

In the Senate of the United States,

May 18, 2000.

Resolved, That the bill from the House of Representatives (H.R. 4425) entitled “An Act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes.”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

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DIVISION A

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That the following sums are appropriated, out of any

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money in the Treasury not otherwise appropriated, for

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military construction, family housing, and base realign-

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ment and closure functions administered by the Department

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of Defense, for the fiscal year ending September 30, 2001,

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and for other purposes, namely:

1 *MILITARY CONSTRUCTION, ARMY*

2 *For acquisition, construction, installation, and equip-*
3 *ment of temporary or permanent public works, military in-*
4 *stallations, facilities, and real property for the Army as*
5 *currently authorized by law, including personnel in the*
6 *Army Corps of Engineers and other personal services nec-*
7 *essary for the purposes of this appropriation, and for con-*
8 *struction and operation of facilities in support of the func-*
9 *tions of the Commander in Chief, \$823,503,000, to remain*
10 *available until September 30, 2005: Provided, That of this*
11 *amount, not to exceed \$84,706,000 shall be available for*
12 *study, planning, design, architect and engineer services,*
13 *and host nation support, as authorized by law, unless the*
14 *Secretary of Defense determines that additional obligations*
15 *are necessary for such purposes and notifies the Committees*
16 *on Appropriations of both Houses of Congress of his deter-*
17 *mination and the reasons therefor.*

18 *MILITARY CONSTRUCTION, NAVY*

19 *For acquisition, construction, installation, and equip-*
20 *ment of temporary or permanent public works, naval in-*
21 *stallations, facilities, and real property for the Navy as cur-*
22 *rently authorized by law, including personnel in the Naval*
23 *Facilities Engineering Command and other personal serv-*
24 *ices necessary for the purposes of this appropriation,*
25 *\$828,278,000, to remain available until September 30,*

1 2005: *Provided, That of this amount, not to exceed*
2 *\$71,000,000 shall be available for study, planning, design,*
3 *architect and engineer services, as authorized by law, unless*
4 *the Secretary of Defense determines that additional obliga-*
5 *tions are necessary for such purposes and notifies the Com-*
6 *mittees on Appropriations of both Houses of Congress of his*
7 *determination and the reasons therefor.*

8 *MILITARY CONSTRUCTION, AIR FORCE*

9 *For acquisition, construction, installation, and equip-*
10 *ment of temporary or permanent public works, military in-*
11 *stallations, facilities, and real property for the Air Force*
12 *as currently authorized by law, \$777,793,000, to remain*
13 *available until September 30, 2005: Provided, That of this*
14 *amount, not to exceed \$69,337,000 shall be available for*
15 *study, planning, design, architect and engineer services, as*
16 *authorized by law, unless the Secretary of Defense deter-*
17 *mines that additional obligations are necessary for such*
18 *purposes and notifies the Committees on Appropriations of*
19 *both Houses of Congress of his determination and the rea-*
20 *sons therefor.*

21 *MILITARY CONSTRUCTION, DEFENSE-WIDE*

22 *(INCLUDING TRANSFER OF FUNDS)*

23 *For acquisition, construction, installation, and equip-*
24 *ment of temporary or permanent public works, installa-*
25 *tions, facilities, and real property for activities and agen-*

1 *cies of the Department of Defense (other than the military*
2 *departments), as currently authorized by law,*
3 *\$801,098,000, to remain available until September 30,*
4 *2005: Provided, That such amounts of this appropriation*
5 *as may be determined by the Secretary of Defense may be*
6 *transferred to such appropriations of the Department of De-*
7 *fense available for military construction or family housing*
8 *as he may designate, to be merged with and to be available*
9 *for the same purposes, and for the same time period, as*
10 *the appropriation or fund to which transferred: Provided*
11 *further, That of the amount appropriated, not to exceed*
12 *\$163,700,000 shall be available for study, planning, design,*
13 *architect and engineer services, as authorized by law, unless*
14 *the Secretary of Defense determines that additional obliga-*
15 *tions are necessary for such purposes and notifies the Com-*
16 *mittees on Appropriations of both Houses of Congress of his*
17 *determination and the reasons therefor.*

18 *MILITARY CONSTRUCTION, ARMY NATIONAL GUARD*

19 *For construction, acquisition, expansion, rehabilita-*
20 *tion, and conversion of facilities for the training and ad-*
21 *ministration of the Army National Guard, and contribu-*
22 *tions therefor, as authorized by chapter 1803 of title 10,*
23 *United States Code, and Military Construction Authoriza-*
24 *tion Acts, \$233,675,000, to remain available until Sep-*
25 *tember 30, 2005.*

1 *MILITARY CONSTRUCTION, AIR NATIONAL GUARD*

2 *For construction, acquisition, expansion, rehabilita-*
3 *tion, and conversion of facilities for the training and ad-*
4 *ministration of the Air National Guard, and contributions*
5 *therefor, as authorized by chapter 1803 of title 10, United*
6 *States Code, and Military Construction Authorization Acts,*
7 *\$183,029,000, to remain available until September 30,*
8 *2005.*

9 *MILITARY CONSTRUCTION, ARMY RESERVE*

10 *For construction, acquisition, expansion, rehabilita-*
11 *tion, and conversion of facilities for the training and ad-*
12 *ministration of the Army Reserve as authorized by chapter*
13 *1803 of title 10, United States Code, and Military Con-*
14 *struction Authorization Acts, \$99,888,000, to remain avail-*
15 *able until September 30, 2005.*

16 *MILITARY CONSTRUCTION, NAVAL RESERVE*

17 *For construction, acquisition, expansion, rehabilita-*
18 *tion, and conversion of facilities for the training and ad-*
19 *ministration of the reserve components of the Navy and Ma-*
20 *rine Corps as authorized by chapter 1803 of title 10, United*
21 *States Code, and Military Construction Authorization Acts,*
22 *\$38,532,000, to remain available until September 30, 2005.*

23 *MILITARY CONSTRUCTION, AIR FORCE RESERVE*

24 *For construction, acquisition, expansion, rehabilita-*
25 *tion, and conversion of facilities for the training and ad-*

1 *ministration of the Air Force Reserve as authorized by*
2 *chapter 1803 of title 10, United States Code, and Military*
3 *Construction Authorization Acts, \$25,533,000, to remain*
4 *available until September 30, 2005.*

5 *NORTH ATLANTIC TREATY ORGANIZATION*

6 *SECURITY INVESTMENT PROGRAM*

7 *For the United States share of the cost of the North*
8 *Atlantic Treaty Organization Security Investment Pro-*
9 *gram for the acquisition and construction of military facili-*
10 *ties and installations (including international military*
11 *headquarters) and for related expenses for the collective de-*
12 *fense of the North Atlantic Treaty Area as authorized in*
13 *Military Construction Authorization Acts and section 2806*
14 *of title 10, United States Code, \$175,000,000, to remain*
15 *available until expended.*

16 *FAMILY HOUSING, ARMY*

17 *For expenses of family housing for the Army for con-*
18 *struction, including acquisition, replacement, addition, ex-*
19 *pansion, extension and alteration and for operation and*
20 *maintenance, including debt payment, leasing, minor con-*
21 *struction, principal and interest charges, and insurance*
22 *premiums, as authorized by law, as follows: for Construc-*
23 *tion, \$221,106,000, to remain available until September 30,*
24 *2005; for Operation and Maintenance, and for debt pay-*
25 *ment, \$958,364,000; in all \$1,179,470,000.*

1 *FAMILY HOUSING, NAVY AND MARINE CORPS*

2 *For expenses of family housing for the Navy and Ma-*
3 *rine Corps for construction, including acquisition, replace-*
4 *ment, addition, expansion, extension and alteration and for*
5 *operation and maintenance, including debt payment, leas-*
6 *ing, minor construction, principal and interest charges,*
7 *and insurance premiums, as authorized by law, as follows:*
8 *for Construction, \$392,765,000, to remain available until*
9 *September 30, 2005; for Operation and Maintenance, and*
10 *for debt payment, \$881,567,000; in all \$1,274,332,000.*

11 *FAMILY HOUSING, AIR FORCE*

12 *For expenses of family housing for the Air Force for*
13 *construction, including acquisition, replacement, addition,*
14 *expansion, extension and alteration and for operation and*
15 *maintenance, including debt payment, leasing, minor con-*
16 *struction, principal and interest charges, and insurance*
17 *premiums, as authorized by law, as follows: for Construc-*
18 *tion, \$227,242,000, to remain available until September 30,*
19 *2005; for Operation and Maintenance, and for debt pay-*
20 *ment, \$820,879,000; in all \$1,048,121,000.*

21 *FAMILY HOUSING, DEFENSE-WIDE*

22 *For expenses of family housing for the activities and*
23 *agencies of the Department of Defense (other than the mili-*
24 *tary departments) for construction, including acquisition,*
25 *replacement, addition, expansion, extension and alteration,*

1 *and for operation and maintenance, leasing, and minor*
2 *construction, as authorized by law, for Operation and*
3 *Maintenance, \$44,886,000.*

4 *BASE REALIGNMENT AND CLOSURE ACCOUNT, PART IV*

5 *For deposit into the Department of Defense Base Clo-*
6 *sure Account 1990 established by section 2906(a)(1) of the*
7 *Department of Defense Authorization Act, 1991 (Public*
8 *Law 101-510), \$1,174,369,000, to remain available until*
9 *expended: Provided, That not more than \$865,318,000 of*
10 *the funds appropriated herein shall be available solely for*
11 *environmental restoration, unless the Secretary of Defense*
12 *determines that additional obligations are necessary for*
13 *such purposes and notifies the Committees on Appropria-*
14 *tions of both Houses of Congress of his determination and*
15 *the reasons therefor.*

16 *GENERAL PROVISIONS*

17 *SEC. 101. None of the funds appropriated in Military*
18 *Construction Appropriations Acts shall be expended for*
19 *payments under a cost-plus-a-fixed-fee contract for con-*
20 *struction, where cost estimates exceed \$25,000, to be per-*
21 *formed within the United States, except Alaska, without the*
22 *specific approval in writing of the Secretary of Defense set-*
23 *ting forth the reasons therefor.*

1 *SEC. 102. Funds appropriated to the Department of*
2 *Defense for construction shall be available for hire of pas-*
3 *senger motor vehicles.*

4 *SEC. 103. Funds appropriated to the Department of*
5 *Defense for construction may be used for advances to the*
6 *Federal Highway Administration, Department of Trans-*
7 *portation, for the construction of access roads as authorized*
8 *by section 210 of title 23, United States Code, when projects*
9 *authorized therein are certified as important to the national*
10 *defense by the Secretary of Defense.*

11 *SEC. 104. None of the funds appropriated in this Act*
12 *may be used to begin construction of new bases inside the*
13 *continental United States for which specific appropriations*
14 *have not been made.*

15 *SEC. 105. No part of the funds provided in Military*
16 *Construction Appropriations Acts shall be used for purchase*
17 *of land or land easements in excess of 100 percent of the*
18 *value as determined by the Army Corps of Engineers or*
19 *the Naval Facilities Engineering Command, except: (1)*
20 *where there is a determination of value by a Federal court;*
21 *(2) purchases negotiated by the Attorney General or his des-*
22 *ignee; (3) where the estimated value is less than \$25,000;*
23 *or (4) as otherwise determined by the Secretary of Defense*
24 *to be in the public interest.*

1 *SEC. 106. None of the funds appropriated in Military*
2 *Construction Appropriations Acts shall be used to: (1) ac-*
3 *quire land; (2) provide for site preparation; or (3) install*
4 *utilities for any family housing, except housing for which*
5 *funds have been made available in annual Military Con-*
6 *struction Appropriations Acts.*

7 *SEC. 107. None of the funds appropriated in Military*
8 *Construction Appropriations Acts for minor construction*
9 *may be used to transfer or relocate any activity from one*
10 *base or installation to another, without prior notification*
11 *to the Committees on Appropriations.*

12 *SEC. 108. No part of the funds appropriated in Mili-*
13 *tary Construction Appropriations Acts may be used for the*
14 *procurement of steel for any construction project or activity*
15 *for which American steel producers, fabricators, and manu-*
16 *facturers have been denied the opportunity to compete for*
17 *such steel procurement.*

18 *SEC. 109. None of the funds available to the Depart-*
19 *ment of Defense for military construction or family housing*
20 *during the current fiscal year may be used to pay real prop-*
21 *erty taxes in any foreign nation.*

22 *SEC. 110. None of the funds appropriated in Military*
23 *Construction Appropriations Acts may be used to initiate*
24 *a new installation overseas without prior notification to the*
25 *Committees on Appropriations.*

1 *SEC. 111. None of the funds appropriated in Military*
2 *Construction Appropriations Acts may be obligated for ar-*
3 *chitect and engineer contracts estimated by the Government*
4 *to exceed \$500,000 for projects to be accomplished in Japan,*
5 *in any NATO member country, or in countries bordering*
6 *the Arabian Gulf, unless such contracts are awarded to*
7 *United States firms or United States firms in joint venture*
8 *with host nation firms.*

9 *SEC. 112. None of the funds appropriated in Military*
10 *Construction Appropriations Acts for military construction*
11 *in the United States territories and possessions in the Pa-*
12 *cific and on Kwajalein Atoll, or in countries bordering the*
13 *Arabian Gulf, may be used to award any contract estimated*
14 *by the Government to exceed \$1,000,000 to a foreign con-*
15 *tractor: Provided, That this section shall not be applicable*
16 *to contract awards for which the lowest responsive and re-*
17 *sponsible bid of a United States contractor exceeds the low-*
18 *est responsive and responsible bid of a foreign contractor*
19 *by greater than 20 percent: Provided further, That this sec-*
20 *tion shall not apply to contract awards for military con-*
21 *struction on Kwajalein Atoll for which the lowest responsive*
22 *and responsible bid is submitted by a Marshallese con-*
23 *tractor.*

24 *SEC. 113. The Secretary of Defense is to inform the*
25 *appropriate committees of Congress, including the Commit-*

1 *tees on Appropriations, of the plans and scope of any pro-*
2 *posed military exercise involving United States personnel*
3 *30 days prior to its occurring, if amounts expended for con-*
4 *struction, either temporary or permanent, are anticipated*
5 *to exceed \$100,000.*

6 *SEC. 114. Not more than 20 percent of the appropri-*
7 *ations in Military Construction Appropriations Acts which*
8 *are limited for obligation during the current fiscal year*
9 *shall be obligated during the last 2 months of the fiscal year.*

10 *(TRANSFER OF FUNDS)*

11 *SEC. 115. Funds appropriated to the Department of*
12 *Defense for construction in prior years shall be available*
13 *for construction authorized for each such military depart-*
14 *ment by the authorizations enacted into law during the cur-*
15 *rent session of Congress.*

16 *SEC. 116. For military construction or family housing*
17 *projects that are being completed with funds otherwise ex-*
18 *pired or lapsed for obligation, expired or lapsed funds may*
19 *be used to pay the cost of associated supervision, inspection,*
20 *overhead, engineering and design on those projects and on*
21 *subsequent claims, if any.*

22 *SEC. 117. Notwithstanding any other provision of law,*
23 *any funds appropriated to a military department or de-*
24 *fense agency for the construction of military projects may*
25 *be obligated for a military construction project or contract,*
26 *or for any portion of such a project or contract, at any*

1 *time before the end of the fourth fiscal year after the fiscal*
2 *year for which funds for such project were appropriated if*
3 *the funds obligated for such project: (1) are obligated from*
4 *funds available for military construction projects; and (2)*
5 *do not exceed the amount appropriated for such project,*
6 *plus any amount by which the cost of such project is in-*
7 *creased pursuant to law.*

8 *(TRANSFER OF FUNDS)*

9 *SEC. 118. During the 5-year period after appropria-*
10 *tions available to the Department of Defense for military*
11 *construction and family housing operation and mainte-*
12 *nance and construction have expired for obligation, upon*
13 *a determination that such appropriations will not be nec-*
14 *essary for the liquidation of obligations or for making au-*
15 *thorized adjustments to such appropriations for obligations*
16 *incurred during the period of availability of such appro-*
17 *priations, unobligated balances of such appropriations may*
18 *be transferred into the appropriation "Foreign Currency*
19 *Fluctuations, Construction, Defense" to be merged with and*
20 *to be available for the same time period and for the same*
21 *purposes as the appropriation to which transferred.*

22 *SEC. 119. The Secretary of Defense is to provide the*
23 *Committees on Appropriations of the Senate and the House*
24 *of Representatives with an annual report by February 15,*
25 *containing details of the specific actions proposed to be*
26 *taken by the Department of Defense during the current fis-*

1 *cal year to encourage other member nations of the North*
2 *Atlantic Treaty Organization, Japan, Korea, and United*
3 *States allies bordering the Arabian Gulf to assume a greater*
4 *share of the common defense burden of such nations and*
5 *the United States.*

6 *(TRANSFER OF FUNDS)*

7 *SEC. 120. During the current fiscal year, in addition*
8 *to any other transfer authority available to the Department*
9 *of Defense, proceeds deposited to the Department of Defense*
10 *Base Closure Account established by section 207(a)(1) of the*
11 *Defense Authorization Amendments and Base Closure and*
12 *Realignment Act (Public Law 100–526) pursuant to section*
13 *207(a)(2)(C) of such Act, may be transferred to the account*
14 *established by section 2906(a)(1) of the Department of De-*
15 *fense Authorization Act, 1991, to be merged with, and to*
16 *be available for the same purposes and the same time period*
17 *as that account.*

18 *SEC. 121. None of the funds appropriated or made*
19 *available by this Act may be obligated for Partnership for*
20 *Peace Programs in the New Independent States of the*
21 *former Soviet Union.*

22 *SEC. 122. (a) Not later than 60 days before issuing*
23 *any solicitation for a contract with the private sector for*
24 *military family housing the Secretary of the military de-*
25 *partment concerned shall submit to the congressional de-*
26 *fense committees the notice described in subsection (b).*

1 **(b)(1)** *A notice referred to in subsection (a) is a notice*
2 *of any guarantee (including the making of mortgage or*
3 *rental payments) proposed to be made by the Secretary to*
4 *the private party under the contract involved in the event*
5 *of—*

6 **(A)** *the closure or realignment of the installation*
7 *for which housing is provided under the contract;*

8 **(B)** *a reduction in force of units stationed at*
9 *such installation; or*

10 **(C)** *the extended deployment overseas of units*
11 *stationed at such installation.*

12 **(2)** *Each notice under this subsection shall specify the*
13 *nature of the guarantee involved and assess the extent and*
14 *likelihood, if any, of the liability of the Federal Government*
15 *with respect to the guarantee.*

16 **(c)** *In this section, the term “congressional defense*
17 *committees” means the following:*

18 **(1)** *The Committee on Armed Services and the*
19 *Military Construction Subcommittee, Committee on*
20 *Appropriations of the Senate.*

21 **(2)** *The Committee on Armed Services and the*
22 *Military Construction Subcommittee, Committee on*
23 *Appropriations of the House of Representatives.*

24 *(TRANSFER OF FUNDS)*

25 **SEC. 123.** *During the current fiscal year, in addition*
26 *to any other transfer authority available to the Department*

1 of Defense, amounts may be transferred from the account
2 established by section 2906(a)(1) of the Department of De-
3 fense Authorization Act, 1991, to the fund established by
4 section 1013(d) of the Demonstration Cities and Metropoli-
5 tan Development Act of 1966 (42 U.S.C. 3374) to pay for
6 expenses associated with the Homeowners Assistance Pro-
7 gram. Any amounts transferred shall be merged with and
8 be available for the same purposes and for the same time
9 period as the fund to which transferred.

10 *SEC. 124. Notwithstanding this or any other provision*
11 *of law, funds appropriated in Military Construction Ap-*
12 *propriations Acts for operations and maintenance of family*
13 *housing shall be the exclusive source of funds for repair and*
14 *maintenance of all family housing units, including flag and*
15 *general officer quarters: Provided, That not more than*
16 *\$25,000 per unit may be spent annually for the mainte-*
17 *nance and repair of any general or flag officer quarters*
18 *without 30 days advance prior notification of the appro-*
19 *priate committees of Congress: Provided further, That be-*
20 *ginning January 15, 2000 the Under Secretary of Defense*
21 *(Comptroller) is to report annually to the Committees on*
22 *Appropriations all operations and maintenance expendi-*
23 *tures for each individual flag and general officer quarters*
24 *for the prior fiscal year.*

1 *SEC. 125. Of the funds provided in previous Military*
2 *Construction Appropriations Acts, amounts only associated*
3 *with unobligated balances are hereby rescinded from the fol-*
4 *lowing accounts in the specified amounts:*

5 *“Military Construction, Army”, \$3,369,000;*
6 *“Military Construction, Navy”, \$23,120,000;*
7 *“Military Construction, Air Force”, \$4,669,000;*
8 *“Military Construction, Defense-Wide”,*
9 *\$17,819,000;*
10 *“Family Housing, Army”, \$1,627,000;*
11 *“Family Housing, Navy”, \$18,352,000; and*
12 *“Family Housing, Air Force”, \$4,551,000.*

13 *SEC. 126. During the current fiscal year, in addition*
14 *to any other transfer authority available to the Department*
15 *of Defense, funds appropriated in Public Law 106–52 with-*
16 *in the “Military Construction, Naval Reserve” account may*
17 *be transferred to the fund for “Military Construction,*
18 *Navy” account to be made available to construct, under the*
19 *authority of 10 U.S.C. 2805, an elevated water storage tank*
20 *at the Navy Air Station, Memphis, Tennessee. Any amounts*
21 *transferred shall be merged with and be available for the*
22 *same time period and for the same purpose as the appro-*
23 *priation to which transferred.*

24 *SEC. 127. (a) The Secretary of the Army may accept*
25 *funds from the Federal Highway Administration, or the*

1 *State of Kentucky, and credit them to the appropriate De-*
2 *partment of the Army accounts for the purpose of funding*
3 *all costs associated with the realignment, requested by the*
4 *State of Kentucky, of the military construction project in-*
5 *volving a rail connector located at Fort Campbell, Ken-*
6 *tucky, authorized in section 2101(a) of the Military Con-*
7 *struction Authorization Act for Fiscal Year 1997 (Public*
8 *Law 104–201), 110 Stat. 2763.*

9 **(b)** *The Secretary may use the funds accepted for the*
10 *realignment, in addition to funds authorized and appro-*
11 *priated for the rail connector project, notwithstanding the*
12 *amount authorized in section 2101(a) of Public Law 104–*
13 *201. The funds accepted shall remain available until ex-*
14 *pended.*

15 **(c)** *The costs associated with the realignment of the rail*
16 *connector project include but are not limited to redesign*
17 *costs, additional construction costs, additional costs due to*
18 *construction delays related to the realignment, and addi-*
19 *tional real estate costs.*

20 **(d)** *The authority provided in this section shall be ef-*
21 *fective upon the date of enactment of this Act.*

22 *DIVISION B*

23 *The following sums are appropriated, out of any*
24 *money in the Treasury not otherwise appropriated, for the*

1 *fiscal year ending September 30, 2000, and for other pur-*
2 *poses, namely:*

3 *TITLE I*

4 *COUNTERNARCOTICS*

5 *CHAPTER 1*

6 *DEPARTMENT OF DEFENSE—MILITARY*

7 *PROCUREMENT*

8 *AIRCRAFT PROCUREMENT, ARMY*

9 *For an additional amount for “Aircraft Procurement,*
10 *Army”, \$30,000,000, to remain available for obligation*
11 *until September 30, 2001: Provided, That the entire amount*
12 *is designated by the Congress as an emergency requirement*
13 *pursuant to section 251(b)(2)(A) of the Balanced Budget*
14 *and Emergency Deficit Control Act of 1985, as amended:*
15 *Provided further, That the entire amount provided shall be*
16 *available only to the extent an official budget request that*
17 *includes designation of the entire amount of the request as*
18 *an emergency requirement as defined in the Balanced*
19 *Budget and Emergency Deficit Control Act of 1985, as*
20 *amended, is transmitted by the President to the Congress.*

1 *OTHER DEPARTMENT OF DEFENSE PROGRAMS*
2 *DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,*
3 *DEFENSE*

4 *(INCLUDING TRANSFER OF FUNDS)*

5 *For an additional amount for “Drug Interdiction and*
6 *Counter-Drug Activities, Defense”, \$85,700,000, to remain*
7 *available for obligation until expended: Provided, That the*
8 *entire amount is designated by the Congress as an emer-*
9 *gency requirement pursuant to section 251(b)(2)(A) of the*
10 *Balanced Budget and Emergency Deficit Control Act of*
11 *1985, as amended: Provided further, That the Secretary of*
12 *Defense may transfer the funds provided herein only to ap-*
13 *propriations for military personnel; operation and mainte-*
14 *nance; procurement; research, development, test and evalua-*
15 *tion; and working capital funds: Provided further, That the*
16 *funds transferred shall be merged with and shall be avail-*
17 *able for the same purposes and for the same time period,*
18 *as the appropriation to which transferred: Provided further,*
19 *That the transfer authority provided under this heading is*
20 *in addition to any other transfer authority available to the*
21 *Department of Defense: Provided further, That no funds*
22 *made available under this heading may be obligated or ex-*
23 *pended for training, logistics support, planning or assist-*
24 *ance contracts for any overseas activity until 15 days after*
25 *the Assistant Secretary of Defense, Special Operations and*

1 *Low-Intensity Conflict reports to the congressional defense*
2 *committees on the value, duration and purpose of such con-*
3 *tracts.*

4 **GENERAL PROVISIONS—THIS CHAPTER**

5 *Sec. 101. (a) AUTHORITY TO PROVIDE SUPPORT.—Of*
6 *the amount appropriated in this Act for the Department*
7 *of Defense, not to exceed \$45,000,000 shall be available for*
8 *the provision of support for counter-drug activities of the*
9 *Government of Colombia. The support provided under this*
10 *section shall be in addition to support provided for counter-*
11 *drug activities of the Government of Colombia under any*
12 *other provision of law: Provided further, That no funds*
13 *made available under this heading may be obligated or ex-*
14 *pended for training, logistics support, planning or assist-*
15 *ance contracts for any overseas activity until 15 days after*
16 *the Assistant Secretary of Defense, Special Operations and*
17 *Low-Intensity Conflict reports to the congressional defense*
18 *committees on the value, duration and purpose of such con-*
19 *tracts.*

20 *(b) TYPES OF SUPPORT.—The support that may be*
21 *provided using this section shall be limited to the types of*
22 *support specified in section 1033(c)(1) of the National De-*
23 *fense Authorization Act for Fiscal Year 1998 (Public Law*
24 *105–85; 111 Stat. 1882).*

1 (c) *CONDITIONS ON PROVISION OF SUPPORT.—(1) The*
 2 *Secretary of Defense may not obligate or expend funds ap-*
 3 *propriated in this Act to provide support under this section*
 4 *for counter-drug activities of the Government of Colombia*
 5 *until the end of the 20-day period beginning on the date*
 6 *on which the Secretary submits the written certification for*
 7 *fiscal year 2000 pursuant to section 1033(f)(1) of the Na-*
 8 *tional Defense Authorization Act for Fiscal Year 1998 (Pub-*
 9 *lic Law 105–85; 111 Stat. 1882).*

10 (2) *The elements of the written certification submitted*
 11 *for fiscal year 2000 described in section 1033(g) of that Act*
 12 *shall apply to, and the written certification shall address,*
 13 *the support provided under this section for counter-drug ac-*
 14 *tivities of the Government of Colombia.*

15

CHAPTER 2

16

MILITARY CONSTRUCTION, DEFENSE-WIDE

17 *Notwithstanding any other provision of law, for an ad-*
 18 *ditional amount for “Military Construction, Defense-*
 19 *Wide,” \$116,523,000, to remain available until September*
 20 *30, 2004: Provided, That such amount is designated by the*
 21 *Congress as an emergency requirement pursuant to section*
 22 *251(b)(2)(A) of the Balanced Budget and Emergency Def-*
 23 *icit Control Act of 1985, as amended: Provided further,*
 24 *That the entire amount shall be available only to the extent*
 25 *that an official budget request for \$116,523,000, that in-*

1 *cludes designation of the entire amount of the request as*
2 *an emergency requirement as defined in the Balanced*
3 *Budget and Emergency Deficit Control Act of 1985, as*
4 *amended, is transmitted by the President to the Congress.*

5 **GENERAL PROVISION—THIS CHAPTER**

6 *SEC. 201. (a) Not later than 60 days after the date*
7 *of enactment of this Act, the Secretary of Defense shall sub-*
8 *mit to the congressional defense committees a report on con-*
9 *struction, security and operation of Forward Operating Lo-*
10 *cations (FOL) in Manta, Ecuador, Aruba and Curaçao.*

11 *(b) The report required by subsection (a) shall address*
12 *the following: (1) a schedule for making each Forward Op-*
13 *erating Location (FOL) fully operational, including cost es-*
14 *timates, time line of contracting and construction with*
15 *completion dates, a description of the potential capabilities*
16 *for each proposed location and an explanation of how the*
17 *FOL architecture fits into the overall counter-drug strategy;*
18 *(2) a plan that identifies the operating requirements at*
19 *FOL for the United States Coast Guard, United States Cus-*
20 *toms Service, Drug Enforcement Administration, Intel-*
21 *ligence community and the Department of Defense and how*
22 *these requirements will be addressed; (3) a security plan*
23 *to ensure that FOL facilities and personnel working at these*
24 *sites are safeguarded from outside threats; and (4) a safety*

1 *plan to ensure operations conducted at FOLs are in accord-*
2 *ance with standard operating procedures.*

3 *(c) Funds made available under this Act may not be*
4 *provided unless all reporting requirements in subsection (b)*
5 *have been met.*

6 *CHAPTER 3*

7 *DEPARTMENT OF TRANSPORTATION*

8 *COAST GUARD*

9 *OPERATING EXPENSES*

10 *For an additional amount for “Operating Expenses”,*
11 *\$262,446,000 to remain available until September 30, 2001:*
12 *Provided, That \$5,000,000 shall be available for the 4.8 per-*
13 *cent increase in military basic pay: Provided further, That*
14 *\$18,000,000 shall be available for costs related to the deliv-*
15 *ery of health care to Coast Guard personnel, retirees, and*
16 *their dependents: Provided further, That \$15,000,000 shall*
17 *be available for Basic Allowance for Housing: Provided fur-*
18 *ther, That \$2,000,000 shall be available for the Military*
19 *Housing Areas cost of living adjustment: Provided further,*
20 *That \$15,000,000 shall be available for recruiting and re-*
21 *tention bonuses: Provided further, That \$1,000,000 shall be*
22 *available for fixed wing aviator retention bonuses: Provided*
23 *further, That \$8,000,000 shall be available for advertising*
24 *and other costs related to recruiting: Provided further, That*
25 *\$64,446,000 shall be available for aviation spare parts and*

1 *maintenance: Provided further, That \$15,000,000 shall be*
2 *available for shore facility maintenance: Provided further,*
3 *That \$22,000,000 shall be available for electronic equipment*
4 *repair and replacement: Provided further, That*
5 *\$22,000,000 shall be available for vessel spare parts and*
6 *maintenance: Provided further, That \$46,000,000 shall be*
7 *available for operational fuel: Provided further, That*
8 *\$29,000,000 shall be available for programmed flight hours:*
9 *Provided further, That priority for use of these funds should*
10 *be for enhancing drug interdiction activities, but shall not*
11 *require the Coast Guard to close stations and utilize re-*
12 *maintaining assets only for emergency situations; reduce the*
13 *number of personnel of an already streamlined workforce;*
14 *curtail Coast Guard capacity to carry out emergency search*
15 *and rescue; or reduce operations in a manner that would*
16 *have a detrimental impact on the sustainability of valuable*
17 *fish stocks in the North Atlantic and Pacific Northwest and*
18 *the Coast Guard's capacity to stem the flow of illegal migra-*
19 *tion: Provided further, That the entire amount is designated*
20 *by the Congress as an emergency requirement pursuant to*
21 *section 251(b)(2)(A) of the Balanced Budget and Emer-*
22 *gency Deficit Control Act of 1985, as amended: Provided*
23 *further, That these funds shall be available only to the ex-*
24 *tent an official budget request for a specific dollar amount,*
25 *that includes designation of the entire amount as an emer-*

1 *gency requirement as defined in the Balanced Budget and*
2 *Emergency Deficit Control Act of 1985, as amended, and*
3 *is transmitted by the President to the Congress.*

4 *ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS*

5 *For an additional amount for acquisition, construc-*
6 *tion, renovation, and improvement of facilities and equip-*
7 *ment, to be available for expansion of Coast Guard drug*
8 *interdiction activities, \$542,859,000, to remain available*
9 *until expended and to be distributed as follows:*

10 *Acquisition and construction of vessels author-*
11 *ized under section 812(b) of the Western Hemisphere*
12 *Drug Elimination Act, \$32,000,000;*

13 *Acquisition of electronic sensors for Coast Guard*
14 *cutters and boats, including electro-optical/infrared*
15 *(EO/IR) systems as authorized under section 812(b)*
16 *of the Western Hemisphere Drug Elimination Act,*
17 *\$12,000,000;*

18 *Acquisition of commercial satellite communica-*
19 *tions upgrade, \$5,459,000;*

20 *Acquisition of five over-the-horizon cutter boats,*
21 *\$7,500,000;*

22 *Acquisition and installation of C-130 night vi-*
23 *sion equipment, \$10,000,000;*

24 *Acquisition of replacement forward looking in-*
25 *frared (FLIR) systems for H-60 aircraft, \$7,900,000;*

1 *Acquisition of six C-130J long-range maritime*
2 *patrol aircraft authorized under section 812(G) of the*
3 *Western Hemisphere Drug Elimination Act that are*
4 *capable of meeting defense-related and other elements*
5 *of the Coast Guard's multi-mission requirements,*
6 *\$468,000,000:*

7 *Provided, That the procurement of maritime patrol aircraft*
8 *funded under this heading shall not, in any way, influence*
9 *the procurement strategy, program requirements, or down-*
10 *select decision pertaining to the Coast Guard's Deepwater*
11 *Capability Replacement Project: Provided further, That the*
12 *entire amount is designated by the Congress as an emer-*
13 *gency requirement pursuant to section 251(b)(2)(A) of the*
14 *Balanced Budget and Emergency Deficit Control Act of*
15 *1985, as amended: Provided further, That the entire*
16 *amount shall be available only to the extent that an official*
17 *budget request for a specific dollar amount, that includes*
18 *designation of the entire amount of the request as an emer-*
19 *gency requirement as defined in the Balanced Budget and*
20 *Emergency Deficit Control Act of 1985, as amended, is*
21 *transmitted by the President to the Congress.*

22 *RESERVE TRAINING*

23 *For an additional amount for operating, maintenance,*
24 *and training expenses of the Coast Guard Reserve, includ-*
25 *ing supplies, equipment and services, \$3,750,000: Provided,*
26 *That none of these funds may be transferred to Coast Guard*

1 *“Operating expenses” or otherwise made available to reim-*
2 *burse the Coast Guard for financial support of the Coast*
3 *Guard Reserves: Provided further, That priority for use of*
4 *these funds should be for enhancing drug interdiction ac-*
5 *tivities conducted by the Coast Guard Reserves, but shall*
6 *not require the Coast Guard to close stations and utilize*
7 *remaining assets only for emergency situations; reduce the*
8 *number of personnel of an already streamlined workforce;*
9 *curtail Coast Guard capacity to carry out emergency search*
10 *and rescue; or reduce operations in a manner that would*
11 *have a detrimental impact on the sustainability of valuable*
12 *fish stocks in the North Atlantic and Pacific Northwest and*
13 *the Coast Guard’s capacity to stem the flow of illegal migra-*
14 *tion: Provided further, That the entire amount is designated*
15 *by the Congress as an emergency requirement pursuant to*
16 *section 251(b)(2)(A) of the Balanced Budget and Emer-*
17 *gency Deficit Control Act of 1985, as amended: Provided*
18 *further, That the entire amount shall be available only to*
19 *the extent that an official budget request for a specific dollar*
20 *amount, that includes designation of the entire amount of*
21 *the request as an emergency requirement as defined in the*
22 *Balanced Budget and Emergency Deficit Control Act of*
23 *1985, as amended, is transmitted by the President to the*
24 *Congress.*

1 *TITLE II*
2 *PEACEKEEPING OPERATIONS IN KOSOVO AND*
3 *OTHER NATIONAL SECURITY MATTERS*
4 *CHAPTER 1*
5 *DEPARTMENT OF DEFENSE—MILITARY*
6 *OPERATION AND MAINTENANCE*
7 *OPERATION AND MAINTENANCE, ARMY*
8 *For an additional amount for “Operation and Mainte-*
9 *nance, Army”, \$23,883,000: Provided, That the entire*
10 *amount is designated by the Congress as an emergency re-*
11 *quirement pursuant to section 251(b)(2)(A) of the Balanced*
12 *Budget and Emergency Deficit Control Act of 1985, as*
13 *amended.*
14 *OPERATION AND MAINTENANCE, NAVY*
15 *For an additional amount for “Operation and Mainte-*
16 *nance, Navy”, \$20,565,000: Provided, That the entire*
17 *amount is designated by the Congress as an emergency re-*
18 *quirement pursuant to section 251(b)(2)(A) of the Balanced*
19 *Budget and Emergency Deficit Control Act of 1985, as*
20 *amended.*
21 *Out of any money in the Treasury not otherwise ap-*
22 *propriated, there is appropriated for the fiscal year ending*
23 *September 30, 2000, for expenses, not otherwise provided*
24 *for, necessary for the operation and maintenance of the*
25 *Navy and the Marine Corps, as authorized by law,*

1 \$220,000,000: *Provided, That the amount made available*
2 *by this heading shall be available for ship depot mainte-*
3 *nance; Provided further, That the entire amount made*
4 *available by this heading is designated as an emergency re-*
5 *quirement under section 251(b)(2)(A) of the Balanced*
6 *Budget and Emergency Deficit Control Act of 1985 (2*
7 *U.S.C. 901(b)(2)(A)).*

8 *OPERATION AND MAINTENANCE, MARINE CORPS*

9 *For an additional amount for “Operation and Mainte-*
10 *nance, Marine Corps”, \$37,155,000: Provided, That the en-*
11 *tire amount is designated by the Congress as an emergency*
12 *requirement pursuant to section 251(b)(2)(A) of the Bal-*
13 *anced Budget and Emergency Deficit Control Act of 1985,*
14 *as amended.*

15 *OPERATION AND MAINTENANCE, AIR FORCE*

16 *For an additional amount for “Operation and Mainte-*
17 *nance, Air Force”, \$38,065,000: Provided, That the entire*
18 *amount is designated by the Congress as an emergency re-*
19 *quirement pursuant to section 251(b)(2)(A) of the Balanced*
20 *Budget and Emergency Deficit Control Act of 1985, as*
21 *amended: Provided further, That of the funds appropriated*
22 *under this heading, \$8,000,000 shall be made available only*
23 *for use in federally owned educational facilities located on*
24 *military installations for the purpose of transferring title*
25 *of such facilities to the local educational authorities.*

1 *OPERATION AND MAINTENANCE, DEFENSE-WIDE*

2 *(INCLUDING TRANSFER OF FUNDS)*

3 *For necessary expenses to provide assistance to*
4 *Vieques, Puerto Rico, \$40,000,000, to remain available*
5 *until September 30, 2003: Provided, That such funds shall*
6 *be in addition to amounts otherwise available for such pur-*
7 *poses: Provided further, That the Secretary of Defense may*
8 *transfer funds to any agency or office of the United States*
9 *Government in order to implement the projects for which*
10 *funds are provided under this heading thirty days after the*
11 *Director of the Office of Management and Budget notifies*
12 *the House and Senate Committees on Appropriations of*
13 *each proposed transfer: Provided further, that each notifica-*
14 *tion transmitted to the Committees shall identify the spe-*
15 *cific amount, recipient agency and purpose for which such*
16 *transfer is proposed: Provided further, That appropriations*
17 *made available under this heading may be transferred and*
18 *obligated for the following purposes: a study of the health*
19 *of Vieques residents; fire-fighting related equipment and fa-*
20 *cilities at Antonio Rivera Rodriguez Airport; construction*
21 *or refurbishment of a commercial ferry pier and terminal*
22 *and associated navigational improvements; establishment*
23 *and construction of an artificial reef; reef conservation, res-*
24 *toration, and management activities; payments to reg-*
25 *istered Vieques commercial fishermen of an amount deter-*

1 *mined by the National Marine Fisheries Service for each*
2 *day they are unable to use existing waters because the Navy*
3 *is conducting training; expansion and improvement of*
4 *major cross-island roadways and bridges; an apprentice-*
5 *ship/training program for young adults; preservation and*
6 *protection of natural resources; an economic development*
7 *office and economic development activities; and conducting*
8 *a referendum among the residents of Vieques regarding fur-*
9 *ther use of the island for military training programs: Pro-*
10 *vided further, That for purposes of providing assistance to*
11 *Vieques, any agency or office of the United States Govern-*
12 *ment to which these funds are transferred may utilize, in*
13 *addition to any authorities available in this paragraph,*
14 *any authorities available to that agency or office for car-*
15 *rying out related activities, including utilization of such*
16 *funds for administrative expenses: Provided further, That*
17 *any amounts transferred to the Department of Housing and*
18 *Urban Development, "Community development block*
19 *grants", shall be available only for assistance to Vieques,*
20 *notwithstanding section 106 of the Housing and Commu-*
21 *nity Development Act of 1974: Provided further, That the*
22 *Department of Commerce may make direct payments to*
23 *registered Vieques commercial fishermen: Provided further,*
24 *That the Department of the Navy may provide fire-fighting*
25 *training and funds provided in this paragraph may be used*

1 *to provide fire-fighting related facilities at the Antonio Ri-*
2 *vera Rodriguez Airport: Provided further, That funds made*
3 *available under this heading may be transferred to the*
4 *Army Corps of Engineers to construct or modify a commer-*
5 *cial ferry pier and terminal and associated navigational*
6 *improvements: Provided further, That except for amounts*
7 *provided for the health study, fire-fighting related equip-*
8 *ment and facilities, and certain activities in furtherance*
9 *of the preservation and protection of natural resources,*
10 *funds provided in this paragraph shall not become available*
11 *until thirty days after the Secretary of the Navy has cer-*
12 *tified to the congressional defense committees that the integ-*
13 *riety and accessibility of the training range is uninter-*
14 *rupted, and trespassing and other intrusions on the range*
15 *have ceased: Provided further, That the Secretary of the*
16 *Navy shall recertify to the congressional defense committees*
17 *the status of the range ninety days after the initial certifi-*
18 *cation, and each ninety days thereafter: Provided further,*
19 *That the entire amount is designated by the Congress as*
20 *an emergency requirement pursuant to section 251(b)(2)(A)*
21 *of the Balanced Budget and Emergency Deficit Control Act*
22 *of 1985, as amended.*

23 *OPERATION AND MAINTENANCE, ARMY RESERVE*

24 *For an additional amount for “Operation and Mainte-*
25 *nance, Army Reserve”, \$2,174,000: Provided, That the en-*

1 *tire amount is designated by the Congress as an emergency*
2 *requirement pursuant to section 251(b)(2)(A) of the Bal-*
3 *anced Budget and Emergency Deficit Control Act of 1985,*
4 *as amended.*

5 *OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD*

6 *For an additional amount for “Operation and Mainte-*
7 *nance, Army National Guard”, \$2,851,000: Provided, That*
8 *the entire amount is designated by the Congress as an emer-*
9 *gency requirement pursuant to section 251(b)(2)(A) of the*
10 *Balanced Budget and Emergency Deficit Control Act of*
11 *1985, as amended.*

12 *OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND*

13 *(INCLUDING TRANSFER OF FUNDS)*

14 *For an additional amount for the “Overseas Contin-*
15 *gency Operations Transfer Fund”, \$1,850,400,000, to re-*
16 *main available until expended: Provided, That the entire*
17 *amount is designated by the Congress as an emergency re-*
18 *quirement pursuant to section 251(b)(2)(A) of the Balanced*
19 *Budget and Emergency Deficit Control Act of 1985, as*
20 *amended: Provided further, That the Secretary of Defense*
21 *may transfer the funds provided herein only to appropria-*
22 *tions for military personnel; operation and maintenance,*
23 *including Overseas Humanitarian, Disaster, and Civic*
24 *Aid; procurement; research, development, test and evalua-*
25 *tion; the Defense Health Program; and working capital*

1 *funds: Provided further, That the funds transferred shall be*
2 *merged with and shall be available for the same purposes*
3 *and for the same time period, as the appropriation to which*
4 *transferred: Provided further, That the transfer authority*
5 *provided in this paragraph is in addition to any other*
6 *transfer authority available to the Department of Defense:*
7 *Provided further, That upon a determination that all or*
8 *part of the funds transferred from this appropriation are*
9 *not necessary for the purposes provided herein, such*
10 *amounts may be transferred back to this appropriation:*
11 *Provided further, That none of the funds made available*
12 *under this heading may be obligated or expended until 30*
13 *days after the Secretary of Defense submits budget exhibits*
14 *OP-5, and OP-32, as defined in the Department of Defense*
15 *Financial Management Regulation, for the Overseas Con-*
16 *tingency Operations Transfer Fund for Fiscal Years 2000*
17 *and 2001.*

18 *PROCUREMENT*

19 *AIRCRAFT PROCUREMENT, AIR FORCE*

20 *For an additional amount for “Aircraft Procurement,*
21 *Air Force”, \$73,000,000, to remain available for obligation*
22 *until September 30, 2001: Provided, That the entire amount*
23 *is designated by the Congress as an emergency requirement*
24 *pursuant to section 251(b)(2)(A) of the Balanced Budget*
25 *and Emergency Deficit Control Act of 1985, as amended.*

1 *RESEARCH, DEVELOPMENT, TEST, AND*
 2 *EVALUATION*

3 *RESEARCH, DEVELOPMENT, TEST, AND EVALUATION,*
 4 *ARMY*

5 *For an additional amount for “Research, Develop-*
 6 *ment, Test, and Evaluation, Army”, \$5,700,000 for contin-*
 7 *ued test activities under the Tactical High Energy Laser*
 8 *(THEL) program of the Army: Provided, That the entire*
 9 *amount is designated by Congress as an emergency require-*
 10 *ment pursuant to section 251(b)(2)(A) of the Balanced*
 11 *Budget and Emergency Deficit Control Act of 1985.*

12 *OTHER DEPARTMENT OF DEFENSE PROGRAMS*

13 *DEFENSE HEALTH PROGRAM*

14 *For an additional amount for “Defense Health Pro-*
 15 *gram”, \$3,533,000: Provided, That the entire amount is*
 16 *designated by the Congress as an emergency requirement*
 17 *pursuant to section 251(b)(2)(A) of the Balanced Budget*
 18 *and Emergency Deficit Control Act of 1985, as amended.*

19 *GENERAL PROVISIONS—THIS CHAPTER*

20 *SEC. 2101. (a) MINIMUM RATES OF BASIC ALLOW-*
 21 *ANCE FOR HOUSING FOR MEMBERS OF THE UNIFORMED*
 22 *SERVICES.—During the period beginning on January 1,*
 23 *2000, and ending on September 30, 2001 (or such earlier*
 24 *date as the Secretary of Defense considers appropriate), a*
 25 *member of the uniformed services entitled to a basic allow-*

1 *ance for housing for a military housing area in the United*
2 *States shall be paid the allowance at a monthly rate not*
3 *less than the rate in effect on December 31, 1999, in that*
4 *area for members serving in the same pay grade and with*
5 *the same dependency status as the member.*

6 *(b) ANNUAL LIMITATION ON ALLOWANCE.—In light of*
7 *the rates for the basic allowance for housing authorized by*
8 *subsection (a), the Secretary of Defense may exceed the limi-*
9 *tation on the total amount paid during fiscal year 2000*
10 *and 2001 for the basic allowance for housing in the United*
11 *States otherwise applicable under section 403(b)(3) of title*
12 *37, United States Code.*

13 *(INCLUDING TRANSFER OF FUNDS)*

14 *SEC. 2102. In addition to amounts appropriated or*
15 *otherwise made available elsewhere in this Act for the De-*
16 *partment of Defense or in the Department of Defense Ap-*
17 *propriations Act, 2000 (Public Law 106–79), \$964,300,000*
18 *is hereby appropriated to the Department of Defense for the*
19 *“Defense-Wide Working Capital Fund” and shall remain*
20 *available until expended, for price increases resulting from*
21 *worldwide increases in the price of petroleum: Provided,*
22 *That the Secretary of Defense shall transfer any excess col-*
23 *lections from the “Defense-Wide Working Capital Fund”*
24 *not later than September 30, 2001 to the operation and*
25 *maintenance; research, development, test and evaluation;*
26 *and working capital funds: Provided further, That the*

1 *transfer authority provided in this section is in addition*
2 *to the transfer authority provided to the Department of De-*
3 *fense in this Act or any other Act: Provided further, That*
4 *the entire amount made available in this section is des-*
5 *ignated by the Congress as an emergency requirement pur-*
6 *suant to section 251(b)(2)(A) of the Balanced Budget and*
7 *Emergency Deficit Control Act of 1985, as amended.*

8 *SEC. 2103. In addition to the amounts provided in the*
9 *Department of Defense Appropriations Act, 2000 (Public*
10 *Law 106–79), \$695,900,000 is hereby appropriated for “De-*
11 *fense Health Program”, to remain available for obligation*
12 *until September 30, 2001: Provided, That the entire amount*
13 *is designated by the Congress as an emergency requirement*
14 *pursuant to section 251(b)(2)(A) of the Balanced Budget*
15 *and Emergency Deficit Control Act of 1985, as amended.*

16 *SEC. 2104. To ensure the availability of biometrics*
17 *technologies in the Department of Defense, the Secretary of*
18 *the Army shall be the Executive Agent to lead, consolidate,*
19 *and coordinate all biometrics information assurance pro-*
20 *grams of the Department of Defense: Provided, That there*
21 *is hereby appropriated for fiscal year 2000, in addition to*
22 *other amounts appropriated for such fiscal year by other*
23 *provisions of this Act, \$5,000,000 for Operation and Main-*
24 *tenance, Army, for carrying out the biometrics assurance*
25 *programs and for continuing the biometrics information as-*

1 *urance programs of the Information System Security Pro-*
2 *gram: Provided further, That there is hereby appropriated*
3 *for fiscal year 2000, in addition to other amounts appro-*
4 *riated for such fiscal year by other provisions of this Act,*
5 *\$1,000,000 for Operation and Maintenance, Navy, and*
6 *\$1,000,000 for Operation and Maintenance, Air Force, for*
7 *carrying out the biometrics assurance programs with the*
8 *Army, as Executive Agent, to lead, consolidate, and coordi-*
9 *nate such programs: Provided further, That the total*
10 *amount made available under this section is designated by*
11 *the Congress as an emergency requirement pursuant to sec-*
12 *tion 251(b)(2)(A) of the Balanced Budget and Emergency*
13 *Deficit Control Act of 1985, as amended: Provided further,*
14 *That the entire amount shall be available only to the extent*
15 *that an official budget request that includes designation of*
16 *the entire amount of the request as an emergency require-*
17 *ment as defined by the Balanced Budget and Emergency*
18 *Deficit Control Act of 1985, as amended, is transmitted by*
19 *the President to the Congress.*

20 *SEC. 2105. In addition to amounts appropriated or*
21 *otherwise made available for the Department of Defense*
22 *elsewhere in this Act or in the Department of Defense Ap-*
23 *propriations Act, 2000 (Public Law 106–79), \$125,000,000*
24 *is hereby appropriated to the Department of Defense to re-*
25 *main available until September 30, 2002, to be available*

1 *only for the Patriot missile program: Provided, That not*
2 *later than 30 days after the enactment of this Act the De-*
3 *partment shall submit a revised Patriot missile program*
4 *plan to the congressional defense committees: Provided fur-*
5 *ther, That the entire amount made available in this section*
6 *is designated by the Congress as an emergency requirement*
7 *pursuant to section 251(b)(2)(A) of the Balanced Budget*
8 *and Emergency Deficit Control Act of 1985, as amended:*
9 *Provided further, That the entire amount shall be available*
10 *only to the extent that an official budget request that in-*
11 *cludes designation of the entire amount of the request as*
12 *an emergency requirement as defined by the Balanced*
13 *Budget and Emergency Deficit Control Act of 1985, as*
14 *amended, is transmitted by the President to the Congress.*

15 *SEC. 2106. In addition to amounts provided elsewhere*
16 *in this Act for the Department of Defense, \$300,000 is here-*
17 *by appropriated to be available only for Operation Walking*
18 *Shield for technical assistance and transportation of excess*
19 *housing to Indian tribes located in the States of North Da-*
20 *kota, South Dakota, Montana and Minnesota, in accord-*
21 *ance with section 8155 of Public Law 106–79: Provided,*
22 *That the total amount made available under this section*
23 *is designated by the Congress as an emergency requirement*
24 *pursuant to section 251(b)(2)(A) of the Balanced Budget*
25 *and Emergency Deficit Control Act of 1985, as amended:*

1 *Provided further, That the entire amount shall be available*
2 *only to the extent that an official budget request that in-*
3 *cludes designation of the entire amount as an emergency*
4 *requirement as defined in the Balanced Budget and Emer-*
5 *gency Deficit Control Act of 1985, as amended, is trans-*
6 *mitted by the President to the Congress.*

7 *SEC. 2107. In addition to amounts appropriated or*
8 *otherwise made available for the Department of Defense*
9 *elsewhere in this Act or in the Department of Defense Ap-*
10 *propriations Act, 2000 (Public Law 106–79), there is here-*
11 *by appropriated to the Department of Defense, for the cost*
12 *of peacekeeping and humanitarian assistance operations in*
13 *East Timor and Mozambique, \$61,500,000, to be distributed*
14 *as follows:*

15 *“Operation and Maintenance, Navy”,*
16 *\$6,400,000;*

17 *“Operation and Maintenance, Marine Corps”,*
18 *\$8,100,000; and*

19 *“Operation and Maintenance, Air Force”,*
20 *\$47,000,000:*

21 *Provided, That the entire amount is designated by the Con-*
22 *gress as an emergency requirement pursuant to section*
23 *251(b)(2)(A) of the Balanced Budget and Emergency Def-*
24 *icit Control Act of 1985, as amended: Provided further,*
25 *That the entire amount shall be available only to the extent*

1 *that an official budget request for a specific dollar amount,*
2 *that includes designation of the entire amount of the request*
3 *as an emergency requirement as defined in the Balanced*
4 *Budget and Emergency Deficit Control Act of 1985, as*
5 *amended, is transmitted by the President to the Congress.*

6 *SEC. 2108. (a) TRANSFER OF FUNDS.—Notwith-*
7 *standing any other provision of law, of the funds appro-*
8 *priated by title II of the Department of Defense Appropria-*
9 *tions Act, 2000 (Public Law 106–79) under the heading*
10 *“Operation and Maintenance, Defense-Wide”, \$9,642,000*
11 *shall be transferred to the Macalloy Special Account admin-*
12 *istered by the Administrator of the Environmental Protec-*
13 *tion Agency to pay for response actions by, or on behalf*
14 *of, the Environmental Protection Agency under the Com-*
15 *prehensive Environmental Response, Compensation, and*
16 *Liability Act of 1980 (42 U.S.C. 9601 et seq.) at the*
17 *Macalloy site in Charleston, South Carolina.*

18 *(b) TREATMENT OF FUNDS.—Any of the funds trans-*
19 *ferred pursuant to subsection (a) that are used to pay for*
20 *response actions at the Macalloy site shall be credited*
21 *against any liability of the United States with respect to*
22 *the site under the Comprehensive Environmental Response,*
23 *Compensation, and Liability Act of 1980.*

24 *SEC. 2109. (a) All funds appropriated by this or any*
25 *other Act for LHD–8 shall be made available for obligation*

1 *no later than 15 days after the date of enactment of this*
2 *Act.*

3 *(b) Of the funds made available by subsection (a) above*
4 *not less than \$263,000,000 shall be obligated for design, ad-*
5 *vanced procurement, and advanced construction of compo-*
6 *nents for LHD-8 by the shipbuilder not more than 60 days*
7 *from the date of enactment of this Act. Such other funds*
8 *required for Government furnished equipment and program*
9 *management shall be obligated concurrently.*

10 *SEC. 2110. Notwithstanding any other provision of*
11 *law, there is appropriated to the Department of Defense*
12 *\$8,000,000 for communications, communications infra-*
13 *structure, logistical support, resources and operational as-*
14 *sistance required by the Salt Lake Organizing Committee*
15 *to stage the 2002 Olympic and Paralympic Winter Games,*
16 *such sums to remain available until expended: Provided,*
17 *That the entire amount shall be available only to the extent*
18 *an official budget request is submitted that includes des-*
19 *ignation of the entire amount of the request as an emer-*
20 *gency requirement as defined by the Balanced Budget and*
21 *Emergency Deficit Control Act of 1985, as amended, is*
22 *transmitted by the President to the Congress: Provided fur-*
23 *ther, That the entire amount is designated by the Congress*
24 *as an emergency requirement pursuant to section*

1 *251(b)(2)(A) of the Balanced Budget and Emergency Def-*
2 *icit Control Act of 1985, as amended.*

3 *SEC. 2111. The Ballistic Missile Defense Organization*
4 *and its subordinate offices and associated contractors, in-*
5 *cluding the Lead Systems Integrator, shall notify the con-*
6 *gressional defense committees 30 days prior to issuing any*
7 *type of information or proposal solicitation under the NMD*
8 *Program.*

9 *CHAPTER 2*

10 *DEPARTMENT OF ENERGY*

11 *ATOMIC ENERGY DEFENSE ACTIVITIES*

12 *WEAPONS ACTIVITIES*

13 *For an additional amount for “Weapons activities”,*
14 *\$221,000,000, to remain available until expended: Pro-*
15 *vided, That the entire amount is designated by the Congress*
16 *as an emergency requirement pursuant to section*
17 *251(b)(2)(A) of the Balanced Budget and Emergency Def-*
18 *icit Control Act of 1985, as amended: Provided further,*
19 *That the entire amount shall be available only to the extent*
20 *an official budget request for \$221,000,000 that includes*
21 *designation of the entire amount of the request as an emer-*
22 *gency requirement as defined in the Balanced Budget and*
23 *Emergency Deficit Control Act of 1985, as amended, is*
24 *transmitted by the President to the Congress.*

1 *OTHER DEFENSE ACTIVITIES*

2 *For an additional amount for “Other defense activi-*
3 *ties”, \$12,000,000, to remain available until expended: Pro-*
4 *vided, That the entire amount is designated by the Congress*
5 *as an emergency requirement pursuant to section*
6 *251(b)(2)(A) of the Balanced Budget and Emergency Def-*
7 *icit Control Act of 1985, as amended: Provided further,*
8 *That the entire amount shall be available only to the extent*
9 *an official budget request for \$12,000,000 that includes des-*
10 *ignation of the entire amount of the request as an emer-*
11 *gency requirement as defined in the Balanced Budget and*
12 *Emergency Deficit Control Act of 1985, as amended, is*
13 *transmitted by the President to the Congress.*

14 *CHAPTER 3*15 *MILITARY CONSTRUCTION, DEFENSE-WIDE*16 *(INCLUDING TRANSFER OF FUNDS)*

17 *For an additional amount for “Military Construction,*
18 *Defense-Wide”, \$1,000,000, as authorized by section 2854*
19 *of title 10, United States Code, to remain available until*
20 *September 30, 2004: Provided, That such amount is des-*
21 *ignated by the Congress as an emergency requirement pur-*
22 *suant to section 251(b)(2)(A) of the Balanced Budget and*
23 *Emergency Deficit Control Act of 1985, as amended: Pro-*
24 *vided further, That the entire amount shall be available*
25 *only to the extent an official budget request for \$1,000,000*

1 *that includes designation of the entire amount of the request*
2 *as an emergency requirement as defined in the Balanced*
3 *Budget and Emergency Deficit Control Act of 1985, as*
4 *amended, is transmitted by the President to the Congress.*

5 *MILITARY CONSTRUCTION, ARMY NATIONAL GUARD*

6 *For an additional amount for “Military Construction,*
7 *Army National Guard” to cover the incremental costs aris-*
8 *ing from the consequences of Hurricane Georges, \$9,145,000*
9 *as authorized by section 2854 of title 10, United States*
10 *Code, to remain available until September 30, 2004: Pro-*
11 *vided, That such amount is designated by the Congress as*
12 *an emergency requirement pursuant to section 251(b)(2)(A)*
13 *of the Balanced Budget and Emergency Deficit Control Act*
14 *of 1985, as amended: Provided further, That the entire*
15 *amount shall be available only to the extent that an official*
16 *budget request for \$9,145,000, that includes designation of*
17 *the entire amount of the request as an emergency require-*
18 *ment as defined in the Balanced Budget and Emergency*
19 *Deficit Control Act of 1985, as amended, is transmitted by*
20 *the President to the Congress.*

21 *MILITARY CONSTRUCTION, ARMY RESERVE*

22 *For an additional amount for “Military Construction,*
23 *Army Reserve” to cover the incremental costs arising from*
24 *the consequences of Hurricane Floyd, \$12,348,000, as au-*
25 *thorized by section 2854 of title 10, United States Code,*

1 *to remain available until September 30, 2004: Provided,*
2 *That such amount is designated by the Congress as an emer-*
3 *gency requirement pursuant to section 251(b)(2)(A) of the*
4 *Balanced Budget and Emergency Deficit Control Act of*
5 *1985, as amended: Provided further, That the entire*
6 *amount shall be available only to the extent an official*
7 *budget request for \$12,348,000 that includes designation of*
8 *the entire amount of the request as an emergency require-*
9 *ment as defined in the Balanced Budget and Emergency*
10 *Deficit Control Act of 1985, as amended, is transmitted by*
11 *the President to the Congress.*

12 *GENERAL PROVISIONS—THIS CHAPTER*

13 *SEC. 2301. In addition to amounts appropriated or*
14 *otherwise made available in the Military Construction Ap-*
15 *propriations Act, 2000, \$4,700,000 is hereby appropriated*
16 *to the Department of Defense, to cover incremental Oper-*
17 *ation and Maintenance costs to family housing, as author-*
18 *ized by section 2854 of title 10, United States Code, as fol-*
19 *lows:*

20 *“Family Housing, Navy and Marine Corps”,*
21 *\$3,000,000; and*

22 *“Family Housing, Air Force”, \$1,700,000:*

23 *Provided, That the entire amount is designated by the Con-*
24 *gress as an emergency requirement pursuant to section*
25 *251(b)(2)(A) of the Balanced Budget and Emergency Def-*

1 *icit Control Act of 1985, as amended: Provided further,*
2 *That the entire amount shall be available only to the extent*
3 *that an official budget request for \$4,700,000, that includes*
4 *designation of the entire amount of the request as an emer-*
5 *gency requirement as defined in the Balanced Budget and*
6 *Emergency Deficit Control Act of 1985, as amended, is*
7 *transmitted by the President to the Congress.*

8 *SEC. 2302. Notwithstanding any other provision of*
9 *law, the Secretary of the Navy is authorized to use funds*
10 *received pursuant to section 2601 of Title 10, United States*
11 *Code, for the construction, improvement, repair, and main-*
12 *tenance of the historic residences located at Marine Corps*
13 *Barracks, Washington, D.C.: Provided, That the Secretary*
14 *notifies the appropriate committees of Congress thirty days*
15 *in advance of the intended use of such funds.*

16 *BROOKS AIR FORCE BASE DEVELOPMENT DEMONSTRATION*
17 *PROJECT*

18 *SEC. 2303. (a) PURPOSE.—The purpose of this section*
19 *is to evaluate and demonstrate methods for more efficient*
20 *operation of military installations through improved cap-*
21 *ital asset management and greater reliance on the public*
22 *or private sector for less-costly base support services, where*
23 *available. The section supersedes, and shall be used in lieu*
24 *of the authority provided in, section 8168 of the Department*
25 *of Defense Appropriations Act, 2000 (Public Law 106–79;*
26 *113 Stat. 1277).*

1 (b) *AUTHORITY.*—(1) *Subject to paragraph (4), the*
2 *Secretary of the Air Force may carry out at Brooks Air*
3 *Force Base, Texas, a demonstration project to be known as*
4 *the “Base Efficiency Project” to improve mission effective-*
5 *ness and reduce the cost of providing quality installation*
6 *support at Brooks Air Force Base.*

7 (2) *The Secretary may carry out the Project in con-*
8 *sultation with the Community to the extent the Secretary*
9 *determines such consultation is necessary and appropriate.*

10 (3) *The authority provided in this section is in addi-*
11 *tion to any other authority vested in or delegated to the*
12 *Secretary, and the Secretary may exercise any authority*
13 *or combination of authorities provided under this section*
14 *or elsewhere to carry out the purposes of the Project.*

15 (4) *The Secretary may not exercise any authority*
16 *under this section until after the end of the 30-day period*
17 *beginning on the date the Secretary submits to the appro-*
18 *priate committees of the Congress a master plan for the de-*
19 *velopment of the Base.*

20 (c) *EFFICIENT PRACTICES.*—(1) *The Secretary may*
21 *convert services at or for the benefit of the Base from accom-*
22 *plishment by military personnel or by Departmental civil-*
23 *ian employees (appropriated fund or non-appropriated*
24 *fund), to services performed by contract or provided as con-*

1 *sideration for the lease, sale, or other conveyance or transfer*
2 *of property.*

3 *(2) Notwithstanding section 2462 of title 10, United*
4 *States Code, a contract for services may be awarded based*
5 *on “best value” if the Secretary determines that the award*
6 *will advance the purposes of a joint activity conducted*
7 *under the project and is in the best interest of the Depart-*
8 *ment.*

9 *(3) Notwithstanding that such services are generally*
10 *funded by local and State taxes and provided without spe-*
11 *cific charge to the public at large, the Secretary may con-*
12 *tract for public services at or for the benefit of the Base*
13 *in exchange for such consideration, if any, the Secretary*
14 *determines to be appropriate.*

15 *(4)(A) The Secretary may conduct joint activities with*
16 *the Community, the State, and any private parties or enti-*
17 *ties on or for the benefit of the Base.*

18 *(B) Payments or reimbursements received from par-*
19 *ticipants for their share of direct and indirect costs of joint*
20 *activities, including the costs of providing, operating, and*
21 *maintaining facilities, shall be in an amount and type de-*
22 *termined to be adequate and appropriate by the Secretary.*

23 *(C) Such payments or reimbursements received by the*
24 *Department shall be deposited into the Project Fund.*

1 (d) *LEASE AUTHORITY.*—(1) *The Secretary may lease*
2 *real or personal property located on the Base and not re-*
3 *quired at other Air Force installations to any lessee upon*
4 *such terms and conditions as the Secretary considers appro-*
5 *priate and in the interest of the United States, if the Sec-*
6 *retary determines that the lease would facilitate the pur-*
7 *poses of the Project.*

8 (2) *Consideration for a lease under this subsection*
9 *shall be determined in accordance with subsection (g).*

10 (3) *A lease under this subsection—*

11 (A) *may be for such period as the Secretary de-*
12 *termines is necessary to accomplish the goals of the*
13 *Project; and*

14 (B) *may give the lessee the first right to purchase*
15 *the property at fair market value if the lease is termi-*
16 *nated to allow the United States to sell the property*
17 *under any other provision of law.*

18 (4)(A) *The interest of a lessee of property leased under*
19 *this subsection may be taxed by the State or the Commu-*
20 *nity.*

21 (B) *A lease under this subsection shall provide that,*
22 *if and to the extent that the leased property is later made*
23 *taxable by State governments or local governments under*
24 *Federal law, the lease shall be renegotiated.*

1 (5) *The Department may furnish a lessee with utili-*
2 *ties, custodial services, and other base operation, mainte-*
3 *nance, or support services performed by Department civil-*
4 *ian or contract employees, in exchange for such consider-*
5 *ation, payment, or reimbursement as the Secretary deter-*
6 *mines appropriate.*

7 (6) *All amounts received from leases under this sub-*
8 *section shall be deposited into the Project Fund.*

9 (7) *A lease under this subsection shall not be subject*
10 *to the following provisions of law:*

11 (A) *Section 2667 of title 10, United States Code,*
12 *other than subsection (b)(1) of that section.*

13 (B) *Section 321 of the Act of June 30, 1932 (40*
14 *U.S.C. 303b).*

15 (C) *The Federal Property and Administrative*
16 *Services Act of 1949 (40 U.S.C. 471 et seq.).*

17 (e) *PROPERTY DISPOSAL.—(1) The Secretary may sell*
18 *or otherwise convey or transfer real and personal property*
19 *located at the Base to the Community or to another public*
20 *or private party during the Project, upon such terms and*
21 *conditions as the Secretary considers appropriate for pur-*
22 *poses of the Project.*

23 (2) *Consideration for a sale or other conveyance or*
24 *transfer of property under this subsection shall be deter-*
25 *mined in accordance with subsection (g).*

1 (3) *The sale or other conveyance or transfer of property*
2 *under this subsection shall not be subject to the following*
3 *provisions of law:*

4 (A) *Section 2693 of title 10, United States Code.*

5 (B) *The Federal Property and Administrative*
6 *Services Act of 1949 (40 U.S.C. 471 et seq.).*

7 (4) *Cash payments received as consideration for the*
8 *sale or other conveyance or transfer of property under this*
9 *subsection shall be deposited into the Project Fund.*

10 (f) *LEASEBACK OF PROPERTY LEASED OR DIS-*
11 *POSED.—(1) The Secretary may lease, sell, or otherwise*
12 *convey or transfer real property at the Base under sub-*
13 *sections (b) and (e), as applicable, which will be retained*
14 *for use by the Department or by another military depart-*
15 *ment or other Federal agency, if the lessee, purchaser, or*
16 *other grantee or transferee of the property agrees to enter*
17 *into a leaseback to the Department in connection with the*
18 *lease, sale, or other conveyance or transfer of one or more*
19 *portions or all of the property leased, sold, or otherwise con-*
20 *veyed or transferred, as applicable.*

21 (2) *A leaseback of real property under this subsection*
22 *shall be an operating lease for no more than 20 years unless*
23 *the Secretary of the Air Force determines that a longer term*
24 *is appropriate.*

1 (3)(A) *Consideration, if any, for real property leased*
2 *under a leaseback entered into under this subsection shall*
3 *be in such form and amount as the Secretary considers ap-*
4 *propriate.*

5 (B) *The Secretary may use funds in the Project Fund*
6 *or other funds appropriated or otherwise available to the*
7 *Department for use at the Base for payment of any such*
8 *cash rent.*

9 (4) *Notwithstanding any other provision of law, the*
10 *Department or other military department or other Federal*
11 *agency using the real property leased under a leaseback en-*
12 *tered into under this subsection may construct and erect*
13 *facilities on or otherwise improve the leased property using*
14 *funds appropriated or otherwise available to the Depart-*
15 *ment or other military department or other Federal agency*
16 *for such purpose.*

17 (g) *CONSIDERATION.—(1) The Secretary shall deter-*
18 *mine the nature, value, and adequacy of consideration re-*
19 *quired or offered in exchange for a lease, sale, or other con-*
20 *veyance or transfer of real or personal property or for other*
21 *actions taken under the Project.*

22 (2) *Consideration may be in cash or in-kind or any*
23 *combination thereof. In-kind consideration may include the*
24 *following:*

25 (A) *Real property.*

1 (B) *Personal property.*

2 (C) *Goods or services, including operation,*
3 *maintenance, protection, repair, or restoration (in-*
4 *cluding environmental restoration) of any property or*
5 *facilities (including non-appropriated fund facilities).*

6 (D) *Base operating support services.*

7 (E) *Improvement of Department facilities.*

8 (F) *Provision of facilities, including office, stor-*
9 *age, or other usable space, for use by the Department*
10 *on or off the Base.*

11 (G) *Public services.*

12 (3) *Consideration may not be for less than the fair*
13 *market value.*

14 (h) *PROJECT FUND.—(1) There is established on the*
15 *books of the Treasury a fund to be known as the “Base Effi-*
16 *ciency Project Fund” into which all cash rents, proceeds,*
17 *payments, reimbursements, and other amounts from leases,*
18 *sales, or other conveyances or transfers, joint activities, and*
19 *all other actions taken under the Project shall be deposited.*
20 *Subject to paragraph (2), amounts deposited into the*
21 *Project Fund shall be available without fiscal year limita-*
22 *tion.*

23 (2) *To the extent provided in advance in appropria-*
24 *tions Acts, amounts in the Project Fund shall be available*
25 *to the Secretary for use at the base only for operation, base*

1 *operating support services, maintenance, repair, or im-*
2 *provement of Department facilities, payment of consider-*
3 *ation for acquisitions of interests in real property (includ-*
4 *ing payment of rentals for leasebacks), and environmental*
5 *protection or restoration. The use of such amounts may be*
6 *in addition to or in combination with other amounts ap-*
7 *propriated for these purposes.*

8 (3) *Subject to generally prescribed financial manage-*
9 *ment regulations, the Secretary shall establish the structure*
10 *of the Project Fund and such administrative policies and*
11 *procedures as the Secretary considers necessary to account*
12 *for and control deposits into and disbursements from the*
13 *Project Fund effectively.*

14 (i) *FEDERAL AGENCIES.—(1)(A) Any Federal agency,*
15 *its contractors, or its grantees shall pay rent, in cash or*
16 *services, for the use of facilities or property at the Base,*
17 *in an amount and type determined to be adequate by the*
18 *Secretary.*

19 (B) *Such rent shall generally be the fair market rental*
20 *of the property provided, but in any case shall be sufficient*
21 *to compensate the Base for the direct and overhead costs*
22 *incurred by the Base due to the presence of the tenant agen-*
23 *cy on the Base.*

24 (2) *Transfers of real or personal property at the Base*
25 *to other Federal agencies shall be at fair market value con-*

1 *sideration. Such consideration may be paid in cash, by ap-*
2 *propriation transfer, or in property, goods, or services.*

3 (3) *Amounts received from other Federal agencies,*
4 *their contractors, or grantees, including any amounts paid*
5 *by appropriation transfer, shall be deposited in the Project*
6 *Fund.*

7 (j) *REPORTS TO CONGRESS.—(1) Section 2662 of title*
8 *10, United States Code, shall apply to transactions at the*
9 *Base during the Project.*

10 (k) *LIMITATION.—None of the authorities in this sec-*
11 *tion shall create any legal rights in any person or entity*
12 *except rights embodied in leases, deeds, or contracts.*

13 (l) *EXPIRATION OF AUTHORITY.—The authority to*
14 *enter into a lease, deed, permit, license, contract, or other*
15 *agreement under this section shall expire on June 1, 2005.*

16 (m) *DEFINITIONS.—In this section:*

17 (1) *The term “Project” means the Base Effi-*
18 *ciency Project authorized by this section.*

19 (2) *The term “Base” means Brooks Air Force*
20 *Base, Texas.*

21 (3) *The term “Community” means the City of*
22 *San Antonio, Texas.*

23 (4) *The term “Department” means the Depart-*
24 *ment of the Air Force.*

1 (5) *The term “facility” means a building, struc-*
2 *ture, or other improvement to real property (except a*
3 *military family housing unit as that term is used in*
4 *subchapter IV of chapter 169 of title 10, United*
5 *States Code).*

6 (6) *The term “joint activity” means an activity*
7 *conducted on or for the benefit of the Base by the De-*
8 *partment, jointly with the Community, the State, or*
9 *any private entity, or any combination thereof.*

10 (7) *The term “Project Fund” means the Base Ef-*
11 *ficiency Project Fund established by subsection (h).*

12 (8) *The term “public services” means public*
13 *services (except public schools, fire protection, and po-*
14 *lice protection) that are funded by local and State*
15 *taxes and provided without specific charge to the pub-*
16 *lic at large.*

17 (9) *The term “Secretary” means the Secretary of*
18 *the Air Force or the Secretary’s designee, who shall be*
19 *a civilian official of the Department appointed by the*
20 *President with the advice and consent of the Senate.*

21 (10) *The term “State” means the State of Texas.*

22 *SEC. 2304. Of the funds made available in the Military*
23 *Construction Appropriations Act, 1999 (Public Law 105–*
24 *237) under the heading “Military Construction, Defense-*
25 *Wide” for planning and design, not less than \$1,000,000*

1 *shall be available for the design of an elementary school for*
2 *the Central Kitsap School District to meet the educational*
3 *needs of military dependents at the Naval Submarine Base,*
4 *Bangor, Washington.*

5 *CHAPTER 4*

6 *GENERAL PROVISIONS—THIS DIVISION*

7 *SEC. 2401. No part of any appropriation contained*
8 *in this Division shall remain available for obligation be-*
9 *yond the current fiscal year unless expressly so provided*
10 *herein.*

11 *SEC. 2402. Section 305 of H.R. 3425 of the 106th Con-*
12 *gress, as enacted into law by section 1000(a)(5) of Public*
13 *Law 106–113, is hereby repealed.*

14 *(RESCISSION)*

15 *SEC. 2403. (a) Of the unobligated balances available*
16 *on October 1, 2000 from appropriations made in fiscal year*
17 *2000 and prior years, in the nondefense, general purpose*
18 *category to the departments and agencies of the Federal*
19 *Government for Information Technology programs and ac-*
20 *tivities, \$23,000,000 are rescinded.*

21 *(b) Within 30 days after the date of the effective date*
22 *of this section, the Director of the Office of Management*
23 *and Budget shall submit to the Committees on Appropria-*
24 *tions of the House of Representatives and the Senate a list-*
25 *ing of the amounts by account of the reductions made pur-*
26 *suant to the provisions of subsection (a) of this section.*

1 (c) *Subsection (a) shall be effective on October 1, 2000.*

2 *SEC. 2404. Funds appropriated by this Act, or made*
3 *available by the transfer of funds in this Act, for intelligence*
4 *activities are deemed to be specifically authorized by the*
5 *Congress for purposes of section 504 of the National Secu-*
6 *rity Act of 1947 (50 U.S.C. 414).*

7 *SEC. 2405. The following provisions of law are re-*
8 *pealed: sections 8175 and 8176 of the Department of De-*
9 *fense Appropriations Act, 2000 (Public Law 106-79), as*
10 *amended by sections 214 and 215, respectively, of H.R.*
11 *3425 of the 106th Congress (113 Stat. 1501A-297), as en-*
12 *acted into law by section 1000(a)(5) of Public Law 106-*
13 *113.*

14 *SEC. 2406. TERM OF OFFICE OF PERSON FIRST AP-*
15 *POINTED AS UNDER SECRETARY FOR NUCLEAR SECURITY*
16 *OF THE DEPARTMENT OF ENERGY. (a) LENGTH OF*
17 *TERM.—The term of office as Under Secretary for Nuclear*
18 *Security of the Department of Energy of the first person*
19 *appointed to that position shall be three years.*

20 (i) *EXCLUSIVE REASONS FOR REMOVAL.—The exclu-*
21 *sive reasons for removal from office as Under Secretary for*
22 *Nuclear Security of the person described in subsection (a)*
23 *shall be inefficiency, neglect of duty, or malfeasance in of-*
24 *fice.*

1 (c) *POSITION DESCRIBED.*—*The position of Under*
2 *Secretary for Nuclear Security of the Department of Energy*
3 *referred to in this section is the position established by sub-*
4 *section (c) of section 202 of the Department of Energy Orga-*
5 *nization Act (42 U.S.C. 7132), as added by section 3202*
6 *of the National Nuclear Security Administration Act (title*
7 *XXXII of Public Law 106–65; 113 Stat. 954)).*

8 *SEC. 2407. (a) REQUIREMENT FOR SALE OF NAVY*
9 *DRYDOCK NO. 9.*—*Notwithstanding any other provision of*
10 *law, the Secretary of the Navy shall sell Navy Drydock No.*
11 *9 (AFDM–3), located in Mobile, Alabama, to the Bender*
12 *Shipbuilding and Repair Company, Inc., who is the cur-*
13 *rent lessee of the drydock from the Navy.*

14 (b) *CONSIDERATION.*—*As consideration for the sale of*
15 *the drydock under subsection (a), the Secretary shall receive*
16 *an amount equal to the fair market value of the drydock*
17 *at the time of the sale, as determined by the Secretary.*

18 *SEC. 2408. Subsection (b) of section 509 of title 32,*
19 *United States Code, is amended by striking “Federal” and*
20 *inserting in lieu thereof “Department of Defense”.*

21 *SEC. 2409. (a) INAPPLICABILITY OF TIME LIMITA-*
22 *TIONS.*—*Notwithstanding the time limitations in section*
23 *3744(b) of title 10, United States Code, or any other time*
24 *limitation, the President may award the Medal of Honor*
25 *under section 3741 of such title to the persons specified in*

1 subsection (b) for the acts specified in that subsection, the
2 award of the Medal of Honor to such persons having been
3 determined by the Secretary of the Army to be warranted
4 in accordance with section 1130 of such title.

5 (b) *PERSONS ELIGIBLE TO RECEIVE THE MEDAL OF*
6 *HONOR.*—The persons referred to in subsection (a) are the
7 following:

8 (1) *Ed W. Freeman, for conspicuous acts of gal-*
9 *lantry and intrepidity at the risk of his life and be-*
10 *yond the call of duty on November 14, 1965, as flight*
11 *leader and second-in-command of a helicopter lift*
12 *unit at landing zone X-Ray in the Battle of the Ia*
13 *Drang Valley, Republic of Vietnam, during the Viet-*
14 *nam War, while serving in the grade of Captain in*
15 *Alpha Company, 229th Assault Helicopter Battalion,*
16 *101st Cavalry Division (Airmobile).*

17 (2) *James K. Okubo, for conspicuous acts of gal-*
18 *lantry and intrepidity at the risk of his life and be-*
19 *yond the call of duty on October 28 and 29, and No-*
20 *vember 4, 1944, at Foret Domaniale de Champ, near*
21 *Biffontaine, France, during World War II, while serv-*
22 *ing as an Army medic in the grade of Technician*
23 *Fifth Grade in the medical detachment, 442d Regi-*
24 *mental Combat Team.*

1 (3) *Andrew J. Smith, for conspicuous acts of*
2 *gallantry and intrepidity at the risk of his life and*
3 *beyond the call of duty on November 30, 1864, in the*
4 *Battle of Honey Hill, South Carolina, during the*
5 *Civil War, while serving as a corporal in the 55th*
6 *Massachusetts Voluntary Infantry Regiment.*

7 (c) *POSTHUMOUS AWARD.—The Medal of Honor may*
8 *be awarded under this section posthumously, as provided*
9 *in section 3752 of title 10, United States Code.*

10 (d) *PRIOR AWARD.—The Medal of Honor may be*
11 *awarded under this section for service for which a Silver*
12 *Star, or other award, has been awarded.*

13 *SEC. 2410. SENSE OF THE SENATE REGARDING THE*
14 *SECOND AMENDMENT, THE ENFORCEMENT OF FEDERAL*
15 *FIREARMS LAWS, AND THE JUVENILE CRIME CONFERENCE.*

16 (a) *FINDINGS.—The Senate makes the following findings—*

17 (1) *the Second Amendment to the United States*
18 *Constitution protects the right of each law-abiding*
19 *United States citizen to own a firearm for any legiti-*
20 *mate purpose, including self-defense or recreation;*
21 *and*

22 (2) *the Clinton Administration has failed to pro-*
23 *tect law-abiding citizens by inadequately enforcing*
24 *Federal firearms laws. Between 1992 and 1998,*
25 *Triggerlock gun prosecutions of defendants who use a*

1 *firearm in the commission of a felony dropped nearly*
2 *50 percent, from 7,045 to approximately 3,800, de-*
3 *spite the fact that the overall budget of the Depart-*
4 *ment of Justice increased 54 percent during this pe-*
5 *riod; and*

6 *(3) it is a Federal crime to possess a firearm on*
7 *school grounds under section 922(q) of title 18,*
8 *United States Code. The Clinton Department of Jus-*
9 *tice prosecuted only 8 cases under this provision of*
10 *law during 1998, even though more than 6,000 stu-*
11 *dents brought firearms to school that year. The Clin-*
12 *ton Administration prosecuted only 5 such cases dur-*
13 *ing 1997; and*

14 *(4) it is a Federal crime to transfer a firearm*
15 *to a juvenile under section 922(x) of title 18, United*
16 *States Code. The Clinton Department of Justice pros-*
17 *ecuted only 6 cases under this provision of law during*
18 *1998 and only 5 during 1997; also*

19 *(5) it is a Federal crime to transfer or possess*
20 *a semiautomatic assault weapon under section 922(v)*
21 *of title 18, United States Code. The Clinton Depart-*
22 *ment of Justice prosecuted only 4 cases under this*
23 *provision of law during 1998 and only 4 during*
24 *1997; plus*

1 (6) *it is a Federal crime for any person “who*
2 *has been adjudicated as a mental defective or who has*
3 *been committed to a mental institution” to possess or*
4 *purchase a firearm under section 922(g) of title 18,*
5 *United States Code. Despite this Federal law, mental*
6 *health adjudications are not placed on the national*
7 *instant criminal background system; also*

8 (7) *it is a Federal crime for any person know-*
9 *ingly to make any false statement in the attempted*
10 *purchase of a firearm. It is also a Federal crime for*
11 *convicted felons to possess or purchase a firearm.*
12 *More than 500,000 convicted felons and other prohib-*
13 *ited purchasers have been prevented from buying fire-*
14 *arms from licensed dealers since the Brady Handgun*
15 *Violence Prevention Act was enacted. When these fel-*
16 *ons attempted to purchase a firearm, they committed*
17 *another crime by making a false statement under oath*
18 *that they were not disqualified from purchasing a*
19 *firearm and, of the more than 500,000 violations,*
20 *only approximately 200 of the felons have been re-*
21 *ferred to the Department of Justice for prosecution;*
22 *and*

23 (8) *the Juvenile Crime Conference Committee is*
24 *considering a comprehensive approach to juvenile*
25 *crime including—*

1 (A) *tougher penalties on criminals using*
2 *guns and illegal gun purchases;*

3 (B) *money for States to get tough on truly*
4 *violent teen criminals;*

5 (C) *a provision allowing Hollywood to*
6 *reach agreements to clean up smut and violence*
7 *on television, in video games, and in music;*

8 (D) *changing Federal education mandates*
9 *to ensure that all students who bring guns to*
10 *school can be disciplined; and*

11 (E) *a ban on juveniles who commit felonies*
12 *from ever legally possessing a gun and from pos-*
13 *sessing assault weapons.*

14 (b) *SENSE OF THE SENATE.—It is the sense of the Sen-*
15 *ate that—*

16 (1) *any juvenile crime conference report should*
17 *reflect a comprehensive approach to juvenile crime*
18 *and enhance the prosecution of firearms offenses,*
19 *including—*

20 (A) *designating not less than 1 Assistant*
21 *United States Attorney in each district to pros-*
22 *ecute Federal firearms violations and thereby ex-*
23 *pend Project Exile nationally;*

24 (B) *upgrading the national instant crimi-*
25 *nal background system by encouraging States to*

1 *place mental health adjudications on that system*
2 *and by improving the overall speed and effi-*
3 *ciency of that system; and*

4 *(C) providing incentive grants to States to*
5 *encourage States to impose mandatory minimum*
6 *sentences for firearm offenses;*

7 *(2) the right of each law-abiding United States*
8 *citizen to own a firearm for any legitimate purpose,*
9 *including self-defense or recreation, should not be in-*
10 *fringed.*

11 *SEC. 2411. SENSE OF THE SENATE REGARDING THE*
12 *MILLION MOM MARCH. (a) FINDINGS.—Since—*

13 *(1) on Mother's Day, May 14, 2000, an esti-*
14 *mated 750,000 mothers, fathers, and children united*
15 *for the Million Mom March on the National Mall in*
16 *Washington, D.C. and were joined by tens of thou-*
17 *sands of others, in 70 cities across America, in a call*
18 *for meaningful, common-sense gun policy;*

19 *(2) 4,223 young people ages 19 and under were*
20 *killed by gunfire—one every two hours, nearly 12*
21 *young people every day—in the United States in*
22 *1997;*

23 *(3) American children under the age of 15 are 12*
24 *times more likely to die from gunfire than children in*
25 *25 other industrialized countries combined;*

1 (4) *gun safety education programs are inad-*
2 *equiate to protect children from gun violence;*

3 (5) *a majority of the Senate resolved that the*
4 *House-Senate Juvenile Justice Conference should*
5 *meet, consider and pass by April 20, 2000, a con-*
6 *ference report to accompany H.R. 1501, the Juvenile*
7 *Justice Act, and that the conference report should re-*
8 *tain the Senate-passed gun safety provisions to limit*
9 *access to firearms by juveniles, felons, and other pro-*
10 *hibited persons;*

11 (6) *the one-year anniversary of the Columbine*
12 *High School tragedy passed on April 20, 2000, with-*
13 *out any action by the Juvenile Justice Conference*
14 *Committee on the reasonable gun safety measures that*
15 *were passed by the Senate almost one year ago;*

16 (7) *continued inaction on this critical threat to*
17 *public safety undermines confidence in the ability of*
18 *the Senate to protect our children and raises concerns*
19 *about the influence of special interests opposed to even*
20 *the most basic gun safety provisions;*

21 (8) *this lack of action on the part of the Juvenile*
22 *Justice Conference Committee and this Congress to*
23 *stem the flood of gun violence is irresponsible and fur-*
24 *ther delay is unacceptable; and*

1 (9) *protecting our children from gun violence is*
2 *a top priority for our families, communities, and Na-*
3 *tion.*

4 (b) *SENSE OF THE SENATE.*—*Now, therefore, be it de-*
5 *termined, that it is the sense of the Senate that—*

6 (1) *the organizers, sponsors, and participants of*
7 *the Million Mom March should be commended for ral-*
8 *lying to demand sensible gun safety legislation; and*

9 (2) *Congress should immediately pass a con-*
10 *ference report to accompany H.R. 1501, the Violent*
11 *and Repeat Juvenile Offender Accountability and Re-*
12 *habilitation Act, before the Memorial Day Recess, and*
13 *include the Lautenberg-Kerrey gun show loophole*
14 *amendment and the other Senate-passed provisions*
15 *designed to limit access to firearms by juveniles, con-*
16 *victed felons, and other persons prohibited by law*
17 *from purchasing or possessing firearms.*

18 *SEC. 2412. Notwithstanding any other provision of*
19 *law, none of the funds appropriated or otherwise made*
20 *available by this or any other Act may be used to allow*
21 *for the entry into, or withdrawal from warehouse for con-*
22 *sumption in the United States of diamonds if the country*
23 *of origin in which such diamonds were mined (as evidenced*
24 *by a legible certificate of origin) is the Republic of Sierra*
25 *Leone, the Republic of Liberia, the Republic of Cote*

1 *d'Ivoire, the Democratic Republic of the Congo, or the Re-*
2 *public of Angola.*

3 *SEC. 2413. USE OF DEPARTMENT OF DEFENSE FA-*
4 *CILITIES AS POLLING PLACES. (a) IN GENERAL.—Notwith-*
5 *standing any other provision of law, the Secretary of De-*
6 *fense shall not prohibit the designation or use of any De-*
7 *partment of Defense facility, currently designated by a*
8 *State or local election official, or used since January 1,*
9 *1996, as an official polling place in connection with a local,*
10 *State, or Federal election, as such official polling place.*

11 *(b) EFFECTIVE DATE.—The prohibition under sub-*
12 *section (a) shall apply to any election occurring on or after*
13 *the date of enactment of this section and before December*
14 *31, 2000.*

15 *SEC. 2414. ELECTRONIC AND INFORMATION TECH-*
16 *NOLOGY. Section 508(f)(1) of the Rehabilitation Act of 1973*
17 *(29 U.S.C. 794d(f)(1)) is amended—*

18 *(1) in subparagraph (A), by striking “Effective”*
19 *and all that follows through “1998,” and inserting*
20 *“Effective 6 months after the date of publication by*
21 *the Access Board of final standards described in sub-*
22 *section (a)(2),”;* and

23 *(2) in subparagraph (B), by striking “2 years”*
24 *and all that follows and inserting “6 months after the*

1 *date of publication by the Access Board of final*
2 *standards described in subsection (a)(2).”.*

3 *SEC. 2415. FLOOD MITIGATION NEAR PIERRE, SOUTH*
4 *DAKOTA. Section 136(a)(3) of title I of division C of the*
5 *Omnibus Consolidated and Emergency Supplemental Ap-*
6 *propriations Act, 1999 (112 Stat. 2681–596), is amended*
7 *by adding at the end the following:*

8 *“(C) DETERMINATION OF ECONOMIC JUS-*
9 *TIFICATION.—*

10 *“(i) IN GENERAL.—A determination of*
11 *economic justification under subparagraph*
12 *(A) shall be based on an assumption that*
13 *the Federal Government is liable for ground*
14 *water damage to land or property described*
15 *in paragraph (1).*

16 *“(ii) EFFECT OF CLAUSE.—Clause (i)*
17 *does not impose on the Federal Government*
18 *any liability in addition to any liability*
19 *that the Federal Government may have*
20 *under law in effect on October 20, 1998.”.*

21 *SEC. 2416. Section 8114 of the Department of Defense*
22 *Appropriations Act, 1999 (Public Law 105–262) is amend-*
23 *ed “And other SOFA claims” to be inserted following*
24 *“. . . the funds made available for payments to persons,*

1 *communities, or other entities in Italy for reimbursement*

2 *property damages . . .”.*

3 *This Act may be cited as the “Military Construction*

4 *Appropriations Act, 2001”.*

Attest:

Secretary.

106TH CONGRESS
2D SESSION

H. R. 4425

AMENDMENT

HR 4425 EAS—2

HR 4425 EAS—3

HR 4425 EAS—4

HR 4425 EAS—5