithstanding any
10 other provision of law, funds available to the Department
11 of Defense shall be made available to provide transpor-
12 tation of medical supplies and equipment, on a non-
13 reimbursable basis, to the Indian Health Service when it
14 is in conjunction with a civil-military project.

15 SEC. 8068. None of the funds in this Act may be
16 used to purchase any supercomputer which is not manu-
17 factured in the United States, unless the Secretary of De-
18 fense certifies to the congressional defense committees
19 that such an acquisition must be made in order to acquire
20 capability for national security purposes that is not avail-
21 able from United States manufacturers.

22 SEC. 8069. Notwithstanding any other provision of
23 law, the Naval shipyards of the United States shall be eli-
24 gible to participate in any manufacturing extension pro-

1 gram financed by funds appropriated in this or any other
2 Act.

3 SEC. 8070. Notwithstanding any other provision of
4 law, each contract awarded by the Department of Defense
5 during the current fiscal year for construction or service
6 performed in whole or in part in a State which is not con-
7 tiguous with another State and has an unemployment rate
8 in excess of the national average rate of unemployment
9 as determined by the Secretary of Labor, shall include a
10 provision requiring the contractor to employ, for the pur-
11 pose of performing that portion of the contract in such
12 State that is not contiguous with another State, individ-
13 uals who are residents of such State and who, in the case
14 of any craft or trade, possess or would be able to acquire
15 promptly the necessary skills: *Provided*, That the Sec-
16 retary of Defense may waive the requirements of this sec-
17 tion, on a case-by-case basis, in the interest of national
18 security.

19 SEC. 8071. (a) The Secretary of Defense shall sub-
20 mit, on a quarterly basis, a report to the congressional
21 defense committees, the Committee on International Rela-
22 tions of the House of Representatives and the Committee
23 on Foreign Relations of the Senate setting forth all costs
24 (including incremental costs) incurred by the Department
25 of Defense during the preceding quarter in implementing

1 or supporting resolutions of the United Nations Security
2 Council, including any such resolution calling for inter-
3 national sanctions, international peacekeeping operations,
4 and humanitarian missions undertaken by the Depart-
5 ment of Defense. The quarterly report shall include an ag-
6 gregate of all such Department of Defense costs by oper-
7 ation or mission.

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

14 SEC. 8072. (a) LIMITATION ON TRANSFER OF DE-
15 FENSE ARTICLES AND SERVICES.—Notwithstanding any
16 other provision of law, none of the funds available to the
17 Department of Defense for the current fiscal year may be
18 obligated or expended to transfer to another nation or an
19 international organization any defense articles or services
20 (other than intelligence services) for use in the activities
21 described in subsection (b) unless the congressional de-
22 fense committees, the Committee on International Rela-
23 tions of the House of Representatives, and the Committee
24 on Foreign Relations of the Senate are notified 15 days
25 in advance of such transfer.

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

2 (1) any international peacekeeping or peace-en-
3 forcement operation under the authority of chapter
4 VI or chapter VII of the United Nations Charter
5 under the authority of a United Nations Security
6 Council resolution; and

7 (2) any other international peacekeeping, peace-
8 enforcement, or humanitarian assistance operation.

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

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

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

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

17 (A) a statement of whether the inventory
18 requirements of all elements of the Armed
19 Forces (including the reserve components) for
20 the type of equipment or supplies to be trans-
21 ferred have been met; and

22 (B) a statement of whether the items pro-
23 posed to be transferred will have to be replaced
24 and, if so, how the President proposes to pro-
25 vide funds for such replacement.

1 SEC. 8073. To the extent authorized by subchapter
2 VI of chapter 148 of title 10, United States Code, the
3 Secretary of Defense shall issue loan guarantees in sup-
4 port of United States defense exports not otherwise pro-
5 vided for: *Provided*, That the total contingent liability of
6 the United States for guarantees issued under the author-
7 ity of this section may not exceed \$15,000,000,000: *Pro-*
8 *vided further*, That the exposure fees charged and collected
9 by the Secretary for each guarantee, shall be paid by the
10 country involved and shall not be financed as part of a
11 loan guaranteed by the United States: *Provided further*,
12 That the Secretary shall provide quarterly reports to the
13 Committees on Appropriations, Armed Services and For-
14 eign Relations of the Senate and the Committees on Ap-
15 propriations, National Security and International Rela-
16 tions in the House of Representatives on the implementa-
17 tion of this program: *Provided further*, That amounts
18 charged for administrative fees and deposited to the spe-
19 cial account provided for under section 2540c(d) of title
20 10, shall be available for paying the costs of administrative
21 expenses of the Department of Defense that are attrib-
22 utable to the loan guarantee program under subchapter
23 VI of chapter 148 of title 10.

24 SEC. 8074. None of the funds available to the De-
25 partment of Defense shall be obligated or expended to

1 make a financial contribution to the United Nations for
2 the cost of an United Nations peacekeeping activity
3 (whether pursuant to assessment or a voluntary contribu-
4 tion) or for payment of any United States arrearage to
5 the United Nations.

6 SEC. 8075. None of the funds available to the De-
7 partment of Defense under this Act shall be obligated or
8 expended to pay a contractor under a contract with the
9 Department of Defense for costs of any amount paid by
10 the contractor to an employee when—

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

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

16 SEC. 8076. (a) None of the funds appropriated or
17 otherwise made available in this Act may be used to trans-
18 port or provide for the transportation of chemical muni-
19 tions or agents to the Johnston Atoll for the purpose of
20 storing or demilitarizing such munitions or agents.

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

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

4 SEC. 8077. None of the funds provided in title II of
5 this Act for “Former Soviet Union Threat Reduction”
6 may be obligated or expended to finance housing for any
7 individual who was a member of the military forces of the
8 Soviet Union or for any individual who is or was a member
9 of the military forces of the Russian Federation.

10 SEC. 8078. During the current fiscal year, no more
11 than \$15,000,000 of appropriations made in this Act
12 under the heading “OPERATION AND MAINTENANCE, DE-
13 FENSE-WIDE” may be transferred to appropriations avail-
14 able for the pay of military personnel, to be merged with,
15 and to be available for the same time period as the appro-
16 priations to which transferred, to be used in support of
17 such personnel in connection with support and services for
18 eligible organizations and activities outside the Depart-
19 ment of Defense pursuant to section 2012 of title 10,
20 United States Code.

21 SEC. 8079. For purposes of section 1553(b) of title
22 31, United States Code, any subdivision of appropriations
23 made in this Act under the heading “SHIPBUILDING AND
24 CONVERSION, NAVY” shall be considered to be for the
25 same purpose as any subdivision under the heading

1 “SHIPBUILDING AND CONVERSION, NAVY” appropriations
2 in any prior year, and the 1 percent limitation shall apply
3 to the total amount of the appropriation.

4 SEC. 8080. During the current fiscal year, in the case
5 of an appropriation account of the Department of Defense
6 for which the period of availability for obligation has ex-
7 pired or which has closed under the provisions of section
8 1552 of title 31, United States Code, and which has a
9 negative unliquidated or unexpended balance, an obliga-
10 tion or an adjustment of an obligation may be charged
11 to any current appropriation account for the same purpose
12 as the expired or closed account if—

13 (1) the obligation would have been properly
14 chargeable (except as to amount) to the expired or
15 closed account before the end of the period of avail-
16 ability or closing of that account;

17 (2) the obligation is not otherwise properly
18 chargeable to any current appropriation account of
19 the Department of Defense; and

20 (3) in the case of an expired account, the obli-
21 gation is not chargeable to a current appropriation
22 of the Department of Defense under the provisions
23 of section 1405(b)(8) of the National Defense Au-
24 thorization Act for Fiscal Year 1991, Public Law
25 101–510, as amended (31 U.S.C. 1551 note): *Pro-*

1 *vided*, That in the case of an expired account, if sub-
2 sequent review or investigation discloses that there
3 was not in fact a negative unliquidated or unex-
4 pended balance in the account, any charge to a cur-
5 rent account under the authority of this section shall
6 be reversed and recorded against the expired ac-
7 count: *Provided further*, That the total amount
8 charged to a current appropriation under this sec-
9 tion may not exceed an amount equal to 1 percent
10 of the total appropriation for that account.

11 (TRANSFER OF FUNDS)

12 SEC. 8081. Upon enactment of this Act, the Sec-
13 retary of Defense shall make the following transfers of
14 funds: *Provided*, That the amounts transferred shall be
15 available for the same purposes as the appropriations to
16 which transferred, and for the same time period as the
17 appropriation from which transferred: *Provided further*,
18 That the amounts shall be transferred between the follow-
19 ing appropriations in the amount specified:

20 From:

21 Under the heading, “Shipbuilding and
22 Conversion, Navy, 1991/2001”:

23 DDG–51 destroyer program,
24 \$1,500,000;

25 LHD–1 amphibious assault ship pro-
26 gram, \$7,500,000;

1 LSD-41 cargo variant ship program,
2 \$1,227,000;

3 LCAC landing craft, air cushioned
4 program, \$392,000;

5 MHC coastal minehunter program,
6 \$2,400,000;

7 To:

8 Under the heading, “Shipbuilding and
9 Conversion, Navy, 1991/2001”:

10 SSN-21 attack submarine program,
11 \$13,019,000;

12 From:

13 Under the heading, “Shipbuilding and
14 Conversion, Navy, 1994/1998”:

15 LHD-1 amphibious assault ship pro-
16 gram, \$5,729,000;

17 To:

18 Under the heading, “Shipbuilding and
19 Conversion, Navy, 1994/1998”:

20 MCS(C) mine warfare command and
21 control ship program, \$5,729,000;

22 From:

23 Under the heading, “Shipbuilding and
24 Conversion, Navy, 1996/2000”:

1 SSN-21 attack submarine program,
2 \$26,526,000;

3 To:

4 Under the heading, “Shipbuilding and
5 Conversion, Navy, 1991/2001”:

6 SSN-21 attack submarine program,
7 \$16,967,000;

8 Under the heading, “Shipbuilding and
9 Conversion, Navy, 1995/2001”:

10 Carrier replacement program,
11 \$8,007,000;

12 Under the heading, “Shipbuilding and
13 Conversion, Navy, 1996/2000”:

14 Fast Patrol craft program, \$345,000;

15 Under the heading, “Shipbuilding and
16 Conversion, Navy, 1997/2000”:

17 AGOR SWATH oceanographic re-
18 search program, \$1,207,000;

19 From:

20 Under the heading, “Shipbuilding and
21 Conversion, Navy, 1996/2000”:

22 LHD-1 amphibious assault ship pro-
23 gram, \$3,400,000;

24 To:

1 Under the heading, “Shipbuilding and
2 Conversion, Navy, 1995/2001”:

3 Carrier replacement program,
4 \$3,400,000;

5 From:

6 Under the heading, “Shipbuilding and
7 Conversion, Navy, 1998/2002”:

8 CVN Refuelings, \$14,791,000;

9 To:

10 Under the heading, “Shipbuilding and
11 Conversion, Navy, 1995/2001”:

12 Carrier replacement program,
13 \$14,791,000;

14 From:

15 Under the heading, “Shipbuilding and
16 Conversion, Navy, 1998/2002”:

17 DDG–51(AP) destroyer program,
18 \$9,009,000;

19 To:

20 Under the heading, “Shipbuilding and
21 Conversion, Navy, 1998/2002”:

22 DDG–51 destroyer program,
23 \$9,009,000.

24 SEC. 8082. The Under Secretary of Defense (Comp-
25 troller) shall submit to the congressional defense commit-

1 tees by February 1, 1999, a detailed report identifying,
2 by amount and by separate budget activity, activity group,
3 subactivity group, line item, program element, program,
4 project, subproject, and activity, any activity for which the
5 fiscal year 2000 budget request was reduced because Con-
6 gress appropriated funds above the President's budget re-
7 quest for that specific activity for fiscal year 1999.

8 SEC. 8083. Funds appropriated in title II of this Act
9 for supervision and administration costs for facilities
10 maintenance and repair, minor construction, or design
11 projects may be obligated at the time the reimbursable
12 order is accepted by the performing activity: *Provided*,
13 That for the purpose of this section, supervision and ad-
14 ministration costs includes all in-house Government cost.

15 SEC. 8084. The Secretary of Defense may waive re-
16 imbursement of the cost of conferences, seminars, courses
17 of instruction, or similar educational activities of the Asia-
18 Pacific Center for Security Studies for military officers
19 and civilian officials of foreign nations if the Secretary de-
20 termines that attendance by such personnel, without reim-
21 bursement, is in the national security interest of the
22 United States: *Provided*, That costs for which reimburse-
23 ment is waived pursuant to this subsection shall be paid
24 from appropriations available for the Asia-Pacific Center.

1 SEC. 8085. (a) Notwithstanding any other provision
2 of law, the Chief of the National Guard Bureau may per-
3 mit the use of equipment of the National Guard Distance
4 Learning Project by any person or entity on a space-avail-
5 able, reimbursable basis. The Chief of the National Guard
6 Bureau shall establish the amount of reimbursement for
7 such use on a case-by-case basis.

8 (b) Amounts collected under subsection (a) shall be
9 credited to funds available for the National Guard Dis-
10 tance Learning Project and be available to defray the costs
11 associated with the use of equipment of the project under
12 that subsection. Such funds shall be available for such
13 purposes without fiscal year limitation.

14 SEC. 8086. During the current fiscal year, the
15 amounts which are necessary for the operation and main-
16 tenance of the Fisher Houses administered by the Depart-
17 ments of the Army, the Navy, and the Air Force are here-
18 by appropriated, to be derived from amounts which are
19 available in the applicable Fisher House trust fund estab-
20 lished under 10 U.S.C. 2221 for the Fisher Houses of
21 each such department.

22 SEC. 8087. During the current fiscal year, refunds
23 attributable to the use of the Government travel card by
24 military personnel and civilian employees of the Depart-
25 ment of Defense may be credited to operation and mainte-

1 nance accounts of the Department of Defense which are
2 current when the refunds are received.

3 SEC. 8088. During the current fiscal year, not more
4 than a total of \$60,000,000 in withdrawal credits may be
5 made by the Marine Corps Supply Management activity
6 group of the Navy Working Capital Fund, Department of
7 Defense Working Capital Funds, to the credit of current
8 applicable appropriations of a Department of Defense ac-
9 tivity in connection with the acquisition of critical low den-
10 sity repairables that are capitalized into the Navy Working
11 Capital Fund.

12 SEC. 8089. Notwithstanding 31 U.S.C. 3902, during
13 the current fiscal year interest penalties may be paid by
14 the Department of Defense from funds financing the oper-
15 ation of the military department or defense agency with
16 which the invoice or contract payment is associated.

17 SEC. 8090. At the time the President submits his
18 budget for fiscal year 2000, the Department of Defense
19 shall transmit to the congressional defense committees a
20 budget justification document for the active and reserve
21 Military Personnel accounts, to be known as the "M-1",
22 which shall identify, at the budget activity, activity group,
23 and subactivity group level, the amounts requested by the
24 President to be appropriated to the Department of De-

1 fense for military personnel in any budget request, or
2 amended budget request, for fiscal year 2000.

3 SEC. 8091. During the current fiscal year, the Sec-
4 retary of Defense may award contracts for capital assets
5 having a development or acquisition cost of not less than
6 \$100,000 of a Working Capital Fund in advance of the
7 availability of funds in the Working Capital Fund for
8 minor construction, automatic data processing equipment,
9 software, equipment, and other capital improvements.

10 SEC. 8092. None of the funds appropriated in title
11 IV of this Act may be used to procure end-items for deliv-
12 ery to military forces for operational training, operational
13 use or inventory requirements: *Provided*, That this restric-
14 tion does not apply to end-items used in development,
15 prototyping, and test activities preceding and leading to
16 acceptance for operational use: *Provided further*, That this
17 restriction does not apply to programs funded within the
18 National Foreign Intelligence Program: *Provided further*,
19 That the Secretary of Defense may waive this restriction
20 on a case-by-case basis by certifying in writing to the
21 Committees on Appropriations of the House of Represent-
22 atives and the Senate that it is in the national security
23 interest to do so.

24 SEC. 8093. The budget of the President for fiscal
25 year 2000 submitted to Congress pursuant to section 1105

1 of title 31, United States Code, and each annual budget
2 request thereafter, shall include budget activity groups
3 (known as “subactivities”) in the operation and mainte-
4 nance accounts of the military departments and other ap-
5 propriation accounts, as may be necessary, to separately
6 identify all costs incurred by the Department of Defense
7 to support the expansion of the North Atlantic Treaty Or-
8 ganization. The budget justification materials submitted
9 to Congress in support of the budget of the Department
10 of Defense for fiscal year 2000, and subsequent fiscal
11 years, shall provide complete, detailed estimates for the
12 incremental costs of such expansion.

13 SEC. 8094. (a) The Secretary of Defense may, on a
14 case-by-case basis, waive with respect to a foreign country
15 each limitation on the procurement of defense items from
16 foreign sources provided in law if the Secretary determines
17 that the application of the limitation with respect to that
18 country would invalidate cooperative programs entered
19 into between the Department of Defense and the foreign
20 country, or would invalidate reciprocal trade agreements
21 for the procurement of defense items entered into under
22 section 2531 of title 10, United States Code, and the
23 country does not discriminate against the same or similar
24 defense items produced in the United States for that coun-
25 try.

1 (b) Subsection (a) applies with respect to—

2 (1) contracts and subcontracts entered into on
3 or after the date of the enactment of this Act; and

4 (2) options for the procurement of items that
5 are exercised after such date under contracts that
6 are entered into before such date if the option prices
7 are adjusted for any reason other than the applica-
8 tion of a waiver granted under subsection (a).

9 (c) Subsection (a) does not apply to a limitation re-
10 garding construction of warships, ball and roller bearings,
11 and clothing or textile materials as defined by section 11
12 (chapters 50–65) of the Harmonized Tariff Schedule and
13 products classified under headings 4010, 4202, 4203,
14 6401 through 6406, 6505, 7019, and 9404.

15 SEC. 8095. Notwithstanding 31 U.S.C. 1552(a), of
16 the funds provided in Department of Defense Appropria-
17 tions Acts, not more than the specified amounts from the
18 following accounts shall remain available for the payment
19 of satellite on-orbit incentive fees until the fees are paid:

20 Missile Procurement, Air Force, 1995/1997,
21 \$20,978,000;

22 Missile Procurement, Air Force, 1996/1998,
23 \$16,782,400.

24 SEC. 8096. During fiscal year 1999, advance billing
25 for services provided or work performed by the Working

1 Capital Fund activities of the Department of the Air
2 Force in excess of \$100,000,000 is prohibited.

3 SEC. 8097. Notwithstanding any other provision in
4 this Act, the total amount appropriated in title II is hereby
5 reduced by \$150,000,000 to reflect savings resulting from
6 consolidations and personnel reductions as mandated in
7 the Defense Reform Initiative.

8 SEC. 8098. Notwithstanding any other provision in
9 this Act, the total amount appropriated in this Act is here-
10 by reduced by \$400,600,000 to reflect savings from re-
11 vised economic assumptions, to be distributed as follows:

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

14 Operation and Maintenance, Navy,
15 \$32,000,000;

16 Operation and Maintenance, Marine Corps,
17 \$4,000,000;

18 Operation and Maintenance, Air Force,
19 \$31,000,000;

20 Operation and Maintenance, Defense-Wide,
21 \$17,600,000;

22 Operation and Maintenance, Army Reserve,
23 \$2,000,000;

24 Operation and Maintenance, Navy Reserve,
25 \$2,000,000;

1 Operation and Maintenance, Air Force Reserve,
2 \$2,000,000;
3 Operation and Maintenance, Army National
4 Guard, \$4,000,000;
5 Operation and Maintenance, Air National
6 Guard, \$4,000,000;
7 Drug Interdiction and Counter-Drug Activities,
8 Defense, \$2,000,000;
9 Environmental Restoration, Army, \$1,000,000;
10 Environmental Restoration, Navy, \$1,000,000;
11 Environmental Restoration, Air Force,
12 \$1,000,000;
13 Environmental Restoration, Defense-Wide,
14 \$1,000,000;
15 Defense Health Program, \$36,000,000;
16 Aircraft Procurement, Army, \$4,000,000;
17 Missile Procurement, Army, \$4,000,000;
18 Procurement of Weapons and Tracked Combat
19 Vehicles, Army, \$4,000,000;
20 Procurement of Ammunition, Army,
21 \$3,000,000;
22 Other Procurement, Army, \$9,000,000;
23 Aircraft Procurement, Navy, \$22,000,000;
24 Weapons Procurement, Navy, \$4,000,000;

1 Procurement of Ammunition, Navy and Marine
2 Corps, \$1,000,000;
3 Shipbuilding and Conversion, Navy,
4 \$18,000,000;
5 Other Procurement, Navy, \$12,000,000;
6 Procurement, Marine Corps, \$2,000,000;
7 Aircraft Procurement, Air Force, \$23,000,000;
8 Missile Procurement, Air Force, \$7,000,000;
9 Procurement of Ammunition, Air Force,
10 \$1,000,000;
11 Other Procurement, Air Force, \$17,500,000;
12 Procurement, Defense-Wide, \$5,800,000;
13 Chemical Agents and Munitions Destruction,
14 Defense, \$3,000,000;
15 Research, Development, Test and Evaluation,
16 Army, \$10,000,000;
17 Research, Development, Test and Evaluation,
18 Navy, \$20,000,000;
19 Research, Development, Test and Evaluation,
20 Air Force, \$39,000,000; and
21 Research, Development, Test and Evaluation,
22 Defense-Wide, \$26,700,000:
23 *Provided*, That these reductions shall be applied propor-
24 tionally to each budget activity, activity group and sub-

1 activity group and each program, project, and activity
2 within each appropriation account.

3 SEC. 8099. Notwithstanding any other provision of
4 law, of the revenue collected by the Department of Defense
5 Working Capital Funds, such amounts as may be required
6 shall be made available for obligation and expenditure for
7 indemnification of the leasing entity or entities to accom-
8 plish the lease of aircraft engines for C-135-type aircraft:
9 *Provided*, That the funds made available pursuant to this
10 section shall remain available until expended.

11 SEC. 8100. (a) The Secretary of the Navy is hereby
12 authorized to transfer naval vessels on a sale or combined
13 lease-sale basis in accordance with the text of Amendment
14 No. 2449 intended to be proposed to the bill, S. 2057,
15 105th Congress, second session, as filed in the Senate on
16 June 4, 1998.

17 (b) There is hereby established in the Treasury of the
18 United States a special account to be known as the De-
19 fense Vessels Transfer Program Account. There is hereby
20 appropriated into that account such sums as may be nec-
21 essary for paying the costs (as defined in section 502 of
22 the Congressional Budget and Impoundment Control Act
23 of 1974 (2 U.S.C. 661a)) associated with the lease-sale
24 transfers authorized under section (a). Funds in that ac-

1 count are available only for the purpose of covering those
2 costs.

3 SEC. 8101. Amendment No. 2448 as submitted to the
4 Senate and reported in the Congressional Record on June
5 4, 1998, is hereby enacted into law.

6 SEC. 8102. Amendment No. 2447 as submitted to the
7 Senate and reported in the Congressional Record on June
8 4, 1998, is hereby enacted into law.

9 SEC. 8103. None of the funds made available by this
10 Act shall be used by the Army to reduce civilian personnel
11 workforce levels at United States Army, Pacific
12 (USARPAC) bases and at Major Range and Test Facility
13 Bases (MRTFBs) in the United States in fiscal year 1999
14 below levels assumed in this Act unless the Secretary of
15 the Army notifies the Congressional defense committees
16 not less than 30 days prior to implementation of any civil-
17 ian personnel workforce reductions.

18 This Act may be cited as the “Department of Defense
19 Appropriations Act, 1999”.

Calendar No. 395

105TH CONGRESS
2^D SESSION

S. 2132

[Report No. 105-200]

A BILL

Making appropriations for the Department of Defense for the fiscal year ending September 30, 1999, and for other purposes.

JUNE 4 (legislative day, JUNE 2), 1998

Read twice and placed on the calendar