

IN THE SENATE OF THE UNITED STATES

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

A BILL

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.

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

3 DIVISION 1

4 That the following sums are appropriated, out of any
5 money in the Treasury not otherwise appropriated, for
6 military construction, family housing, and base realign-
7 ment and closure functions administered by the Depart-

1 ment of Defense, for the fiscal year ending September 30,
2 2001, and for other purposes, namely:

3 MILITARY CONSTRUCTION, ARMY

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

20 MILITARY CONSTRUCTION, NAVY

21 For acquisition, construction, installation, and equip-
22 ment of temporary or permanent public works, naval in-
23 stallations, facilities, and real property for the Navy as
24 currently authorized by law, including personnel in the
25 Naval Facilities Engineering Command and other per-

1 sonal services necessary for the purposes of this appropria-
2 tion, \$828,278,000, to remain available until September
3 30, 2005: *Provided*, That of this amount, not to exceed
4 \$71,000,000 shall be available for study, planning, design,
5 architect and engineer services, as authorized by law, un-
6 less the Secretary of Defense determines that additional
7 obligations are necessary for such purposes and notifies
8 the Committees on Appropriations of both Houses of Con-
9 gress of his determination and the reasons therefor.

10 MILITARY CONSTRUCTION, AIR FORCE

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

1 MILITARY CONSTRUCTION, DEFENSE-WIDE

2 (INCLUDING TRANSFER OF FUNDS)

3 For acquisition, construction, installation, and equip-
4 ment of temporary or permanent public works, installa-
5 tions, facilities, and real property for activities and agen-
6 cies of the Department of Defense (other than the military
7 departments), as currently authorized by law,
8 \$801,098,000, to remain available until September 30,
9 2005: *Provided*, That such amounts of this appropriation
10 as may be determined by the Secretary of Defense may
11 be transferred to such appropriations of the Department
12 of Defense available for military construction or family
13 housing as he may designate, to be merged with and to
14 be available for the same purposes, and for the same time
15 period, as the appropriation or fund to which transferred:
16 *Provided further*, That of the amount appropriated, not
17 to exceed \$163,700,000 shall be available for study, plan-
18 ning, design, architect and engineer services, as authorized
19 by law, unless the Secretary of Defense determines that
20 additional obligations are necessary for such purposes and
21 notifies the Committees on Appropriations of both Houses
22 of Congress of his determination and the reasons therefor.

23 MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

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

1 ministration of the Army National Guard, and contribu-
2 tions therefor, as authorized by chapter 1803 of title 10,
3 United States Code, and Military Construction Authoriza-
4 tion Acts, \$233,675,000, to remain available until Sep-
5 tember 30, 2005.

6 MILITARY CONSTRUCTION, AIR NATIONAL GUARD

7 For construction, acquisition, expansion, rehabilita-
8 tion, and conversion of facilities for the training and ad-
9 ministration of the Air National Guard, and contributions
10 therefor, as authorized by chapter 1803 of title 10, United
11 States Code, and Military Construction Authorization
12 Acts, \$183,029,000, to remain available until September
13 30, 2005.

14 MILITARY CONSTRUCTION, ARMY RESERVE

15 For construction, acquisition, expansion, rehabilita-
16 tion, and conversion of facilities for the training and ad-
17 ministration of the Army Reserve as authorized by chapter
18 1803 of title 10, United States Code, and Military Con-
19 struction Authorization Acts, \$99,888,000, to remain
20 available until September 30, 2005.

21 MILITARY CONSTRUCTION, NAVAL RESERVE

22 For construction, acquisition, expansion, rehabilita-
23 tion, and conversion of facilities for the training and ad-
24 ministration of the reserve components of the Navy and
25 Marine Corps as authorized by chapter 1803 of title 10,

1 United States Code, and Military Construction Authoriza-
2 tion Acts, \$38,532,000, to remain available until Sep-
3 tember 30, 2005.

4 MILITARY CONSTRUCTION, AIR FORCE RESERVE

5 For construction, acquisition, expansion, rehabilita-
6 tion, and conversion of facilities for the training and ad-
7 ministration of the Air Force Reserve as authorized by
8 chapter 1803 of title 10, United States Code, and Military
9 Construction Authorization Acts, \$25,533,000, to remain
10 available until September 30, 2005.

11 NORTH ATLANTIC TREATY ORGANIZATION

12 SECURITY INVESTMENT PROGRAM

13 For the United States share of the cost of the North
14 Atlantic Treaty Organization Security Investment Pro-
15 gram for the acquisition and construction of military fa-
16 cilities and installations (including international military
17 headquarters) and for related expenses for the collective
18 defense of the North Atlantic Treaty Area as authorized
19 in Military Construction Authorization Acts and section
20 2806 of title 10, United States Code, \$175,000,000, to
21 remain available until expended.

22 FAMILY HOUSING, ARMY

23 For expenses of family housing for the Army for con-
24 struction, including acquisition, replacement, addition, ex-
25 pansion, extension and alteration and for operation and

1 maintenance, including debt payment, leasing, minor con-
 2 struction, principal and interest charges, and insurance
 3 premiums, as authorized by law, as follows: for Construc-
 4 tion, \$221,106,000, to remain available until September
 5 30, 2005; for Operation and Maintenance, and for debt
 6 payment, \$958,364,000; in all \$1,179,470,000.

7 FAMILY HOUSING, NAVY AND MARINE CORPS

8 For expenses of family housing for the Navy and Ma-
 9 rine Corps for construction, including acquisition, replace-
 10 ment, addition, expansion, extension and alteration and
 11 for operation and maintenance, including debt payment,
 12 leasing, minor construction, principal and interest
 13 charges, and insurance premiums, as authorized by law,
 14 as follows: for Construction, \$392,765,000, to remain
 15 available until September 30, 2005; for Operation and
 16 Maintenance, and for debt payment, \$881,567,000; in all
 17 \$1,274,332,000.

18 FAMILY HOUSING, AIR FORCE

19 For expenses of family housing for the Air Force for
 20 construction, including acquisition, replacement, addition,
 21 expansion, extension and alteration and for operation and
 22 maintenance, including debt payment, leasing, minor con-
 23 struction, principal and interest charges, and insurance
 24 premiums, as authorized by law, as follows: for Construc-
 25 tion, \$227,242,000, to remain available until September

1 30, 2005; for Operation and Maintenance, and for debt
2 payment, \$820,879,000; in all \$1,048,121,000.

3 FAMILY HOUSING, DEFENSE-WIDE

4 For expenses of family housing for the activities and
5 agencies of the Department of Defense (other than the
6 military departments) for construction, including acquisi-
7 tion, replacement, addition, expansion, extension and al-
8 teration, and for operation and maintenance, leasing, and
9 minor construction, as authorized by law, for Operation
10 and Maintenance, \$44,886,000.

11 BASE REALIGNMENT AND CLOSURE ACCOUNT, PART IV

12 For deposit into the Department of Defense Base
13 Closure Account 1990 established by section 2906(a)(1)
14 of the Department of Defense Authorization Act, 1991
15 (Public Law 101–510), \$1,174,369,000, to remain avail-
16 able until expended: *Provided*, That not more than
17 \$865,318,000 of the funds appropriated herein shall be
18 available solely for environmental restoration, unless the
19 Secretary of Defense determines that additional obliga-
20 tions are necessary for such purposes and notifies the
21 Committees on Appropriations of both Houses of Congress
22 of his determination and the reasons therefor.

23 GENERAL PROVISIONS

24 SEC. 101. None of the funds appropriated in Military
25 Construction Appropriations Acts shall be expended for

1 payments under a cost-plus-a-fixed-fee contract for con-
2 struction, where cost estimates exceed \$25,000, to be per-
3 formed within the United States, except Alaska, without
4 the specific approval in writing of the Secretary of Defense
5 setting forth the reasons therefor.

6 SEC. 102. Funds appropriated to the Department of
7 Defense for construction shall be available for hire of pas-
8 senger motor vehicles.

9 SEC. 103. Funds appropriated to the Department of
10 Defense for construction may be used for advances to the
11 Federal Highway Administration, Department of Trans-
12 portation, for the construction of access roads as author-
13 ized by section 210 of title 23, United States Code, when
14 projects authorized therein are certified as important to
15 the national defense by the Secretary of Defense.

16 SEC. 104. None of the funds appropriated in this Act
17 may be used to begin construction of new bases inside the
18 continental United States for which specific appropria-
19 tions have not been made.

20 SEC. 105. No part of the funds provided in Military
21 Construction Appropriations Acts shall be used for pur-
22 chase of land or land easements in excess of 100 percent
23 of the value as determined by the Army Corps of Engi-
24 neers or the Naval Facilities Engineering Command, ex-
25 cept: (1) where there is a determination of value by a Fed-

1 eral court; (2) purchases negotiated by the Attorney Gen-
2 eral or his designee; (3) where the estimated value is less
3 than \$25,000; or (4) as otherwise determined by the Sec-
4 retary of Defense to be in the public interest.

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

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

16 SEC. 108. No part of the funds appropriated in Mili-
17 tary Construction Appropriations Acts may be used for
18 the procurement of steel for any construction project or
19 activity for which American steel producers, fabricators,
20 and manufacturers have been denied the opportunity to
21 compete for such steel procurement.

22 SEC. 109. None of the funds available to the Depart-
23 ment of Defense for military construction or family hous-
24 ing during the current fiscal year may be used to pay real
25 property taxes in any foreign nation.

1 SEC. 110. None of the funds appropriated in Military
2 Construction Appropriations Acts may be used to initiate
3 a new installation overseas without prior notification to
4 the Committees on Appropriations.

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

13 SEC. 112. None of the funds appropriated in Military
14 Construction Appropriations Acts for military construc-
15 tion in the United States territories and possessions in the
16 Pacific and on Kwajalein Atoll, or in countries bordering
17 the Arabian Gulf, may be used to award any contract esti-
18 mated by the Government to exceed \$1,000,000 to a for-
19 eign contractor: *Provided*, That this section shall not be
20 applicable to contract awards for which the lowest respon-
21 sive and responsible bid of a United States contractor ex-
22 ceeds the lowest responsive and responsible bid of a for-
23 eign contractor by greater than 20 percent: *Provided fur-*
24 *ther*, That this section shall not apply to contract awards
25 for military construction on Kwajalein Atoll for which the

- 1 lowest responsive and responsible bid is submitted by a
- 2 Marshallese contractor.

3 SEC. 113. The Secretary of Defense is to inform the
4 appropriate committees of Congress, including the Com-
5 mittees on Appropriations, of the plans and scope of any
6 proposed military exercise involving United States per-
7 sonnel 30 days prior to its occurring, if amounts expended
8 for construction, either temporary or permanent, are an-
9 ticipated to exceed \$100,000.

SEC. 114. Not more than 20 percent of the appropriations in Military Construction Appropriations Acts which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year.

15 (TRANSFER OF FUNDS)

SEC. 115. Funds appropriated to the Department of Defense for construction in prior years shall be available for construction authorized for each such military department by the authorizations enacted into law during the current session of Congress.

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

1 SEC. 117. Notwithstanding any other provision of
2 law, any funds appropriated to a military department or
3 defense agency for the construction of military projects
4 may be obligated for a military construction project or
5 contract, or for any portion of such a project or contract,
6 at any time before the end of the fourth fiscal year after
7 the fiscal year for which funds for such project were ap-
8 propriated if the funds obligated for such project: (1) are
9 obligated from funds available for military construction
10 projects; and (2) do not exceed the amount appropriated
11 for such project, plus any amount by which the cost of
12 such project is increased pursuant to law.

13 (TRANSFER OF FUNDS)

14 SEC. 118. During the 5-year period after appropria-
15 tions available to the Department of Defense for military
16 construction and family housing operation and mainte-
17 nance and construction have expired for obligation, upon
18 a determination that such appropriations will not be nec-
19 essary for the liquidation of obligations or for making au-
20 thorized adjustments to such appropriations for obliga-
21 tions incurred during the period of availability of such ap-
22 propriations, unobligated balances of such appropriations
23 may be transferred into the appropriation “Foreign Cur-
24 rency Fluctuations, Construction, Defense” to be merged
25 with and to be available for the same time period and for

1 the same purposes as the appropriation to which trans-
2 ferred.

3 SEC. 119. The Secretary of Defense is to provide the
4 Committees on Appropriations of the Senate and the
5 House of Representatives with an annual report by Feb-
6 ruary 15, containing details of the specific actions pro-
7 posed to be taken by the Department of Defense during
8 the current fiscal year to encourage other member nations
9 of the North Atlantic Treaty Organization, Japan, Korea,
10 and United States allies bordering the Arabian Gulf to as-
11 sume a greater share of the common defense burden of
12 such nations and the United States.

13 (TRANSFER OF FUNDS)

14 SEC. 120. During the current fiscal year, in addition
15 to any other transfer authority available to the Depart-
16 ment of Defense, proceeds deposited to the Department
17 of Defense Base Closure Account established by section
18 207(a)(1) of the Defense Authorization Amendments and
19 Base Closure and Realignment Act (Public Law 100–526)
20 pursuant to section 207(a)(2)(C) of such Act, may be
21 transferred to the account established by section
22 2906(a)(1) of the Department of Defense Authorization
23 Act, 1991, to be merged with, and to be available for the
24 same purposes and the same time period as that account.

25 SEC. 121. None of the funds appropriated or made
26 available by this Act may be obligated for Partnership for

1 Peace Programs in the New Independent States of the
2 former Soviet Union.

3 SEC. 122. (a) Not later than 60 days before issuing
4 any solicitation for a contract with the private sector for
5 military family housing the Secretary of the military de-
6 partment concerned shall submit to the congressional de-
7 fense committees the notice described in subsection (b).

8 (b)(1) A notice referred to in subsection (a) is a no-
9 tice of any guarantee (including the making of mortgage
10 or rental payments) proposed to be made by the Secretary
11 to the private party under the contract involved in the
12 event of—

13 (A) the closure or realignment of the installa-
14 tion for which housing is provided under the con-
15 tract;

16 (B) a reduction in force of units stationed at
17 such installation; or

18 (C) the extended deployment overseas of units
19 stationed at such installation.

20 (2) Each notice under this subsection shall specify
21 the nature of the guarantee involved and assess the extent
22 and likelihood, if any, of the liability of the Federal Gov-
23 ernment with respect to the guarantee.

24 (c) In this section, the term “congressional defense
25 committees” means the following:

1 (1) The Committee on Armed Services and the
2 Military Construction Subcommittee, Committee on
3 Appropriations of the Senate.

4 (2) The Committee on Armed Services and the
5 Military Construction Subcommittee, Committee on
6 Appropriations of the House of Representatives.

7 (TRANSFER OF FUNDS)

8 SEC. 123. During the current fiscal year, in addition
9 to any other transfer authority available to the Depart-
10 ment of Defense, amounts may be transferred from the
11 account established by section 2906(a)(1) of the Depart-
12 ment of Defense Authorization Act, 1991, to the fund es-
13 tablished by section 1013(d) of the Demonstration Cities
14 and Metropolitan Development Act of 1966 (42 U.S.C.
15 3374) to pay for expenses associated with the Home-
16 owners Assistance Program. Any amounts transferred
17 shall be merged with and be available for the same pur-
18 poses and for the same time period as the fund to which
19 transferred.

20 SEC. 124. Notwithstanding this or any other provi-
21 sion of law, funds appropriated in Military Construction
22 Appropriations Acts for operations and maintenance of
23 family housing shall be the exclusive source of funds for
24 repair and maintenance of all family housing units, includ-
25 ing flag and general officer quarters: *Provided*, That not
26 more than \$25,000 per unit may be spent annually for

1 the maintenance and repair of any general or flag officer
 2 quarters without 30 days advance prior notification of the
 3 appropriate committees of Congress: *Provided further*,
 4 That beginning January 15, 2000 the Under Secretary of
 5 Defense (Comptroller) is to report annually to the Com-
 6 mittees on Appropriations all operations and maintenance
 7 expenditures for each individual flag and general officer
 8 quarters for the prior fiscal year.

9 SEC. 125. Of the funds provided in previous Military
 10 Construction Appropriations Acts, amounts only associ-
 11 ated with unobligated balances are hereby rescinded from
 12 the following accounts in the specified amounts:

13 “Military Construction, Army”, \$3,369,000;
 14 “Military Construction, Navy”, \$23,120,000;
 15 “Military Construction, Air Force”,
 16 \$4,669,000;
 17 “Military Construction, Defense-Wide”,
 18 \$17,819,000;
 19 “Family Housing, Army”, \$1,627,000;
 20 “Family Housing, Navy”, \$18,352,000; and
 21 “Family Housing, Air Force”, \$4,551,000.

22 SEC. 126. During the current fiscal year, in addition
 23 to any other transfer authority available to the Depart-
 24 ment of Defense, funds appropriated in Public Law 106–
 25 52 within the “Military Construction, Naval Reserve” ac-

1 count may be transferred to the fund for “Military Con-
2 struction, Navy” account to be made available to con-
3 struct, under the authority of 10 U.S.C. 2805, an elevated
4 water storage tank at the Navy Air Station, Memphis,
5 Tennessee. Any amounts transferred shall be merged with
6 and be available for the same time period and for the same
7 purpose as the appropriation to which transferred.

8 SEC. 127. (a) The Secretary of the Army may accept
9 funds from the Federal Highway Administration, or the
10 State of Kentucky, and credit them to the appropriate De-
11 partment of the Army accounts for the purpose of funding
12 all costs associated with the realignment, requested by the
13 State of Kentucky, of the military construction project in-
14 volving a rail connector located at Fort Campbell, Ken-
15 tucky, authorized in section 2101(a) of the Military Con-
16 struction Authorization Act for Fiscal Year 1997 (Public
17 Law 104–201), 110 Stat. 2763.

18 (b) The Secretary may use the funds accepted for the
19 realignment, in addition to funds authorized and appro-
20 priated for the rail connector project, notwithstanding the
21 amount authorized in section 2101(a) of Public Law 104–
22 201. The funds accepted shall remain available until ex-
23 pended.

24 (c) The costs associated with the realignment of the
25 rail connector project include but are not limited to rede-

1 sign costs, additional construction costs, additional costs
 2 due to construction delays related to the realignment, and
 3 additional real estate costs.

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

6 DIVISION 2

7 The following sums are appropriated, out of any
 8 money in the Treasury not otherwise appropriated, for the
 9 fiscal year ending September 30, 2000, and for other pur-
 10 poses, namely:

11 TITLE I

12 COUNTERNARCOTICS

13 CHAPTER 1

14 DEPARTMENT OF DEFENSE—MILITARY

15 PROCUREMENT

16 AIRCRAFT PROCUREMENT, ARMY

17 For an additional amount for “Aircraft Procurement,
 18 Army”, \$30,000,000, to remain available for obligation
 19 until September 30, 2001: *Provided*, That the entire
 20 amount is designated by the Congress as an emergency
 21 requirement pursuant to section 251(b)(2)(A) of the Bal-
 22 anced Budget and Emergency Deficit Control Act of 1985,
 23 as amended: *Provided further*, That the entire amount pro-
 24 vided shall be available only to the extent an official budg-
 25 et request that includes designation of the entire amount

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

5 OTHER DEPARTMENT OF DEFENSE PROGRAMS

6 DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,

7 DEFENSE

8 (INCLUDING TRANSFER OF FUNDS)

9 For an additional amount for “Drug Interdiction and
10 Counter-Drug Activities, Defense”, \$85,700,000, to re-
11 main available for obligation until expended: *Provided*,
12 That the entire amount is designated by the Congress as
13 an emergency requirement pursuant to section
14 251(b)(2)(A) of the Balanced Budget and Emergency
15 Deficit Control Act of 1985, as amended: *Provided further*,
16 That the Secretary of Defense may transfer the funds pro-
17 vided herein only to appropriations for military personnel;
18 operation and maintenance; procurement; research, devel-
19 opment, test and evaluation; and working capital funds:
20 *Provided further*, That the funds transferred shall be
21 merged with and shall be available for the same purposes
22 and for the same time period, as the appropriation to
23 which transferred: *Provided further*, That the transfer au-
24 thority provided under this heading is in addition to any
25 other transfer authority available to the Department of

1 Defense: *Provided further*, That no funds made available
2 under this heading may be obligated or expended for train-
3 ing, logistics support, planning or assistance contracts for
4 any overseas activity until 15 days after the Assistant Sec-
5 retary of Defense, Special Operations and Low-Intensity
6 Conflict reports to the congressional defense committees
7 on the value, duration and purpose of such contracts.

8 GENERAL PROVISIONS—THIS CHAPTER

9 Sec. 101. (a) AUTHORITY TO PROVIDE SUPPORT.—
10 Of the amount appropriated in this Act for the Depart-
11 ment of Defense, not to exceed \$45,000,000 shall be avail-
12 able for the provision of support for counter-drug activities
13 of the Government of Colombia. The support provided
14 under this section shall be in addition to support provided
15 for counter-drug activities of the Government of Colombia
16 under any other provision of law: *Provided further*, That
17 no funds made available under this heading may be obli-
18 gated or expended for training, logistics support, planning
19 or assistance contracts for any overseas activity until 15
20 days after the Assistant Secretary of Defense, Special Op-
21 erations and Low-Intensity Conflict reports to the con-
22 gressional defense committees on the value, duration and
23 purpose of such contracts.

24 (b) TYPES OF SUPPORT.—The support that may be
25 provided using this section shall be limited to the types

1 of support specified in section 1033(c)(1) of the National
 2 Defense Authorization Act for Fiscal Year 1998 (Public
 3 Law 105–85; 111 Stat. 1882).

4 (c) CONDITIONS ON PROVISION OF SUPPORT.—(1)
 5 The Secretary of Defense may not obligate or expend
 6 funds appropriated in this Act to provide support under
 7 this section for counter-drug activities of the Government
 8 of Colombia until the end of the 20-day period beginning
 9 on the date on which the Secretary submits the written
 10 certification for fiscal year 2000 pursuant to section
 11 1033(f)(1) of the National Defense Authorization Act for
 12 Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1882).

13 (2) The elements of the written certification sub-
 14 mitted for fiscal year 2000 described in section 1033(g)
 15 of that Act shall apply to, and the written certification
 16 shall address, the support provided under this section for
 17 counter-drug activities of the Government of Colombia.

18 CHAPTER 2

19 MILITARY CONSTRUCTION, DEFENSE-WIDE

20 Notwithstanding any other provision of law, for an
 21 additional amount for “Military Construction, Defense-
 22 Wide,” \$116,523,000, to remain available until September
 23 30, 2004: *Provided*, That such amount is designated by
 24 the Congress as an emergency requirement pursuant to
 25 section 251(b)(2)(A) of the Balanced Budget and Emer-

1 gency Deficit Control Act of 1985, as amended: *Provided*
2 *further*, That the entire amount shall be available only to
3 the extent that an official budget request for
4 \$116,523,000, that includes designation of the entire
5 amount of the request as an emergency requirement as
6 defined in the Balanced Budget and Emergency Deficit
7 Control Act of 1985, as amended, is transmitted by the
8 President to the Congress.

9 GENERAL PROVISION—THIS CHAPTER

10 SEC. 201. (a) Not later than 60 days after the date
11 of enactment of this Act, the Secretary of Defense shall
12 submit to the congressional defense committees a report
13 on construction, security and operation of Forward Oper-
14 ating Locations (FOL) in Manta, Ecuador, Aruba and
15 Curaçao.

16 (b) The report required by subsection (a) shall ad-
17 dress the following: (1) a schedule for making each For-
18 ward Operating Location (FOL) fully operational, includ-
19 ing cost estimates, time line of contracting and construc-
20 tion with completion dates, a description of the potential
21 capabilities for each proposed location and an explanation
22 of how the FOL architecture fits into the overall counter-
23 drug strategy; (2) a plan that identifies the operating re-
24 quirements at FOL for the United States Coast Guard,
25 United States Customs Service, Drug Enforcement Ad-

1 ministration, Intelligence community and the Department
 2 of Defense and how these requirements will be addressed;
 3 (3) a security plan to ensure that FOL facilities and per-
 4 sonnel working at these sites are safeguarded from outside
 5 threats; and (4) a safety plan to ensure operations con-
 6 ducted at FOLs are in accordance with standard operating
 7 procedures.

8 (c) Funds made available under this Act may not be
 9 provided unless all reporting requirements in subsection
 10 (b) have been met.

11 CHAPTER 3

12 DEPARTMENT OF TRANSPORTATION

13 COAST GUARD

14 OPERATING EXPENSES

15 For an additional amount for “Operating Expenses”,
 16 \$262,446,000 to remain available until September 30,
 17 2001: *Provided*, That \$5,000,000 shall be available for the
 18 4.8 percent increase in military basic pay: *Provided fur-*
 19 *ther*, That \$18,000,000 shall be available for costs related
 20 to the delivery of health care to Coast Guard personnel,
 21 retirees, and their dependents: *Provided further*, That
 22 \$15,000,000 shall be available for Basic Allowance for
 23 Housing: *Provided further*, That \$2,000,000 shall be avail-
 24 able for the Military Housing Areas cost of living adjust-
 25 ment: *Provided further*, That \$15,000,000 shall be avail-

1 able for recruiting and retention bonuses: *Provided further*,
2 That \$1,000,000 shall be available for fixed wing aviator
3 retention bonuses: *Provided further*, That \$8,000,000 shall
4 be available for advertising and other costs related to re-
5 cruiting: *Provided further*, That \$64,446,000 shall be
6 available for aviation spare parts and maintenance: *Pro-*
7 *vided further*, That \$15,000,000 shall be available for
8 shore facility maintenance: *Provided further*, That
9 \$22,000,000 shall be available for electronic equipment re-
10 pair and replacement: *Provided further*, That \$22,000,000
11 shall be available for vessel spare parts and maintenance:
12 *Provided further*, That \$46,000,000 shall be available for
13 operational fuel: *Provided further*, That \$29,000,000 shall
14 be available for programmed flight hours: *Provided fur-*
15 *ther*, That priority for use of these funds should be for
16 enhancing drug interdiction activities, but shall not re-
17 quire the Coast Guard to close stations and utilize remain-
18 ing assets only for emergency situations; reduce the num-
19 ber of personnel of an already streamlined workforce; cur-
20 tail Coast Guard capacity to carry out emergency search
21 and rescue; or reduce operations in a manner that would
22 have a detrimental impact on the sustainability of valuable
23 fish stocks in the North Atlantic and Pacific Northwest
24 and the Coast Guard's capacity to stem the flow of illegal
25 migration: *Provided further*, That the entire amount is

1 designated by the Congress as an emergency requirement
2 pursuant to section 251(b)(2)(A) of the Balanced Budget
3 and Emergency Deficit Control Act of 1985, as amended:
4 *Provided further*, That these funds shall be available only
5 to the extent an official budget request for a specific dollar
6 amount, that includes designation of the entire amount as
7 an emergency requirement as defined in the Balanced
8 Budget and Emergency Deficit Control Act of 1985, as
9 amended, and is transmitted by the President to the Con-
10 gress.

11 ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

12 For an additional amount for acquisition, construc-
13 tion, renovation, and improvement of facilities and equip-
14 ment, to be available for expansion of Coast Guard drug
15 interdiction activities, \$74,859,000, to remain available
16 until expended and to be distributed as follows:

17 Acquisition and construction of vessels author-
18 ized under section 812(b) of the Western Hemi-
19 sphere Drug Elimination Act, \$32,000,000;

20 Acquisition of electronic sensors for Coast
21 Guard cutters and boats, including electro-optical/in-
22 frared (EO/IR) systems as authorized under section
23 812(b) of the Western Hemisphere Drug Elimini-
24 nation Act, \$12,000,000;

25 Acquisition of commercial satellite communica-
26 tions upgrade, \$5,459,000;

1 Acquisition of five over-the-horizon cutter boats,
2 \$7,500,000;

3 Acquisition and installation of C-130 night vi-
4 sion equipment, \$10,000,000;

5 Acquisition of replacement forward looking in-
6 frared (FLIR) systems for H-60 aircraft,
7 \$7,900,000:

8 *Provided*, That the entire amount is designated by the
9 Congress as an emergency requirement pursuant to sec-
10 tion 251(b)(2)(A) of the Balanced Budget and Emergency
11 Deficit Control Act of 1985, as amended: *Provided further*,
12 That the entire amount shall be available only to the ex-
13 tent that an official budget request for a specific dollar
14 amount, that includes designation of the entire amount of
15 the request as an emergency requirement as defined in
16 the Balanced Budget and Emergency Deficit Control Act
17 of 1985, as amended, is transmitted by the President to
18 the Congress.

19 RESERVE TRAINING

20 For an additional amount for operating, mainte-
21 nance, and training expenses of the Coast Guard Reserve,
22 including supplies, equipment and services, \$3,750,000:
23 *Provided*, That none of these funds may be transferred
24 to Coast Guard “Operating expenses” or otherwise made
25 available to reimburse the Coast Guard for financial sup-
26 port of the Coast Guard Reserves: *Provided further*, That

1 priority for use of these funds should be for enhancing
2 drug interdiction activities conducted by the Coast Guard
3 Reserves, but shall not require the Coast Guard to close
4 stations and utilize remaining assets only for emergency
5 situations; reduce the number of personnel of an already
6 streamlined workforce; curtail Coast Guard capacity to
7 carry out emergency search and rescue; or reduce oper-
8 ations in a manner that would have a detrimental impact
9 on the sustainability of valuable fish stocks in the North
10 Atlantic and Pacific Northwest and the Coast Guard's ca-
11 pacity to stem the flow of illegal migration: *Provided fur-*
12 *ther*, That the entire amount is designated by the Congress
13 as an emergency requirement pursuant to section
14 251(b)(2)(A) of the Balanced Budget and Emergency
15 Deficit Control Act of 1985, as amended: *Provided further*,
16 That the entire amount shall be available only to the ex-
17 tent that an official budget request for a specific dollar
18 amount, that includes designation of the entire amount of
19 the request as an emergency requirement as defined in
20 the Balanced Budget and Emergency Deficit Control Act
21 of 1985, as amended, is transmitted by the President to
22 the 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 Main-
9 tenance, Army”, \$23,883,000: *Provided*, That the entire
10 amount is designated by the Congress as an emergency
11 requirement pursuant to section 251(b)(2)(A) of the Bal-
12 anced Budget and Emergency Deficit Control Act of 1985,
13 as amended.

14 OPERATION AND MAINTENANCE, NAVY
15 For an additional amount for “Operation and Main-
16 tenance, Navy”, \$20,565,000: *Provided*, That the entire
17 amount is designated by the Congress as an emergency
18 requirement pursuant to section 251(b)(2)(A) of the Bal-
19 anced Budget and Emergency Deficit Control Act of 1985,
20 as amended.

21 OPERATION AND MAINTENANCE, MARINE CORPS
22 For an additional amount for “Operation and Main-
23 tenance, Marine Corps”, \$37,155,000: *Provided*, That the
24 entire amount is designated by the Congress as an emer-
25 gency requirement pursuant to section 251(b)(2)(A) of the

1 Balanced Budget and Emergency Deficit Control Act of
 2 1985, as amended.

3 OPERATION AND MAINTENANCE, AIR FORCE

4 For an additional amount for “Operation and Main-
 5 tenance, Air Force”, \$38,065,000: *Provided*, That the en-
 6 tire amount is designated by the Congress as an emer-
 7 gency requirement pursuant to section 251(b)(2)(A) of the
 8 Balanced Budget and Emergency Deficit Control Act of
 9 1985, as amended: *Provided further*, That of the funds ap-
 10 propriated under this heading, \$8,000,000 shall be made
 11 available only for use in federally owned educational facili-
 12 ties located on military installations for the purpose of
 13 transferring title of such facilities to the local educational
 14 authorities.

15 OPERATION AND MAINTENANCE, DEFENSE-WIDE

16 (INCLUDING TRANSFER OF FUNDS)

17 For necessary expenses to provide assistance to
 18 Vieques, Puerto Rico, \$40,000,000, to remain available
 19 until September 30, 2003: *Provided*, That such funds shall
 20 be in addition to amounts otherwise available for such pur-
 21 poses: *Provided further*, That the Secretary of Defense
 22 may transfer funds to any agency or office of the United
 23 States Government in order to implement the projects for
 24 which funds are provided under this heading thirty days
 25 after the Director of the Office of Management and Budg-

1 et notifies the House and Senate Committees on Appro-
2 priations of each proposed transfer: *Provided further*, that
3 each notification transmitted to the Committees shall
4 identify the specific amount, recipient agency and purpose
5 for which such transfer is proposed: *Provided further*, That
6 appropriations made available under this heading may be
7 transferred and obligated for the following purposes: a
8 study of the health of Vieques residents; fire-fighting re-
9 lated equipment and facilities at Antonio Rivera Rodriguez
10 Airport; construction or refurbishment of a commercial
11 ferry pier and terminal and associated navigational im-
12 provements; establishment and construction of an artificial
13 reef; reef conservation, restoration, and management ac-
14 tivities; payments to registered Vieques commercial fisher-
15 men of an amount determined by the National Marine
16 Fisheries Service for each day they are unable to use exist-
17 ing waters because the Navy is conducting training; ex-
18 pansion and improvement of major cross-island roadways
19 and bridges; an apprenticeship/training program for young
20 adults; preservation and protection of natural resources;
21 an economic development office and economic development
22 activities; and conducting a referendum among the resi-
23 dents of Vieques regarding further use of the island for
24 military training programs: *Provided further*, That for
25 purposes of providing assistance to Vieques, any agency

1 or office of the United States Government to which these
2 funds are transferred may utilize, in addition to any au-
3 thorities available in this paragraph, any authorities avail-
4 able to that agency or office for carrying out related activi-
5 ties, including utilization of such funds for administrative
6 expenses: *Provided further*, That any amounts transferred
7 to the Department of Housing and Urban Development,
8 “Community development block grants”, shall be available
9 only for assistance to Vieques, notwithstanding section
10 106 of the Housing and Community Development Act of
11 1974: *Provided further*, That the Department of Com-
12 merce may make direct payments to registered Vieques
13 commercial fishermen: *Provided further*, That the Depart-
14 ment of the Navy may provide fire-fighting training and
15 funds provided in this paragraph may be used to provide
16 fire-fighting related facilities at the Antonio Rivera
17 Rodriguez Airport: *Provided further*, That funds made
18 available under this heading may be transferred to the
19 Army Corps of Engineers to construct or modify a com-
20 mercial ferry pier and terminal and associated naviga-
21 tional improvements: *Provided further*, That except for
22 amounts provided for the health study, fire-fighting re-
23 lated equipment and facilities, and certain activities in fur-
24 therance of the preservation and protection of natural re-
25 sources, funds provided in this paragraph shall not become

1 available until thirty days after the Secretary of the Navy
 2 has certified to the congressional defense committees that
 3 the integrity and accessibility of the training range is un-
 4 interrupted, and trespassing and other intrusions on the
 5 range have ceased: *Provided further*, That the Secretary
 6 of the Navy shall recertify to the congressional defense
 7 committees the status of the range ninety days after the
 8 initial certification, and each ninety days thereafter: *Pro-*
 9 *vided further*, That the entire amount is designated by the
 10 Congress as an emergency requirement pursuant to sec-
 11 tion 251(b)(2)(A) of the Balanced Budget and Emergency
 12 Deficit Control Act of 1985, as amended.

13 OPERATION AND MAINTENANCE, ARMY RESERVE

14 For an additional amount for “Operation and Main-
 15 tenance, Army Reserve”, \$2,174,000: *Provided*, That the
 16 entire amount is designated by the Congress as an emer-
 17 gency requirement pursuant to section 251(b)(2)(A) of the
 18 Balanced Budget and Emergency Deficit Control Act of
 19 1985, as amended.

20 OPERATION AND MAINTENANCE, ARMY NATIONAL

21 GUARD

22 For an additional amount for “Operation and Main-
 23 tenance, Army National Guard”, \$2,851,000: *Provided*,
 24 That the entire amount is designated by the Congress as
 25 an emergency requirement pursuant to section

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

3 OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND
4 (INCLUDING TRANSFER OF FUNDS)

5 For an additional amount for the “Overseas Contin-
6 gency Operations Transfer Fund”, \$1,850,400,000, to re-
7 main available until expended: *Provided*, That the entire
8 amount is designated by the Congress as an emergency
9 requirement pursuant to section 251(b)(2)(A) of the Bal-
10 anced Budget and Emergency Deficit Control Act of 1985,
11 as amended: *Provided further*, That the Secretary of De-
12 fense may transfer the funds provided herein only to ap-
13 propriations for military personnel; operation and mainte-
14 nance, including Overseas Humanitarian, Disaster, and
15 Civic Aid; procurement; research, development, test and
16 evaluation; the Defense Health Program; and working
17 capital funds: *Provided further*, That the funds transferred
18 shall be merged with and shall be available for the same
19 purposes and for the same time period, as the appropria-
20 tion to which transferred: *Provided further*, That the
21 transfer authority provided in this paragraph is in addi-
22 tion to any other transfer authority available to the De-
23 partment of Defense: *Provided further*, That upon a deter-
24 mination that all or part of the funds transferred from
25 this appropriation are not necessary for the purposes pro-

1 vided herein, such amounts may be transferred back to
 2 this appropriation: *Provided further*, That none of the
 3 funds made available under this heading may be obligated
 4 or expended until 30 days after the Secretary of Defense
 5 submits budget exhibits OP-5, and OP-32, as defined in
 6 the Department of Defense Financial Management Regu-
 7 lation, for the Overseas Contingency Operations Transfer
 8 Fund for Fiscal Years 2000 and 2001.

9 PROCUREMENT

10 AIRCRAFT PROCUREMENT, AIR FORCE

11 For an additional amount for “Aircraft Procurement,
 12 Air Force”, \$73,000,000, to remain available for obliga-
 13 tion until September 30, 2001: *Provided*, That the entire
 14 amount is designated by the Congress as an emergency
 15 requirement pursuant to section 251(b)(2)(A) of the Bal-
 16 anced Budget and Emergency Deficit Control Act of 1985,
 17 as amended.

18 OTHER DEPARTMENT OF DEFENSE PROGRAMS

19 DEFENSE HEALTH PROGRAM

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

1 GENERAL PROVISIONS—THIS CHAPTER

2 SEC. 2101. (a) MINIMUM RATES OF BASIC ALLOW-
3 ANCE FOR HOUSING FOR MEMBERS OF THE UNIFORMED
4 SERVICES.—During the period beginning on January 1,
5 2000, and ending on September 30, 2001 (or such earlier
6 date as the Secretary of Defense considers appropriate),
7 a member of the uniformed services entitled to a basic al-
8 lowance for housing for a military housing area in the
9 United States shall be paid the allowance at a monthly
10 rate not less than the rate in effect on December 31, 1999,
11 in that area for members serving in the same pay grade
12 and with the same dependency status as the member.

13 (b) ANNUAL LIMITATION ON ALLOWANCE.—In light
14 of the rates for the basic allowance for housing authorized
15 by subsection (a), the Secretary of Defense may exceed
16 the limitation on the total amount paid during fiscal year
17 2000 and 2001 for the basic allowance for housing in the
18 United States otherwise applicable under section
19 403(b)(3) of title 37, United States Code.

20 (INCLUDING TRANSFER OF FUNDS)

21 SEC. 2102. In addition to amounts appropriated or
22 otherwise made available elsewhere in this Act for the De-
23 partment of Defense or in the Department of Defense Ap-
24 propriations Act, 2000 (Public Law 106–79),
25 \$964,300,000 is hereby appropriated to the Department
26 of Defense for the “Defense-Wide Working Capital Fund”

1 and shall remain available until expended, for price in-
2 creases resulting from worldwide increases in the price of
3 petroleum: *Provided*, That the Secretary of Defense shall
4 transfer any excess collections from the “Defense-Wide
5 Working Capital Fund” not later than September 30,
6 2001 to the operation and maintenance; research, develop-
7 ment, test and evaluation; and working capital funds: *Pro-*
8 *vided further*, That the transfer authority provided in this
9 section is in addition to the transfer authority provided
10 to the Department of Defense in this Act or any other
11 Act: *Provided further*, That the entire amount made avail-
12 able in this section is designated by the Congress as an
13 emergency requirement pursuant to section 251(b)(2)(A)
14 of the Balanced Budget and Emergency Deficit Control
15 Act of 1985, as amended.

16 SEC. 2103. In addition to the amounts provided in
17 the Department of Defense Appropriations Act, 2000
18 (Public Law 106–79), \$695,900,000 is hereby appro-
19 priated for “Defense Health Program”, to remain avail-
20 able for obligation until September 30, 2001: *Provided*,
21 That the entire amount is designated by the Congress as
22 an emergency requirement pursuant to section
23 251(b)(2)(A) of the Balanced Budget and Emergency
24 Deficit Control Act of 1985, as amended.

1 SEC. 2104. To ensure the availability of biometrics
2 technologies in the Department of Defense, the Secretary
3 of the Army shall be the Executive Agent to lead, consoli-
4 date, and coordinate all biometrics information assurance
5 programs of the Department of Defense: *Provided*, That
6 there is hereby appropriated for fiscal year 2000, in addi-
7 tion to other amounts appropriated for such fiscal year
8 by other provisions of this Act, \$5,000,000 for Operation
9 and Maintenance, Army, for carrying out the biometrics
10 assurance programs and for continuing the biometrics in-
11 formation assurance programs of the Information System
12 Security Program: *Provided further*, That there is hereby
13 appropriated for fiscal year 2000, in addition to other
14 amounts appropriated for such fiscal year by other provi-
15 sions of this Act, \$1,000,000 for Operation and Mainte-
16 nance, Navy, and \$1,000,000 for Operation and Mainte-
17 nance, Air Force, for carrying out the biometrics assur-
18 ance programs with the Army, as Executive Agent, to
19 lead, consolidate, and coordinate such programs: *Provided*
20 *further*, That the total amount made available under this
21 section is designated by the Congress as an emergency re-
22 quirement pursuant to section 251(b)(2)(A) of the Bal-
23 anced Budget and Emergency Deficit Control Act of 1985,
24 as amended: *Provided further*, That the entire amount
25 shall be available only to the extent that an official budget

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

6 SEC. 2105. In addition to amounts appropriated or
7 otherwise made available for the Department of Defense
8 elsewhere in this Act or in the Department of Defense Ap-
9 propriations Act, 2000 (Public Law 106–79),
10 \$125,000,000 is hereby appropriated to the Department
11 of Defense to remain available until September 30, 2002,
12 to be available only for the Patriot missile program: *Pro-*
13 *vided*, That not later than 30 days after the enactment
14 of this Act the Department shall submit a revised Patriot
15 missile program plan to the congressional defense commit-
16 tees: *Provided further*, That the entire amount made avail-
17 able in this section is designated by the Congress as an
18 emergency requirement pursuant to section 251(b)(2)(A)
19 of the Balanced Budget and Emergency Deficit Control
20 Act of 1985, as amended: *Provided further*, That the entire
21 amount shall be available only to the extent that an official
22 budget request that includes designation of the entire
23 amount of the request as an emergency requirement as
24 defined by the Balanced Budget and Emergency Deficit

1 Control Act of 1985, as amended, is transmitted by the
2 President to the Congress.

3 SEC. 2106. In addition to amounts provided else-
4 where in this Act for the Department of Defense,
5 \$300,000 is hereby appropriated to be available only for
6 Operation Walking Shield for technical assistance and
7 transportation of excess housing to Indian tribes located
8 in the States of North Dakota, South Dakota, Montana
9 and Minnesota, in accordance with section 8155 of Public
10 Law 106–79: *Provided*, That the total amount made avail-
11 able under this section is designated by the Congress as
12 an emergency requirement pursuant to section
13 251(b)(2)(A) of the Balanced Budget and Emergency
14 Deficit Control Act of 1985, as amended: *Provided further*,
15 That the entire amount shall be available only to the ex-
16 tent that an official budget request that includes designa-
17 tion of the entire amount as an emergency requirement
18 as defined in the Balanced Budget and Emergency Deficit
19 Control Act of 1985, as amended, is transmitted by the
20 President to the Congress.

21 SEC. 2107. In addition to amounts appropriated or
22 otherwise made available for the Department of Defense
23 elsewhere in this Act or in the Department of Defense Ap-
24 propriations Act, 2000 (Public Law 106–79), there is
25 hereby appropriated to the Department of Defense, for the

1 cost of peacekeeping and humanitarian assistance oper-
2 ations in East Timor and Mozambique, \$61,500,000, to
3 be distributed as follows:

4 “Operation and Maintenance, Navy”,
5 \$6,400,000;

6 “Operation and Maintenance, Marine Corps”,
7 \$8,100,000; and

8 “Operation and Maintenance, Air Force”,
9 \$47,000,000:

10 *Provided*, That the entire amount is designated by the
11 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 ex-
15 tent that an official budget request for a specific dollar
16 amount, that includes designation of the entire amount of
17 the request as an emergency requirement as defined in
18 the Balanced Budget and Emergency Deficit Control Act
19 of 1985, as amended, is transmitted by the President to
20 the Congress.

21 SEC. 2108. (a) TRANSFER OF FUNDS.—Notwith-
22 standing any other provision of law, of the funds appro-
23 priated by title II of the Department of Defense Appro-
24 priations Act, 2000 (Public Law 106–79) under the head-
25 ing “Operation and Maintenance, Defense-Wide”,

1 \$9,642,000 shall be transferred to the Macalloy Special
2 Account administered by the Administrator of the Envi-
3 ronmental Protection Agency to pay for response actions
4 by, or on behalf of, the Environmental Protection Agency
5 under the Comprehensive Environmental Response, Com-
6 pensation, and Liability Act of 1980 (42 U.S.C. 9601 et
7 seq.) at the Macalloy site in Charleston, South Carolina.

8 (b) TREATMENT OF FUNDS.—Any of the funds
9 transferred pursuant to subsection (a) that are used to
10 pay for response actions at the Macalloy site shall be cred-
11 ited against any liability of the United States with respect
12 to the site under the Comprehensive Environmental Re-
13 sponse, Compensation, and Liability Act of 1980.

14 SEC. 2109. (a) All funds appropriated by this or any
15 other Act for LHD–8 shall be made available for obliga-
16 tion no later than 15 days after the date of enactment
17 of this Act.

18 (b) Of the funds made available by subsection (a)
19 above not less than \$263,000,000 shall be obligated for
20 design, advanced procurement, and advanced construction
21 of components for LHD–8 by the shipbuilder not more
22 than 60 days from the date of enactment of this Act. Such
23 other funds required for Government furnished equipment
24 and program management shall be obligated concurrently.

1 SEC. 2110. Notwithstanding any other provision of
2 law, there is appropriated to the Department of Defense
3 \$8,000,000 for communications, communications infra-
4 structure, logistical support, resources and operational as-
5 sistance required by the Salt Lake Organizing Committee
6 to stage the 2002 Olympic and Paralympic Winter Games,
7 such sums to remain available until expended: *Provided*,
8 That the entire amount shall be available only to the ex-
9 tent an official budget request is submitted that includes
10 designation of the entire amount of the request as an
11 emergency requirement as defined by the Balanced Budg-
12 et and Emergency Deficit Control Act of 1985, as amend-
13 ed, is transmitted by the President to the Congress: *Pro-*
14 *vided further*, That the entire amount is designated by the
15 Congress as an emergency requirement pursuant to sec-
16 tion 251(b)(2)(A) of the Balanced Budget and Emergency
17 Deficit Control Act of 1985, as amended.

18 SEC. 2111. The Ballistic Missile Defense Organiza-
19 tion and its subordinate offices and associated contractors,
20 including the Lead Systems Integrator, shall notify the
21 congressional defense committees 30 days prior to issuing
22 any type of information or proposal solicitation under the
23 NMD Program.

1 CHAPTER 2
2 DEPARTMENT OF ENERGY
3 ATOMIC ENERGY DEFENSE ACTIVITIES
4 WEAPONS ACTIVITIES

5 For an additional amount for “Weapons activities”,
6 \$136,000,000, to remain available until expended: *Pro-*
7 *vided*, That the entire amount is designated by the Con-
8 gress as an emergency requirement pursuant to section
9 251(b)(2)(A) of the Balanced Budget and Emergency
10 Deficit Control Act of 1985, as amended: *Provided further*,
11 That the entire amount shall be available only to the ex-
12 tent an official budget request for \$136,000,000 that in-
13 cludes designation of the entire amount of the request as
14 an emergency requirement as defined in the Balanced
15 Budget and Emergency Deficit Control Act of 1985, as
16 amended, is transmitted by the President to the Congress.

17 OTHER DEFENSE ACTIVITIES

18 For an additional amount for “Other defense activi-
19 ties”, \$12,000,000, to remain available until expended:
20 *Provided*, That the entire amount is designated by the
21 Congress as an emergency requirement pursuant to sec-
22 tion 251(b)(2)(A) of the Balanced Budget and Emergency
23 Deficit Control Act of 1985, as amended: *Provided further*,
24 That the entire amount shall be available only to the ex-
25 tent an official budget request for \$12,000,000 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 CHAPTER 3

6 MILITARY CONSTRUCTION, DEFENSE-WIDE

7 (INCLUDING TRANSFER OF FUNDS)

8 For an additional amount for “Military Construction,
 9 Defense-Wide”, \$1,000,000, as authorized by section
 10 2854 of title 10, United States Code, to remain available
 11 until September 30, 2004: *Provided*, That such amount
 12 is designated by the Congress as an emergency require-
 13 ment pursuant to section 251(b)(2)(A) of the Balanced
 14 Budget and Emergency Deficit Control Act of 1985, as
 15 amended: *Provided further*, That the entire amount shall
 16 be available only to the extent an official budget request
 17 for \$1,000,000 that includes designation of the entire
 18 amount of the request as an emergency requirement as
 19 defined in the Balanced Budget and Emergency Deficit
 20 Control Act of 1985, as amended, is transmitted by the
 21 President to the Congress.

22 MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

23 For an additional amount for “Military Construction,
 24 Army National Guard” to cover the incremental costs aris-
 25 ing from the consequences of Hurricane Georges,

1 \$9,145,000 as authorized by section 2854 of title 10,
 2 United States Code, to remain available until September
 3 30, 2004: *Provided*, That such amount is designated by
 4 the Congress as an emergency requirement pursuant to
 5 section 251(b)(2)(A) of the Balanced Budget and Emer-
 6 gency Deficit Control Act of 1985, as amended: *Provided*
 7 *further*, That the entire amount shall be available only to
 8 the extent that an official budget request for \$9,145,000,
 9 that includes designation of the entire amount of the re-
 10 quest as an emergency requirement as defined in the Bal-
 11 anced Budget and Emergency Deficit Control Act of 1985,
 12 as amended, is transmitted by the President to the Con-
 13 gress.

14 MILITARY CONSTRUCTION, ARMY RESERVE

15 For an additional amount for “Military Construction,
 16 Army Reserve” to cover the incremental costs arising from
 17 the consequences of Hurricane Floyd, \$12,348,000, as au-
 18 thorized by section 2854 of title 10, United States Code,
 19 to remain available until September 30, 2004: *Provided*,
 20 That such amount is designated by the Congress as an
 21 emergency requirement pursuant to section 251(b)(2)(A)
 22 of the Balanced Budget and Emergency Deficit Control
 23 Act of 1985, as amended: *Provided further*, That the entire
 24 amount shall be available only to the extent an official
 25 budget request for \$12,348,000 that includes designation

1 of the entire amount of the request as an emergency re-
 2 quirement as defined in the Balanced Budget and Emer-
 3 gency Deficit Control Act of 1985, as amended, is trans-
 4 mitted by the President to the Congress.

5 GENERAL PROVISIONS—THIS CHAPTER

6 SEC. 2301. In addition to amounts appropriated or
 7 otherwise made available in the Military Construction Ap-
 8 propriations Act, 2000, \$4,700,000 is hereby appropriated
 9 to the Department of Defense, to cover incremental Oper-
 10 ation and Maintenance costs to family housing, as author-
 11 ized by section 2854 of title 10, United States Code, as
 12 follows:

13 “Family Housing, Navy and Marine Corps”,
 14 \$3,000,000; and

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

16 *Provided*, That the entire amount is designated by the
 17 Congress as an emergency requirement pursuant to sec-
 18 tion 251(b)(2)(A) of the Balanced Budget and Emergency
 19 Deficit Control Act of 1985, as amended: *Provided further*,
 20 That the entire amount shall be available only to the ex-
 21 tent that an official budget request for \$4,700,000, that
 22 includes designation of the entire amount of the request
 23 as an emergency requirement as defined in the Balanced
 24 Budget and Emergency Deficit Control Act of 1985, as
 25 amended, is transmitted by the President to the Congress.

1 SEC. 2302. Notwithstanding any other provision of
 2 law, the Secretary of the Navy is authorized to use funds
 3 received pursuant to section 2601 of Title 10, United
 4 States Code, for the construction, improvement, repair,
 5 and maintenance of the historic residences located at Ma-
 6 rine Corps Barracks, Washington, D.C.: *Provided*, That
 7 the Secretary notifies the appropriate committees of Con-
 8 gress thirty days in advance of the intended use of such
 9 funds.

10 BROOKS AIR FORCE BASE DEVELOPMENT
 11 DEMONSTRATION PROJECT

12 SEC. 2303. (a) PURPOSE.—The purpose of this sec-
 13 tion is to evaluate and demonstrate methods for more effi-
 14 cient operation of military installations through improved
 15 capital asset management and greater reliance on the pub-
 16 lic or private sector for less-costly base support services,
 17 where available. The section supersedes, and shall be used
 18 in lieu of the authority provided in, section 8168 of the
 19 Department of Defense Appropriations Act, 2000 (Public
 20 Law 106–79; 113 Stat. 1277).

21 (b) AUTHORITY.—(1) Subject to paragraph (4), the
 22 Secretary of the Air Force may carry out at Brooks Air
 23 Force Base, Texas, a demonstration project to be known
 24 as the “Base Efficiency Project” to improve mission effec-
 25 tiveness and reduce the cost of providing quality installa-
 26 tion support at Brooks Air Force Base.

1 (2) The Secretary may carry out the Project in con-
2 sultation with the Community to the extent the Secretary
3 determines such consultation is necessary and appro-
4 priate.

5 (3) The authority provided in this section is in addi-
6 tion to any other authority vested in or delegated to the
7 Secretary, and the Secretary may exercise any authority
8 or combination of authorities provided under this section
9 or elsewhere to carry out the purposes of the Project.

10 (4) The Secretary may not exercise any authority
11 under this section until after the end of the 30-day period
12 beginning on the date the Secretary submits to the appro-
13 priate committees of the Congress a master plan for the
14 development of the Base.

15 (c) EFFICIENT PRACTICES.—(1) The Secretary may
16 convert services at or for the benefit of the Base from ac-
17 complishment by military personnel or by Departmental
18 civilian employees (appropriated fund or non-appropriated
19 fund), to services performed by contract or provided as
20 consideration for the lease, sale, or other conveyance or
21 transfer of property.

22 (2) Notwithstanding section 2462 of title 10, United
23 States Code, a contract for services may be awarded based
24 on “best value” if the Secretary determines that the award
25 will advance the purposes of a joint activity conducted

1 under the project and is in the best interest of the Depart-
2 ment.

3 (3) Notwithstanding that such services are generally
4 funded by local and State taxes and provided without spe-
5 cific charge to the public at large, the Secretary may con-
6 tract for public services at or for the benefit of the Base
7 in exchange for such consideration, if any, the Secretary
8 determines to be appropriate.

9 (4)(A) The Secretary may conduct joint activities
10 with the Community, the State, and any private parties
11 or entities on or for the benefit of the Base.

12 (B) Payments or reimbursements received from par-
13 ticipants for their share of direct and indirect costs of joint
14 activities, including the costs of providing, operating, and
15 maintaining facilities, shall be in an amount and type de-
16 termined to be adequate and appropriate by the Secretary.

17 (C) Such payments or reimbursements received by
18 the Department shall be deposited into the Project Fund.

19 (d) LEASE AUTHORITY.—(1) The Secretary may
20 lease real or personal property located on the Base and
21 not required at other Air Force installations to any lessee
22 upon such terms and conditions as the Secretary considers
23 appropriate and in the interest of the United States, if
24 the Secretary determines that the lease would facilitate
25 the purposes of the Project.

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

3 (3) A lease under this subsection—

4 (A) may be for such period as the Secretary de-
5 termines is necessary to accomplish the goals of the
6 Project; and

7 (B) may give the lessee the first right to pur-
8 chase the property at fair market value if the lease
9 is terminated to allow the United States to sell the
10 property under any other provision of law.

11 (4)(A) The interest of a lessee of property leased
12 under this subsection may be taxed by the State or the
13 Community.

14 (B) A lease under this subsection shall provide that,
15 if and to the extent that the leased property is later made
16 taxable by State governments or local governments under
17 Federal law, the lease shall be renegotiated.

18 (5) The Department may furnish a lessee with utili-
19 ties, custodial services, and other base operation, mainte-
20 nance, or support services performed by Department civil-
21 ian or contract employees, in exchange for such consider-
22 ation, payment, or reimbursement as the Secretary deter-
23 mines appropriate.

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

1 (7) A lease under this subsection shall not be subject
2 to the following provisions of law:

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

5 (B) Section 321 of the Act of June 30, 1932
6 (40 U.S.C. 303b).

7 (C) The Federal Property and Administrative
8 Services Act of 1949 (40 U.S.C. 471 et seq.).

9 (e) PROPERTY DISPOSAL.—(1) The Secretary may
10 sell or otherwise convey or transfer real and personal prop-
11 erty located at the Base to the Community or to another
12 public or private party during the Project, upon such
13 terms and conditions as the Secretary considers appro-
14 priate for purposes of the Project.

15 (2) Consideration for a sale or other conveyance or
16 transfer of property under this subsection shall be deter-
17 mined in accordance with subsection (g).

18 (3) The sale or other conveyance or transfer of prop-
19 erty under this subsection shall not be subject to the fol-
20 lowing provisions of law:

21 (A) Section 2693 of title 10, United States
22 Code.

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

1 (4) Cash payments received as consideration for the
2 sale or other conveyance or transfer of property under this
3 subsection shall be deposited into the Project Fund.

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

15 (2) A leaseback of real property under this subsection
16 shall be an operating lease for no more than 20 years un-
17 less the Secretary of the Air Force determines that a
18 longer term is appropriate.

19 (3)(A) Consideration, if any, for real property leased
20 under a leaseback entered into under this subsection shall
21 be in such form and amount as the Secretary considers
22 appropriate.

23 (B) The Secretary may use funds in the Project Fund
24 or other funds appropriated or otherwise available to the

1 Department for use at the Base for payment of any such
2 cash rent.

3 (4) Notwithstanding any other provision of law, the
4 Department or other military department or other Federal
5 agency using the real property leased under a leaseback
6 entered into under this subsection may construct and erect
7 facilities on or otherwise improve the leased property using
8 funds appropriated or otherwise available to the Depart-
9 ment or other military department or other Federal agen-
10 cy for such purpose.

11 (g) CONSIDERATION.—(1) The Secretary shall deter-
12 mine the nature, value, and adequacy of consideration re-
13 quired or offered in exchange for a lease, sale, or other
14 conveyance or transfer of real or personal property or for
15 other actions taken under the Project.

16 (2) Consideration may be in cash or in-kind or any
17 combination thereof. In-kind consideration may include
18 the following:

19 (A) Real property.

20 (B) Personal property.

21 (C) Goods or services, including operation,
22 maintenance, protection, repair, or restoration (in-
23 cluding environmental restoration) of any property
24 or facilities (including non-appropriated fund facili-
25 ties).

1 (D) Base operating support services.

2 (E) Improvement of Department facilities.

3 (F) Provision of facilities, including office, stor-
4 age, or other usable space, for use by the Depart-
5 ment on or off the Base.

6 (G) Public services.

7 (3) Consideration may not be for less than the fair
8 market value.

9 (h) PROJECT FUND.—(1) There is established on the
10 books of the Treasury a fund to be known as the “Base
11 Efficiency Project Fund” into which all cash rents, pro-
12 ceeds, payments, reimbursements, and other amounts
13 from leases, sales, or other conveyances or transfers, joint
14 activities, and all other actions taken under the Project
15 shall be deposited. Subject to paragraph (2), amounts de-
16 posited into the Project Fund shall be available without
17 fiscal year limitation.

18 (2) To the extent provided in advance in appropria-
19 tions Acts, amounts in the Project Fund shall be available
20 to the Secretary for use at the base only for operation,
21 base operating support services, maintenance, repair, or
22 improvement of Department facilities, payment of consid-
23 eration for acquisitions of interests in real property (in-
24 cluding payment of rentals for leasebacks), and environ-
25 mental protection or restoration. The use of such amounts

1 may be in addition to or in combination with other
2 amounts appropriated for these purposes.

3 (3) Subject to generally prescribed financial manage-
4 ment regulations, the Secretary shall establish the struc-
5 ture of the Project Fund and such administrative policies
6 and procedures as the Secretary considers necessary to ac-
7 count for and control deposits into and disbursements
8 from the Project Fund effectively.

9 (i) FEDERAL AGENCIES.—(1)(A) Any Federal agen-
10 cy, its contractors, or its grantees shall pay rent, in cash
11 or services, for the use of facilities or property at the Base,
12 in an amount and type determined to be adequate by the
13 Secretary.

14 (B) Such rent shall generally be the fair market rent-
15 al of the property provided, but in any case shall be suffi-
16 cient to compensate the Base for the direct and overhead
17 costs incurred by the Base due to the presence of the ten-
18 ant agency on the Base.

19 (2) Transfers of real or personal property at the Base
20 to other Federal agencies shall be at fair market value
21 consideration. Such consideration may be paid in cash, by
22 appropriation transfer, or in property, goods, or services.

23 (3) Amounts received from other Federal agencies,
24 their contractors, or grantees, including any amounts paid

1 by appropriation transfer, shall be deposited in the Project
2 Fund.

3 (j) REPORTS TO CONGRESS.—(1) Section 2662 of
4 title 10, United States Code, shall apply to transactions
5 at the Base during the Project.

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

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

12 (m) DEFINITIONS.—In this section:

13 (1) The term “Project” means the Base Effi-
14 ciency Project authorized by this section.

15 (2) The term “Base” means Brooks Air Force
16 Base, Texas.

17 (3) The term “Community” means the City of
18 San Antonio, Texas.

19 (4) The term “Department” means the Depart-
20 ment of the Air Force.

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

1 (6) The term “joint activity” means an activity
2 conducted on or for the benefit of the Base by the
3 Department, jointly with the Community, the State,
4 or any private entity, or any combination thereof.

5 (7) The term “Project Fund” means the Base
6 Efficiency Project Fund established by subsection
7 (h).

8 (8) The term “public services” means public
9 services (except public schools, fire protection, and
10 police protection) that are funded by local and State
11 taxes and provided without specific charge to the
12 public at large.

13 (9) The term “Secretary” means the Secretary
14 of the Air Force or the Secretary’s designee, who
15 shall be a civilian official of the Department ap-
16 pointed by the President with the advice and consent
17 of the Senate.

18 (10) The term “State” means the State of
19 Texas.

20 SEC. 2304. Of the funds made available in the Mili-
21 tary Construction Appropriations Act, 1999 (Public Law
22 105–237) under the heading “Military Construction, De-
23 fense-Wide” for planning and design, not less than
24 \$1,000,000 shall be available for the design of an elemen-
25 tary school for the Central Kitsap School District to meet

1 the educational needs of military dependents at the Naval
2 Submarine Base, Bangor, Washington.

3 CHAPTER 4

4 GENERAL PROVISIONS—THIS DIVISION

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

9 SEC. 2402. Section 305 of H.R. 3425 of the 106th
10 Congress, as enacted into law by section 1000(a)(5) of
11 Public Law 106–113, is hereby repealed.

12 (RESCISSION)

13 SEC. 2403. (a) Of the unobligated balances available
14 on October 1, 2000 from appropriations made in fiscal
15 year 2000 and prior years, in the nondefense, general pur-
16 pose category to the departments and agencies of the Fed-
17 eral Government for Information Technology programs
18 and activities, \$23,000,000 are rescinded.

19 (b) Within 30 days after the date of the effective date
20 of this section, the Director of the Office of Management
21 and Budget shall submit to the Committees on Appropria-
22 tions of the House of Representatives and the Senate a
23 listing of the amounts by account of the reductions made
24 pursuant to the provisions of subsection (a) of this section.

25 (c) Subsection (a) shall be effective on October 1,
26 2000.

1 SEC. 2404. Funds appropriated by this Act, or made
2 available by the transfer of funds in this Act, for intel-
3 ligence activities are deemed to be specifically authorized
4 by the Congress for purposes of section 504 of the Na-
5 tional Security Act of 1947 (50 U.S.C. 414).

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

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

19 (b) EXCLUSIVE REASONS FOR REMOVAL.—The ex-
20 clusive reasons for removal from office as Under Secretary
21 for Nuclear Security of the person described in subsection
22 (a) shall be inefficiency, neglect of duty, or malfeasance
23 in office.

24 (c) POSITION DESCRIBED.—The position of Under
25 Secretary for Nuclear Security of the Department of En-

1 ergy referred to in this section is the position established
2 by subsection (c) of section 202 of the Department of En-
3 ergy Organization Act (42 U.S.C. 7132), as added by sec-
4 tion 3202 of the National Nuclear Security Administration
5 Act (title XXXII of Public Law 106–65; 113 Stat. 954)).

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

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

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

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

1 the award of the Medal of Honor to such persons having
2 been determined by the Secretary of the Army to be war-
3 ranted in accordance with section 1130 of such title.

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

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

16 (2) James K. Okubo, for conspicuous acts of
17 gallantry and intrepidity at the risk of his life and
18 beyond the call of duty on October 28 and 29, and
19 November 4, 1944, at Foret Domaniale de Champ,
20 near Biffontaine, France, during World War II,
21 while serving as an Army medic in the grade of
22 Technician Fifth Grade in the medical detachment,
23 442d Regimental Combat Team.

24 (3) Andrew J. Smith, for conspicuous acts of
25 gallantry and intrepidity at the risk of his life and

1 beyond the call of duty on November 30, 1864, in
2 the Battle of Honey Hill, South Carolina, during the
3 Civil War, while serving as a corporal in the 55th
4 Massachusetts Voluntary Infantry Regiment.

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

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

11 SEC. 2410. LIMITATION ON AVAILABILITY OF FUNDS
12 FOR UNITED STATES GROUND COMBAT TROOPS IN
13 KOSOVO. (a) LIMITATION.—

14 (1) IN GENERAL.—Subject to subsection (d)
15 and except as provided in paragraph (2), none of the
16 funds appropriated or otherwise made available
17 under any provision of law (including unobligated
18 balances of prior appropriations) shall be available
19 for the continued deployment of United States
20 ground combat troops in Kosovo after July 1, 2001,
21 unless and until—

22 (A) the President submits a report to
23 Congress—

24 (i) containing a request for specific
25 authorization for the continued deployment

1 of United States ground combat troops in
2 Kosovo;

3 (ii) describing the progress made in
4 implementing the plan required by sub-
5 section (b); and

6 (iii) containing the information de-
7 scribed in subsection (c); and

8 (B) Congress enacts a joint resolution spe-
9 cifically authorizing the continued deployment
10 of United States ground combat troops in
11 Kosovo.

12 (2) EXCEPTIONS.—The limitation in paragraph
13 (1) shall not apply to the continued deployment in
14 Kosovo of such number of United States ground
15 combat troops as are necessary—

16 (A) to conduct a safe, orderly, and phased
17 withdrawal of United States ground forces from
18 Kosovo in the event that the continued deploy-
19 ment of United States ground combat troops in
20 Kosovo is not specifically authorized by statute;
21 or

22 (B) to protect United States diplomatic fa-
23 cilities in Kosovo in existence as of the date of
24 the enactment of this Act.

25 (3) WAIVER.—

1 (A) IN GENERAL.—Except as provided in
2 subparagraph (B), absent specific statutory au-
3 thorization under paragraph (1)(B), the Presi-
4 dent may waive the limitation in paragraph (1)
5 for a period or periods of up to 90 days each
6 in the event that—

7 (i) the Armed Forces are involved in
8 hostilities in Kosovo or that imminent in-
9 volvement by the Armed Forces in hos-
10 tilities in Kosovo is clearly indicated by the
11 circumstances; or

12 (ii) NATO, acting through the Su-
13 preme Allied Commander, Europe, re-
14 quests the emergency introduction of
15 United States ground forces into Kosovo to
16 assist other NATO or non-NATO military
17 forces involved in hostilities or facing im-
18 minent involvement in hostilities.

19 (B) EXCEPTION.—The authority of sub-
20 paragraph (A) may not be exercised more than
21 twice unless Congress enacts a law specifically
22 authorizing the additional exercise of the au-
23 thority.

24 (4) REPORT ON SUBSEQUENT DEPLOYMENTS.—
25 Absent specific statutory authorization under para-

graph (1)(B), whenever there is a deployment of 25 or more members of the United States Armed Forces to Kosovo after July 1, 2001 pursuant to a waiver exercised under paragraph (3), the President shall, not later than 96 hours after such deployment begins, submit a report to Congress regarding the deployment. In any such report, the President shall specify—

(A) the purpose of the deployment; and

(B) the date on which the deployment is expected to end.

(5) STATUTORY CONSTRUCTION.—Nothing in this subsection may be construed to prohibit the availability of funds for the deployment of United States noncombat troops in Kosovo to provide limited support to peacekeeping operations of the North Atlantic Treaty Organization (NATO) in Kosovo that do not involve the deployment of ground combat troops, such as support for NATO headquarters activities in Kosovo, intelligence support, air surveillance, and related activities.

(b) PLAN.—

(1) IN GENERAL.—The President shall develop a plan, in consultation with appropriate foreign governments, by which NATO member countries, with

1 the exception of the United States, and appropriate
2 non-NATO countries will provide, not later than
3 July 1, 2001, any and all ground combat troops nec-
4 essary to execute Operation Joint Guardian or any
5 successor operation in Kosovo.

6 (2) QUARTERLY TARGET DATES.—The plan
7 shall establish a schedule of target dates set at 3-
8 month intervals for achieving an orderly transition
9 to a force in Kosovo that does not include United
10 States ground combat troops.

11 (3) DEADLINES.—

12 (A) INTERIM PLAN.—An interim plan for
13 the achievement of the plan's objectives shall be
14 submitted to Congress not later than September
15 30, 2000.

16 (B) FINAL PLAN.—The final plan for the
17 achievement of the plan's objectives shall be
18 submitted to Congress not later than May 1,
19 2001.

20 (c) REPORTS.—

21 (1) MONTHLY REPORTS.—Beginning 30 days
22 after the date of enactment of this joint resolution,
23 and every 30 days thereafter, the President shall
24 submit a report to Congress on the total number of
25 troops involved in peacekeeping operations in

1 Kosovo, the number of United States troops in-
2 volved, and the percentage of the total troop burden
3 that the United States is bearing.

4 (2) QUARTERLY REPORTS.—Beginning 3
5 months after the date of enactment of this joint res-
6 olution, and every 3 months thereafter, the Presi-
7 dent shall submit to Congress a report on—

8 (A) the total amount of funds that the
9 United States has expended on peacekeeping
10 operations in Kosovo, and the percentage of the
11 total contributions by all countries to peace-
12 keeping operations in Kosovo that the United
13 States is bearing; and

14 (B) the progress that each other country
15 participating in peacekeeping operations in
16 Kosovo is making on meeting—

17 (i) its financial commitments with re-
18 spect to Kosovo;

19 (ii) its manpower commitments to the
20 international civilian police force in
21 Kosovo; and

22 (iii) its troop commitments to peace-
23 keeping operations in Kosovo.

24 (d) CERTIFICATION.—

1 (1) IN GENERAL.—Of the amounts appro-
2 priated by this Act for fiscal year 2000 for military
3 operations in Kosovo, not more than 75 percent may
4 be obligated until the President certifies in writing
5 to Congress that the European Commission, the
6 member nations of the European Union, and the
7 European member nations of the North Atlantic
8 Treaty Organization have, in the aggregate—

9 (A) obligated or contracted for at least 33
10 percent of the amount of the assistance that
11 those organizations and nations committed to
12 provide for 1999 and 2000 for reconstruction in
13 Kosovo;

14 (B) obligated or contracted for at least 75
15 percent of the amount of the assistance that
16 those organizations and nations committed for
17 1999 and 2000 for humanitarian assistance in
18 Kosovo;

19 (C) provided at least 75 percent of the
20 amount of the assistance that those organiza-
21 tions and nations committed for 1999 and 2000
22 for the Kosovo Consolidated Budget; and

23 (D) deployed at least 75 percent of the
24 number of police, including special police, that
25 those organizations and nations pledged for the

1 United Nations international police force for
2 Kosovo.

3 (2) REPORT.—The President shall submit to
4 Congress, together with any certification submitted
5 by the President under paragraph (1), a report con-
6 taining detailed information on—

7 (A) the commitments and pledges made by
8 each organization and nation referred to in
9 paragraph (1) for reconstruction assistance in
10 Kosovo, humanitarian assistance in Kosovo, the
11 Kosovo Consolidated Budget, and police (in-
12 cluding special police) for the United Nations
13 international police force for Kosovo;

14 (B) the amount of assistance that has been
15 provided in each category, and the number of
16 police that have been deployed to Kosovo, by
17 each such organization or nation; and

18 (C) the full range of commitments and re-
19 sponsibilities that have been undertaken for
20 Kosovo by the United Nations, the European
21 Union, and the Organization for Security and
22 Cooperation in Europe (OSCE), the progress
23 made by those organizations in fulfilling those
24 commitments and responsibilities, an assess-
25 ment of the tasks that remain to be accom-

1 plished, and an anticipated schedule for com-
2 pleting those tasks.

3 (3) LIMITATION ON USE OF FUNDS.—If the
4 President does not submit to Congress a certifi-
5 cation and report under paragraphs (1) and (2) be-
6 fore July 15, 2000, then, beginning on July 15,
7 2000, the amount appropriated for military oper-
8 ations in Kosovo that remains unobligated under
9 paragraph (1) shall be available only for the purpose
10 of conducting a safe, orderly, and phased withdrawal
11 of United States military personnel from Kosovo,
12 unless Congress enacts a joint resolution allowing
13 that amount to be used for other purposes. If Con-
14 gress fails to enact such a joint resolution, no other
15 amount appropriated for the Department of Defense
16 in this Act or any other Act may be obligated to
17 continue the deployment of United States military
18 personnel in Kosovo. In that case, the President
19 shall submit to Congress, not later than August 15,
20 2000, a report on the plan for the withdrawal of
21 United States military personnel from Kosovo.

22 (e) CONGRESSIONAL PRIORITY PROCEDURES.—

23 (1) JOINT RESOLUTIONS DEFINED.—

24 (A) For purposes of subsection (a)(1)(B),
25 the term “joint resolution” means only a joint

1 resolution introduced not later than 10 days
2 after the date on which the report of the Presi-
3 dent under subsection (a)(1)(A) is received by
4 Congress, the matter after the resolving clause
5 of which is as follows: “That Congress author-
6 izes the continued deployment of United States
7 ground combat troops in Kosovo.”.

8 (B) For purposes of subsection (d)(3), the
9 term “joint resolution” means only a joint reso-
10 lution introduced not later than July 20, 2000,
11 the matter after the resolving clause of which is
12 as follows: “That the availability of funds ap-
13 propriated to the Department of Defense for
14 military operations in Kosovo is not limited to
15 the withdrawal of United States military per-
16 sonnel from Kosovo.”.

17 (2) PROCEDURES.—A joint resolution described
18 in paragraph (1) (A) or (B) shall be considered in
19 a House of Congress in accordance with the proce-
20 dures applicable to joint resolutions under para-
21 graphs (3) through (8) of section 8066(c) of the De-
22 partment of Defense Appropriations Act, 1985 (as
23 contained in Public Law 98–473; 98 Stat. 1936).

24 This Division may be cited as the “2000 Emergency
25 Supplemental Appropriations Act for Counternarcotics

1 Activities, Peacekeeping Operations, and Other National
2 Security Matters”.

3 This Act may be cited as the “Military Construction
4 Appropriations Act, 2001”.

Calendar No. 529

106TH CONGRESS
2D SESSION

S. 2521

A BILL

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.

MAY 9, 2000

Read twice and placed on the calendar