

**Calendar No. 563**

106TH CONGRESS  
2D SESSION

**S. 2593**

**[Report No. 106-298]**

Making appropriations for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

MAY 18, 2000

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

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**A BILL**

Making appropriations 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       That the following sums are appropriated, out of any  
4       money in the Treasury not otherwise appropriated, for the  
5       fiscal year ending September 30, 2001, for military func-  
6       tions administered by the Department of Defense, and for  
7       other purposes, namely:

## 1 TITLE I

## 2 MILITARY PERSONNEL

## 3 MILITARY PERSONNEL, ARMY

4 For pay, allowances, individual clothing, subsistence,  
5 interest on deposits, gratuities, permanent change of sta-  
6 tion travel (including all expenses thereof for organiza-  
7 tional movements), and expenses of temporary duty travel  
8 between permanent duty stations, for members of the  
9 Army on active duty (except members of reserve compo-  
10 nents provided for elsewhere), cadets, and aviation cadets;  
11 and for payments pursuant to section 156 of Public Law  
12 97–377, as amended (42 U.S.C. 402 note), to section  
13 229(b) of the Social Security Act (42 U.S.C. 429(b)), and  
14 to the Department of Defense Military Retirement Fund,  
15 \$22,173,929,000.

## 16 MILITARY PERSONNEL, NAVY

17 For pay, allowances, individual clothing, subsistence,  
18 interest on deposits, gratuities, permanent change of sta-  
19 tion travel (including all expenses thereof for organiza-  
20 tional movements), and expenses of temporary duty travel  
21 between permanent duty stations, for members of the  
22 Navy on active duty (except members of the Reserve pro-  
23 vided for elsewhere), midshipmen, and aviation cadets; and  
24 for payments pursuant to section 156 of Public Law 97–  
25 377, as amended (42 U.S.C. 402 note), to section 229(b)

1 of the Social Security Act (42 U.S.C. 429(b)), and to the  
2 Department of Defense Military Retirement Fund,  
3 \$17,877,215,000.

4 MILITARY PERSONNEL, MARINE CORPS

5 For pay, allowances, individual clothing, subsistence,  
6 interest on deposits, gratuities, permanent change of sta-  
7 tion travel (including all expenses thereof for organiza-  
8 tional movements), and expenses of temporary duty travel  
9 between permanent duty stations, for members of the Ma-  
10 rine Corps on active duty (except members of the Reserve  
11 provided for elsewhere); and for payments pursuant to sec-  
12 tion 156 of Public Law 97-377, as amended (42 U.S.C.  
13 402 note), to section 229(b) of the Social Security Act  
14 (42 U.S.C. 429(b)), and to the Department of Defense  
15 Military Retirement Fund, \$6,831,373,000.

16 MILITARY PERSONNEL, AIR FORCE

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

1 229(b) of the Social Security Act (42 U.S.C. 429(b)), and  
 2 to the Department of Defense Military Retirement Fund,  
 3 \$18,110,764,000.

4 RESERVE PERSONNEL, ARMY

5 For pay, allowances, clothing, subsistence, gratuities,  
 6 travel, and related expenses for personnel of the Army Re-  
 7 serve on active duty under sections 10211, 10302, and  
 8 3038 of title 10, United States Code, or while serving on  
 9 active duty under section 12301(d) of title 10, United  
 10 States Code, in connection with performing duty specified  
 11 in section 12310(a) of title 10, United States Code, or  
 12 while undergoing reserve training, or while performing  
 13 drills or equivalent duty or other duty, and for members  
 14 of the Reserve Officers' Training Corps, and expenses au-  
 15 thorized by section 16131 of title 10, United States Code;  
 16 and for payments to the Department of Defense Military  
 17 Retirement Fund, \$2,458,961,000.

18 RESERVE PERSONNEL, NAVY

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

1 serve training, or while performing drills or equivalent  
2 duty, and for members of the Reserve Officers' Training  
3 Corps, and expenses authorized by section 16131 of title  
4 10, United States Code; and for payments to the Depart-  
5 ment of Defense Military Retirement Fund,  
6 \$1,539,490,000.

7           RESERVE PERSONNEL, MARINE CORPS

8       For pay, allowances, clothing, subsistence, gratuities,  
9 travel, and related expenses for personnel of the Marine  
10 Corps Reserve on active duty under section 10211 of title  
11 10, United States Code, or while serving on active duty  
12 under section 12301(d) of title 10, United States Code,  
13 in connection with performing duty specified in section  
14 12310(a) of title 10, United States Code, or while under-  
15 going reserve training, or while performing drills or equiv-  
16 alent duty, and for members of the Marine Corps platoon  
17 leaders class, and expenses authorized by section 16131  
18 of title 10, United States Code; and for payments to the  
19 Department of Defense Military Retirement Fund,  
20 \$446,586,000.

21           RESERVE PERSONNEL, AIR FORCE

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

1 active duty under section 12301(d) of title 10, United  
2 States Code, in connection with performing duty specified  
3 in section 12310(a) of title 10, United States Code, or  
4 while undergoing reserve training, or while performing  
5 drills or equivalent duty or other duty, and for members  
6 of the Air Reserve Officers' Training Corps, and expenses  
7 authorized by section 16131 of title 10, United States  
8 Code; and for payments to the Department of Defense  
9 Military Retirement Fund, \$963,752,000.

10 NATIONAL GUARD PERSONNEL, ARMY

11 For pay, allowances, clothing, subsistence, gratuities,  
12 travel, and related expenses for personnel of the Army Na-  
13 tional Guard while on duty under section 10211, 10302,  
14 or 12402 of title 10 or section 708 of title 32, United  
15 States Code, or while serving on duty under section  
16 12301(d) of title 10 or section 502(f) of title 32, United  
17 States Code, in connection with performing duty specified  
18 in section 12310(a) of title 10, United States Code, or  
19 while undergoing training, or while performing drills or  
20 equivalent duty or other duty, and expenses authorized by  
21 section 16131 of title 10, United States Code; and for pay-  
22 ments to the Department of Defense Military Retirement  
23 Fund, \$3,781,236,000.

1 NATIONAL GUARD PERSONNEL, AIR FORCE

2 For pay, allowances, clothing, subsistence, gratuities,  
 3 travel, and related expenses for personnel of the Air Na-  
 4 tional Guard on duty under section 10211, 10305, or  
 5 12402 of title 10 or section 708 of title 32, United States  
 6 Code, or while serving on duty under section 12301(d) of  
 7 title 10 or section 502(f) of title 32, United States Code,  
 8 in connection with performing duty specified in section  
 9 12310(a) of title 10, United States Code, or while under-  
 10 going training, or while performing drills or equivalent  
 11 duty or other duty, and expenses authorized by section  
 12 16131 of title 10, United States Code; and for payments  
 13 to the Department of Defense Military Retirement Fund,  
 14 \$1,634,181,000.

15 TITLE II

16 OPERATION AND MAINTENANCE

17 OPERATION AND MAINTENANCE, ARMY

18 (INCLUDING TRANSFER OF FUNDS)

19 For expenses, not otherwise provided for, necessary  
 20 for the operation and maintenance of the Army, as author-  
 21 ized by law; and not to exceed \$10,616,000 can be used  
 22 for emergencies and extraordinary expenses, to be ex-  
 23 pended on the approval or authority of the Secretary of  
 24 the Army, and payments may be made on his certificate  
 25 of necessity for confidential military purposes,

1 \$19,049,881,000 and, in addition, \$50,000,000 shall be  
2 derived by transfer from the National Defense Stockpile  
3 Transaction Fund: *Provided*, That of the funds appro-  
4 priated in this paragraph, not less than \$355,000,000  
5 shall be made available only for conventional ammunition  
6 care and maintenance.

7 OPERATION AND MAINTENANCE, NAVY

8 (INCLUDING TRANSFER OF FUNDS)

9 For expenses, not otherwise provided for, necessary  
10 for the operation and maintenance of the Navy and the  
11 Marine Corps, as authorized by law; and not to exceed  
12 \$5,146,000 can be used for emergencies and extraordinary  
13 expenses, to be expended on the approval or authority of  
14 the Secretary of the Navy, and payments may be made  
15 on his certificate of necessity for confidential military pur-  
16 poses, \$23,398,254,000 and, in addition, \$50,000,000  
17 shall be derived by transfer from the National Defense  
18 Stockpile Transaction Fund.

19 OPERATION AND MAINTENANCE, MARINE CORPS

20 For expenses, not otherwise provided for, necessary  
21 for the operation and maintenance of the Marine Corps,  
22 as authorized by law, \$2,729,758,000.

## 1           OPERATION AND MAINTENANCE, AIR FORCE

## 2                   (INCLUDING TRANSFER OF FUNDS)

3           For expenses, not otherwise provided for, necessary  
4 for the operation and maintenance of the Air Force, as  
5 authorized by law; and not to exceed \$7,878,000 can be  
6 used for emergencies and extraordinary expenses, to be ex-  
7 pended on the approval or authority of the Secretary of  
8 the Air Force, and payments may be made on his certifi-  
9 cate of necessity for confidential military purposes,  
10 \$22,268,977,000 and, in addition, \$50,000,000, shall be  
11 derived by transfer from the National Defense Stockpile  
12 Transaction Fund.

## 13           OPERATION AND MAINTENANCE, DEFENSE-WIDE

14           For expenses, not otherwise provided for, necessary  
15 for the operation and maintenance of activities and agen-  
16 cies of the Department of Defense (other than the military  
17 departments), as authorized by law, \$11,991,688,000, of  
18 which not to exceed \$25,000,000 may be available for the  
19 CINC initiative fund account; and of which not to exceed  
20 \$30,000,000 can be used for emergencies and extraor-  
21 dinary expenses, to be expended on the approval or author-  
22 ity of the Secretary of Defense, and payments may be  
23 made on his certificate of necessity for confidential mili-  
24 tary purposes.

## 1        OPERATION AND MAINTENANCE, ARMY RESERVE

2        For expenses, not otherwise provided for, necessary  
3 for the operation and maintenance, including training, or-  
4 ganization, and administration, of the Army Reserve; re-  
5 pair of facilities and equipment; hire of passenger motor  
6 vehicles; travel and transportation; care of the dead; re-  
7 cruiting; procurement of services, supplies, and equip-  
8 ment; and communications, \$1,529,418,000.

## 9        OPERATION AND MAINTENANCE, NAVY RESERVE

10       For expenses, not otherwise provided for, necessary  
11 for the operation and maintenance, including training, or-  
12 ganization, and administration, of the Navy Reserve; re-  
13 pair of facilities and equipment; hire of passenger motor  
14 vehicles; travel and transportation; care of the dead; re-  
15 cruiting; procurement of services, supplies, and equip-  
16 ment; and communications, \$968,946,000.

## 17       OPERATION AND MAINTENANCE, MARINE CORPS

## 18                                RESERVE

19       For expenses, not otherwise provided for, necessary  
20 for the operation and maintenance, including training, or-  
21 ganization, and administration, of the Marine Corps Re-  
22 serve; repair of facilities and equipment; hire of passenger  
23 motor vehicles; travel and transportation; care of the dead;  
24 recruiting; procurement of services, supplies, and equip-  
25 ment; and communications, \$141,159,000.

## 1 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

2 For expenses, not otherwise provided for, necessary  
3 for the operation and maintenance, including training, or-  
4 ganization, and administration, of the Air Force Reserve;  
5 repair of facilities and equipment; hire of passenger motor  
6 vehicles; travel and transportation; care of the dead; re-  
7 cruiting; procurement of services, supplies, and equip-  
8 ment; and communications, \$1,893,859,000.

## 9 OPERATION AND MAINTENANCE, ARMY NATIONAL

## 10 GUARD

11 For expenses of training, organizing, and admin-  
12 istering the Army National Guard, including medical and  
13 hospital treatment and related expenses in non-Federal  
14 hospitals; maintenance, operation, and repairs to struc-  
15 tures and facilities; hire of passenger motor vehicles; per-  
16 sonnel services in the National Guard Bureau; travel ex-  
17 penses (other than mileage), as authorized by law for  
18 Army personnel on active duty, for Army National Guard  
19 division, regimental, and battalion commanders while in-  
20 specting units in compliance with National Guard Bureau  
21 regulations when specifically authorized by the Chief, Na-  
22 tional Guard Bureau; supplying and equipping the Army  
23 National Guard as authorized by law; and expenses of re-  
24 pair, modification, maintenance, and issue of supplies and  
25 equipment (including aircraft), \$3,330,535,000.

## 1 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

2 For operation and maintenance of the Air National  
3 Guard, including medical and hospital treatment and re-  
4 lated expenses in non-Federal hospitals; maintenance, op-  
5 eration, repair, and other necessary expenses of facilities  
6 for the training and administration of the Air National  
7 Guard, including repair of facilities, maintenance, oper-  
8 ation, and modification of aircraft; transportation of  
9 things, hire of passenger motor vehicles; supplies, mate-  
10 rials, and equipment, as authorized by law for the Air Na-  
11 tional Guard; and expenses incident to the maintenance  
12 and use of supplies, materials, and equipment, including  
13 such as may be furnished from stocks under the control  
14 of agencies of the Department of Defense; travel expenses  
15 (other than mileage) on the same basis as authorized by  
16 law for Air National Guard personnel on active Federal  
17 duty, for Air National Guard commanders while inspecting  
18 units in compliance with National Guard Bureau regula-  
19 tions when specifically authorized by the Chief, National  
20 Guard Bureau, \$3,481,775,000.

## 21 OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND

22 (INCLUDING TRANSFER OF FUNDS)

23 For expenses directly relating to Overseas Contin-  
24 gency Operations by United States military forces,  
25 \$4,100,577,000, to remain available until expended: *Pro-*

1 *vided*, That the Secretary of Defense may transfer these  
 2 funds only to military personnel accounts; operation and  
 3 maintenance accounts within this title, the Defense Health  
 4 Program appropriation, and to working capital funds: *Pro-*  
 5 *vided further*, That the funds transferred shall be merged  
 6 with and shall be available for the same purposes and for  
 7 the same time period, as the appropriation to which trans-  
 8 ferred: *Provided further*, That upon a determination that  
 9 all or part of the funds transferred from this appropriation  
 10 are not necessary for the purposes provided herein, such  
 11 amounts may be transferred back to this appropriation:  
 12 *Provided further*, That the transfer authority provided in  
 13 this paragraph is in addition to any other transfer author-  
 14 ity contained elsewhere in this Act.

15 UNITED STATES COURTS OF APPEALS FOR THE ARMED  
 16 FORCES

17 For salaries and expenses necessary for the United  
 18 States Court of Appeals for the Armed Forces,  
 19 \$8,574,000, of which not to exceed \$2,500 can be used  
 20 for official representation purposes.

21 ENVIRONMENTAL RESTORATION, ARMY  
 22 (INCLUDING TRANSFER OF FUNDS)

23 For the Department of the Army, \$389,932,000, to  
 24 remain available until transferred: *Provided*, That the Sec-  
 25 retary of the Army shall, upon determining that such

1 funds are required for environmental restoration, reduc-  
2 tion and recycling of hazardous waste, removal of unsafe  
3 buildings and debris of the Department of the Army, or  
4 for similar purposes, transfer the funds made available by  
5 this appropriation to other appropriations made available  
6 to the Department of the Army, to be merged with and  
7 to be available for the same purposes and for the same  
8 time period as the appropriations to which transferred:  
9 *Provided further*, That upon a determination that all or  
10 part of the funds transferred from this appropriation are  
11 not necessary for the purposes provided herein, such  
12 amounts may be transferred back to this appropriation.

13 ENVIRONMENTAL RESTORATION, NAVY

14 (INCLUDING TRANSFER OF FUNDS)

15 For the Department of the Navy, \$294,038,000, to  
16 remain available until transferred: *Provided*, That the Sec-  
17 retary of the Navy shall, upon determining that such  
18 funds are required for environmental restoration, reduc-  
19 tion and recycling of hazardous waste, removal of unsafe  
20 buildings and debris of the Department of the Navy, or  
21 for similar purposes, transfer the funds made available by  
22 this appropriation to other appropriations made available  
23 to the Department of the Navy, to be merged with and  
24 to be available for the same purposes and for the same  
25 time period as the appropriations to which transferred:

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

5 ENVIRONMENTAL RESTORATION, AIR FORCE  
6 (INCLUDING TRANSFER OF FUNDS)

7 For the Department of the Air Force, \$376,300,000,  
8 to remain available until transferred: *Provided*, That the  
9 Secretary of the Air Force shall, upon determining that  
10 such funds are required for environmental restoration, re-  
11 duction and recycling of hazardous waste, removal of un-  
12 safe buildings and debris of the Department of the Air  
13 Force, or for similar purposes, transfer the funds made  
14 available by this appropriation to other appropriations  
15 made available to the Department of the Air Force, to be  
16 merged with and to be available for the same purposes  
17 and for the same time period as the appropriations to  
18 which transferred: *Provided further*, That upon a deter-  
19 mination that all or part of the funds transferred from  
20 this appropriation are not necessary for the purposes pro-  
21 vided herein, such amounts may be transferred back to  
22 this appropriation.

## 1 ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

2 (INCLUDING TRANSFER OF FUNDS)

3 For the Department of Defense, \$21,412,000, to re-  
4 main available until transferred: *Provided*, That the Sec-  
5 retary of Defense shall, upon determining that such funds  
6 are required for environmental restoration, reduction and  
7 recycling of hazardous waste, removal of unsafe buildings  
8 and debris of the Department of Defense, or for similar  
9 purposes, transfer the funds made available by this appro-  
10 priation to other appropriations made available to the De-  
11 partment of Defense, to be merged with and to be avail-  
12 able for the same purposes and for the same time period  
13 as the appropriations to which transferred: *Provided fur-*  
14 *ther*, That upon a determination that all or part of the  
15 funds transferred from this appropriation are not nec-  
16 essary for the purposes provided herein, such amounts  
17 may be transferred back to this appropriation.

## 18 ENVIRONMENTAL RESTORATION, FORMERLY USED

19 DEFENSE SITES

20 (INCLUDING TRANSFER OF FUNDS)

21 For the Department of the Army, \$231,499,000, to  
22 remain available until transferred: *Provided*, That the Sec-  
23 retary of the Army shall, upon determining that such  
24 funds are required for environmental restoration, reduc-  
25 tion and recycling of hazardous waste, removal of unsafe

1 buildings and debris at sites formerly used by the Depart-  
 2 ment of Defense, transfer the funds made available by this  
 3 appropriation to other appropriations made available to  
 4 the Department of the Army, to be merged with and to  
 5 be available for the same purposes and for the same time  
 6 period as the appropriations to which transferred: *Pro-*  
 7 *vided further*, That upon a determination that all or part  
 8 of the funds transferred from this appropriation are not  
 9 necessary for the purposes provided herein, such amounts  
 10 may be transferred back to this appropriation.

#### 11 OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

12 For expenses relating to the Overseas Humanitarian,  
 13 Disaster, and Civic Aid programs of the Department of  
 14 Defense (consisting of the programs provided under sec-  
 15 tions 401, 402, 404, 2547, and 2551 of title 10, United  
 16 States Code), \$55,900,000, to remain available until Sep-  
 17 tember 30, 2002.

#### 18 FORMER SOVIET UNION THREAT REDUCTION

19 For assistance to the republics of the former Soviet  
 20 Union, including assistance provided by contract or by  
 21 grants, for facilitating the elimination and the safe and  
 22 secure transportation and storage of nuclear, chemical and  
 23 other weapons; for establishing programs to prevent the  
 24 proliferation of weapons, weapons components, and weap-  
 25 on-related technology and expertise; for programs relating

1 to the training and support of defense and military per-  
 2 sonnel for demilitarization and protection of weapons,  
 3 weapons components and weapons technology and exper-  
 4 tise, \$458,400,000, to remain available until September  
 5 30, 2003: *Provided*, That of the amounts provided under  
 6 this heading, \$25,000,000 shall be available only to sup-  
 7 port the dismantling and disposal of nuclear submarines  
 8 and submarine reactor components in the Russian Far  
 9 East.

### 10 TITLE III

### 11 PROCUREMENT

#### 12 AIRCRAFT PROCUREMENT, ARMY

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

1 foregoing purposes, \$1,532,862,000, to remain available  
 2 for obligation until September 30, 2003.

3 MISSILE PROCUREMENT, ARMY

4 For construction, procurement, production, modifica-  
 5 tion, and modernization of missiles, equipment, including  
 6 ordnance, ground handling equipment, spare parts, and  
 7 accessories therefor; specialized equipment and training  
 8 devices; expansion of public and private plants, including  
 9 the land necessary therefor, for the foregoing purposes,  
 10 and such lands and interests therein, may be acquired,  
 11 and construction prosecuted thereon prior to approval of  
 12 title; and procurement and installation of equipment, ap-  
 13 pliances, and machine tools in public and private plants;  
 14 reserve plant and Government and contractor-owned  
 15 equipment layaway; and other expenses necessary for the  
 16 foregoing purposes, \$1,329,781,000, to remain available  
 17 for obligation until September 30, 2003.

18 PROCUREMENT OF WEAPONS AND TRACKED COMBAT

19 VEHICLES, ARMY

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

1 lands and interests therein, may be acquired, and con-  
2 struction prosecuted thereon prior to approval of title; and  
3 procurement and installation of equipment, appliances,  
4 and machine tools in public and private plants; reserve  
5 plant and Government and contractor-owned equipment  
6 layaway; and other expenses necessary for the foregoing  
7 purposes, \$2,166,574,000, to remain available for obliga-  
8 tion until September 30, 2003.

9           PROCUREMENT OF AMMUNITION, ARMY

10       For construction, procurement, production, and  
11 modification of ammunition, and accessories therefor; spe-  
12 cialized equipment and training devices; expansion of pub-  
13 lic and private plants, including ammunition facilities au-  
14 thorized by section 2854 of title 10, United States Code,  
15 and the land necessary therefor, for the foregoing pur-  
16 poses, and such lands and interests therein, may be ac-  
17 quired, and construction prosecuted thereon prior to ap-  
18 proval of title; and procurement and installation of equip-  
19 ment, appliances, and machine tools in public and private  
20 plants; reserve plant and Government and contractor-  
21 owned equipment layaway; and other expenses necessary  
22 for the foregoing purposes, \$1,212,149,000, to remain  
23 available for obligation until September 30, 2003.

## 1                   OTHER PROCUREMENT, ARMY

2           For construction, procurement, production, and  
3 modification of vehicles, including tactical, support, and  
4 non-tracked combat vehicles; the purchase of not to exceed  
5 35 passenger motor vehicles for replacement only; and the  
6 purchase of 12 vehicles required for physical security of  
7 personnel, notwithstanding price limitations applicable to  
8 passenger vehicles but not to exceed \$200,000 per vehicle;  
9 communications and electronic equipment; other support  
10 equipment; spare parts, ordnance, and accessories there-  
11 for; specialized equipment and training devices; expansion  
12 of public and private plants, including the land necessary  
13 therefor, for the foregoing purposes, and such lands and  
14 interests therein, may be acquired, and construction pros-  
15 ecuted thereon prior to approval of title; and procurement  
16 and installation of equipment, appliances, and machine  
17 tools in public and private plants; reserve plant and Gov-  
18 ernment and contractor-owned equipment layaway; and  
19 other expenses necessary for the foregoing purposes,  
20 \$4,060,728,000, to remain available for obligation until  
21 September 30, 2003.

## 22                   AIRCRAFT PROCUREMENT, NAVY

23           For construction, procurement, production, modifica-  
24 tion, and modernization of aircraft, equipment, including  
25 ordnance, spare parts, and accessories therefor; specialized

1 equipment; expansion of public and private plants, includ-  
2 ing the land necessary therefor, and such lands and inter-  
3 ests therein, may be acquired, and construction prosecuted  
4 thereon prior to approval of title; and procurement and  
5 installation of equipment, appliances, and machine tools  
6 in public and private plants; reserve plant and Govern-  
7 ment and contractor-owned equipment layaway,  
8 \$8,426,499,000, to remain available for obligation until  
9 September 30, 2003.

10 WEAPONS PROCUREMENT, NAVY

11 For construction, procurement, production, modifica-  
12 tion, and modernization of missiles, torpedoes, other weap-  
13 ons, and related support equipment including spare parts,  
14 and accessories therefor; expansion of public and private  
15 plants, including the land necessary therefor, and such  
16 lands and interests therein, may be acquired, and con-  
17 struction prosecuted thereon prior to approval of title; and  
18 procurement and installation of equipment, appliances,  
19 and machine tools in public and private plants; reserve  
20 plant and Government and contractor-owned equipment  
21 layaway, \$1,571,650,000, to remain available for obliga-  
22 tion until September 30, 2003.

17 SHIPBUILDING AND CONVERSION, NAVY

**S 2593 PCS**

1 public and private plants, including land necessary there-  
 2 for, and such lands and interests therein, may be acquired,  
 3 and construction prosecuted thereon prior to approval of  
 4 title, as follows:

5           Carrier Replacement Program, \$4,053,653,000;  
 6           Carrier Replacement Program (AP),  
 7       \$21,869,000;  
 8           NSSN, \$1,203,012,000;  
 9           NSSM (AP), \$508,222,000;  
 10          CVN Refuelings, \$703,441,000;  
 11          CVN Refuelings (AP), \$25,000,000;  
 12          Submarine Refuelings, \$210,414,000;  
 13          Submarine Refuelings (AP), \$72,277,000;  
 14          DDG-51 destroyer program, \$2,713,559,000;  
 15          DDG-51 destroyer program (AP),  
 16       \$500,000,000;  
 17          LPD-17 Program Cost Growth, \$285,000,000;  
 18          LPD-17 (AP), \$200,000,000;  
 19          LHD-8 (AP), \$460,000,000;  
 20          ADC(X), \$338,951,000;  
 21          LCAC landing craft air cushion program,  
 22       \$15,615,000; and  
 23          For craft, outfitting, post delivery, conversions,  
 24          and first destination transformation transportation,  
 25       \$301,077,000;

1        In all: \$11,612,090,000, to remain available for obli-  
2    gation until September 30, 2005: *Provided*, That addi-  
3    tional obligations may be incurred after September 30,  
4    2005, for engineering services, tests, evaluations, and  
5    other such budgeted work that must be performed in the  
6    final stage of ship construction: *Provided further*, That  
7    none of the funds provided under this heading for the con-  
8    struction or conversion of any naval vessel to be con-  
9    structed in shipyards in the United States shall be ex-  
10   pended in foreign facilities for the construction of major  
11   components of such vessel: *Provided further*, That none  
12   of the funds provided under this heading shall be used  
13   for the construction of any naval vessel in foreign ship-  
14   yards: *Provided further*, That the Secretary of the Navy  
15   is hereby granted the authority to enter into contracts for  
16   an LHD-1 Amphibious Assault Ship and LPD-17 Class  
17   Ships which shall be funded on an incremental basis.

18                    OTHER PROCUREMENT, NAVY

19        For procurement, production, and modernization of  
20   support equipment and materials not otherwise provided  
21   for, Navy ordnance (except ordnance for new aircraft, new  
22   ships, and ships authorized for conversion); the purchase  
23   of not to exceed 63 passenger motor vehicles for replace-  
24   ment only, and the purchase of one vehicle required for  
25   physical security of personnel, notwithstanding price limi-

1 tations applicable to passenger vehicles but not to exceed  
 2 \$200,000; expansion of public and private plants, includ-  
 3 ing the land necessary therefor, and such lands and inter-  
 4 ests therein, may be acquired, and construction prosecuted  
 5 thereon prior to approval of title; and procurement and  
 6 installation of equipment, appliances, and machine tools  
 7 in public and private plants; reserve plant and Govern-  
 8 ment and contractor-owned equipment layaway,  
 9 \$3,400,180,000, to remain available for obligation until  
 10 September 30, 2003.

#### 11 PROCUREMENT, MARINE CORPS

12 For expenses necessary for the procurement, manu-  
 13 facture, and modification of missiles, armament, military  
 14 equipment, spare parts, and accessories therefor; plant  
 15 equipment, appliances, and machine tools, and installation  
 16 thereof in public and private plants; reserve plant and  
 17 Government and contractor-owned equipment layaway; ve-  
 18 hicles for the Marine Corps, including the purchase of not  
 19 to exceed 33 passenger motor vehicles for replacement  
 20 only; and expansion of public and private plants, including  
 21 land necessary therefor, and such lands and interests  
 22 therein, may be acquired, and construction prosecuted  
 23 thereon prior to approval of title, \$1,196,368,000, to re-  
 24 main available for obligation until September 30, 2003.

## 1           AIRCRAFT PROCUREMENT, AIR FORCE

2           For construction, procurement, lease, and modifica-  
3   tion of aircraft and equipment, including armor and arma-  
4   ment, specialized ground handling equipment, and train-  
5   ing devices, spare parts, and accessories therefor; special-  
6   ized equipment; expansion of public and private plants,  
7   Government-owned equipment and installation thereof in  
8   such plants, erection of structures, and acquisition of land,  
9   for the foregoing purposes, and such lands and interests  
10   therein, may be acquired, and construction prosecuted  
11   thereon prior to approval of title; reserve plant and Gov-  
12   ernment and contractor-owned equipment layaway; and  
13   other expenses necessary for the foregoing purposes in-  
14   cluding rents and transportation of things,  
15   \$7,289,934,000, to remain available for obligation until  
16   September 30, 2003.

## 17           MISSILE PROCUREMENT, AIR FORCE

18           For construction, procurement, and modification of  
19   missiles, spacecraft, rockets, and related equipment, in-  
20   cluding spare parts and accessories therefor, ground han-  
21   dling equipment, and training devices; expansion of public  
22   and private plants, Government-owned equipment and in-  
23   stallation thereof in such plants, erection of structures,  
24   and acquisition of land, for the foregoing purposes, and  
25   such lands and interests therein, may be acquired, and

1 construction prosecuted thereon prior to approval of title;  
 2 reserve plant and Government and contractor-owned  
 3 equipment layaway; and other expenses necessary for the  
 4 foregoing purposes including rents and transportation of  
 5 things, \$2,920,815,000, to remain available for obligation  
 6 until September 30, 2003.

7           PROCUREMENT OF AMMUNITION, AIR FORCE

8           For construction, procurement, production, and  
 9 modification of ammunition, and accessories therefor; spe-  
 10 cialized equipment and training devices; expansion of pub-  
 11 lic and private plants, including ammunition facilities au-  
 12 thorized by section 2854 of title 10, United States Code,  
 13 and the land necessary therefor, for the foregoing pur-  
 14 poses, and such lands and interests therein, may be ac-  
 15 quired, and construction prosecuted thereon prior to ap-  
 16 proval of title; and procurement and installation of equip-  
 17 ment, appliances, and machine tools in public and private  
 18 plants; reserve plant and Government and contractor-  
 19 owned equipment layaway; and other expenses necessary  
 20 for the foregoing purposes, \$654,808,000, to remain avail-  
 21 able for obligation until September 30, 2003.

22           OTHER PROCUREMENT, AIR FORCE

23           For procurement and modification of equipment (in-  
 24 cluding ground guidance and electronic control equipment,  
 25 and ground electronic and communication equipment),

1 and supplies, materials, and spare parts therefor, not oth-  
 2 erwise provided for; the purchase of not to exceed 173,  
 3 passenger motor vehicles for replacement only, and the  
 4 purchase of one vehicle required for physical security of  
 5 personnel, notwithstanding price limitations applicable to  
 6 passenger vehicles but not to exceed \$200,000; lease of  
 7 passenger motor vehicles; and expansion of public and pri-  
 8 vate plants, Government-owned equipment and installa-  
 9 tion thereof in such plants, erection of structures, and ac-  
 10 quisition of land, for the foregoing purposes, and such  
 11 lands and interests therein, may be acquired, and con-  
 12 struction prosecuted thereon, prior to approval of title; re-  
 13 serve plant and Government and contractor-owned equip-  
 14 ment layaway, \$7,605,027,000, to remain available for ob-  
 15 ligation until September 30, 2003.

16                   PROCUREMENT, DEFENSE-WIDE

17                   (INCLUDING TRANSFER OF FUNDS)

18       For expenses of activities and agencies of the Depart-  
 19 ment of Defense (other than the military departments)  
 20 necessary for procurement, production, and modification  
 21 of equipment, supplies, materials, and spare parts there-  
 22 for, not otherwise provided for; the purchase of not to ex-  
 23 ceed 115 passenger motor vehicles for replacement only;  
 24 the purchase of 10 vehicles required for physical security  
 25 of personnel, notwithstanding price limitations applicable

1 to passenger vehicles but not to exceed \$250,000 per vehi-  
2 cle; expansion of public and private plants, equipment, and  
3 installation thereof in such plants, erection of structures,  
4 and acquisition of land for the foregoing purposes, and  
5 such lands and interests therein, may be acquired, and  
6 construction prosecuted thereon prior to approval of title;  
7 reserve plant and Government and contractor-owned  
8 equipment layaway, \$2,294,908,000, to remain available  
9 for obligation until September 30, 2003.

10 NATIONAL GUARD AND RESERVE EQUIPMENT

11 For procurement of aircraft, missiles, tracked combat  
12 vehicles, ammunition, other weapons, and other procure-  
13 ment for the reserve components of the Armed Forces,  
14 \$150,000,000, to remain available for obligation until Sep-  
15 tember 30, 2003: *Provided*, That the Chiefs of the Reserve  
16 and National Guard components shall, not later than 30  
17 days after the enactment of this Act, individually submit  
18 to the congressional defense committees the modernization  
19 priority assessment for their respective Reserve or Na-  
20 tional Guard component.

1 TITLE IV  
2 RESEARCH, DEVELOPMENT, TEST AND  
3 EVALUATION

4 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,  
5 ARMY

6 For expenses necessary for basic and applied sci-  
7 entific research, development, test and evaluation, includ-  
8 ing maintenance, rehabilitation, lease, and operation of fa-  
9 cilities and equipment, \$5,683,675,000, to remain avail-  
10 able for obligation until September 30, 2002.

11 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,  
12 NAVY

13 For expenses necessary for basic and applied sci-  
14 entific research, development, test and evaluation, includ-  
15 ing maintenance, rehabilitation, lease, and operation of fa-  
16 cilities and equipment, \$8,812,070,000, to remain avail-  
17 able for obligation until September 30, 2002: *Provided*,  
18 That funds appropriated in this paragraph which are  
19 available for the V-22 may be used to meet unique re-  
20 quirements of the Special Operation Forces.

21 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,  
22 AIR FORCE

23 For expenses necessary for basic and applied sci-  
24 entific research, development, test and evaluation, includ-  
25 ing maintenance, rehabilitation, lease, and operation of fa-

1 cilities and equipment, \$13,931,145,000, to remain avail-  
2 able for obligation until September 30, 2002.

3 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,  
4 DEFENSE-WIDE

5 For expenses of activities and agencies of the Depart-  
6 ment of Defense (other than the military departments),  
7 necessary for basic and applied scientific research, devel-  
8 opment, test and evaluation; advanced research projects  
9 as may be designated and determined by the Secretary  
10 of Defense, pursuant to law; maintenance, rehabilitation,  
11 lease, and operation of facilities and equipment,  
12 \$10,952,039,000, to remain available for obligation until  
13 September 30, 2002.

14 OPERATIONAL TEST AND EVALUATION, DEFENSE

15 For expenses, not otherwise provided for, necessary  
16 for the independent activities of the Director, Operational  
17 Test and Evaluation in the direction and supervision of  
18 operational test and evaluation, including initial oper-  
19 ational test and evaluation which is conducted prior to,  
20 and in support of, production decisions; joint operational  
21 testing and evaluation; and administrative expenses in  
22 connection therewith, \$218,560,000, to remain available  
23 for obligation until September 30, 2002.

1 TITLE V  
2 REVOLVING AND MANAGEMENT FUNDS  
3 DEFENSE WORKING CAPITAL FUNDS

4 For the Defense Working Capital Funds;  
5 \$916,276,000: *Provided*, That during fiscal year 2001,  
6 funds in the Defense Working Capital Funds may be used  
7 for the purchase of not to exceed 330 passenger carrying  
8 motor vehicles for replacement only for the Defense Secu-  
9 rity Service.

10 NATIONAL DEFENSE SEALIFT FUND

11 For National Defense Sealift Fund programs,  
12 projects, and activities, and for expenses of the National  
13 Defense Reserve Fleet, as established by section 11 of the  
14 Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744),  
15 \$388,158,000, to remain available until expended: *Pro-*  
16 *vided*, That none of the funds provided in this paragraph  
17 shall be used to award a new contract that provides for  
18 the acquisition of any of the following major components  
19 unless such components are manufactured in the United  
20 States: auxiliary equipment, including pumps, for all ship-  
21 board services; propulsion system components (that is; en-  
22 gines, reduction gears, and propellers); shipboard cranes;  
23 and spreaders for shipboard cranes: *Provided further*, That  
24 the exercise of an option in a contract awarded through  
25 the obligation of previously appropriated funds shall not

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

11 NATIONAL DEFENSE AIRLIFT FUND

12 For National Defense Airlift Fund programs,  
13 projects, and activities, \$2,890,923,000, to remain avail-  
14 able until expended: *Provided*, That these funds shall only  
15 be available for transfer to the appropriate C-17 program  
16 P-1 line items of Titles III of this Act for the purposes  
17 specified in this section: *Provided further*, That the funds  
18 transferred under the authority provided within this sec-  
19 tion shall be merged with and shall be available for the  
20 same purposes, and for the same time period, as the ap-  
21 propriation to which transferred: *Provided further*, That  
22 the transfer authority provided in this section is in addi-  
23 tion to any other transfer authority contained elsewhere  
24 in this Act.

1 TITLE VI  
2 OTHER DEPARTMENT OF DEFENSE PROGRAMS  
3 DEFENSE HEALTH PROGRAM

4 For expenses, not otherwise provided for, for medical  
5 and health care programs of the Department of Defense,  
6 as authorized by law, \$12,130,179,000, of which  
7 \$11,437,293,000 shall be for Operation and maintenance,  
8 of which not to exceed 2 percent shall remain available  
9 until September 30, 2002; of which \$290,006,000, to re-  
10 main available for obligation until September 30, 2003,  
11 shall be for Procurement; of which \$402,880,000, to re-  
12 main available for obligation until September 30, 2002,  
13 shall be for Research, development, test and evaluation;  
14 and of which \$10,000,000 shall be available for HIV pre-  
15 vention educational activities undertaken in connection  
16 with U.S. military training, exercises, and humanitarian  
17 assistance activities conducted in African nations.

18 CHEMICAL AGENTS AND MUNITIONS DESTRUCTION,  
19 DEFENSE

20 For expenses, not otherwise provided for, necessary  
21 for the destruction of the United States stockpile of le-  
22 thal chemical agents and munitions in accordance with  
23 the provisions of section 1412 of the Department of De-  
24 fense Authorization Act, 1986 (50 U.S.C. 1521), and for  
25 the destruction of other chemical warfare materials that

1 are not in the chemical weapon stockpile, \$979,400,000,  
 2 of which \$600,000,000 shall be for Operation and main-  
 3 tenance to remain available until September 30, 2002,  
 4 \$105,000,000 shall be for Procurement to remain avail-  
 5 able until September 30, 2003, and \$274,400,000 shall  
 6 be for Research, development, test and evaluation to re-  
 7 main available until September 30, 2002: *Provided*, That  
 8 of the funds available under this heading, \$1,000,000  
 9 shall be available until expended each year only for a  
 10 Johnston Atoll off-island leave program: *Provided further*,  
 11 That the Secretaries concerned shall, pursuant to uni-  
 12 form regulations, prescribe travel and transportation al-  
 13 lowances for travel by participants in the off-island leave  
 14 program.

15 DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,

16 DEFENSE

17 (INCLUDING TRANSFER OF FUNDS)

18 For drug interdiction and counter-drug activities of  
 19 the Department of Defense, for transfer to appropriations  
 20 available to the Department of Defense for military per-  
 21 sonnel of the reserve components serving under the provi-  
 22 sions of title 10 and title 32, United States Code; for Op-  
 23 eration and maintenance; for Procurement; and for Re-  
 24 search, development, test and evaluation, \$933,700,000:  
 25 *Provided*, That the funds appropriated under this heading

1 shall be available for obligation for the same time period  
 2 and for the same purpose as the appropriation to which  
 3 transferred: *Provided further*, That the transfer authority  
 4 provided under this heading is in addition to any transfer  
 5 authority contained elsewhere in this Act.

## 6 OFFICE OF THE INSPECTOR GENERAL

7 For expenses and activities of the Office of the In-  
 8 spector General in carrying out the provisions of the In-  
 9 spector General Act of 1978, as amended, \$147,545,000,  
 10 of which \$144,245,000 shall be for Operation and mainte-  
 11 nance, of which not to exceed \$700,000 is available for  
 12 emergencies and extraordinary expenses to be expended on  
 13 the approval or authority of the Inspector General, and  
 14 payments may be made on the Inspector General's certifi-  
 15 cate of necessity for confidential military purposes; and  
 16 of which \$3,300,000 to remain available until September  
 17 30, 2003, shall be for Procurement.

## 18 TITLE VII

### 19 RELATED AGENCIES

#### 20 CENTRAL INTELLIGENCE AGENCY

##### 21 CENTRAL INTELLIGENCE AGENCY RETIREMENT AND

##### 22 DISABILITY SYSTEM FUND

23 For payment to the Central Intelligence Agency Re-  
 24 tirement and Disability System Fund, to maintain proper  
 25 funding level for continuing the operation of the Central

1 Intelligence Agency Retirement and Disability System,  
2 \$216,000,000.

3 INTELLIGENCE COMMUNITY MANAGEMENT  
4 ACCOUNT

5 INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT  
6 (INCLUDING TRANSFER OF FUNDS)

7 For necessary expenses of the Intelligence Commu-  
8 nity Management Account, \$177,331,000, of which  
9 \$22,557,000 for the Advanced Research and Development  
10 Committee shall remain available until September 30,  
11 2002: *Provided*, That of the funds appropriated under this  
12 heading, \$27,000,000 shall be transferred to the Depart-  
13 ment of Justice for the National Drug Intelligence Center  
14 to support the Department of Defense's counter-drug in-  
15 telligence responsibilities, and of the said amount,  
16 \$1,500,000 for Procurement shall remain available until  
17 September 30, 2002, and \$1,000,000 for Research, devel-  
18 opment, test and evaluation shall remain available until  
19 September 30, 2002.

20 PAYMENT TO KAHO'OLAWA

21 For payment to Kaho'olawe Island Conveyance, Re-  
22 mediation, and Environmental Restoration Fund, as au-  
23 thorized by law, \$60,000,000, to remain available until ex-  
24 pended.

1 NATIONAL SECURITY EDUCATION TRUST FUND

2 For the purposes of title VIII of Public Law 102–  
3 183, \$6,950,000, to be derived from the National Security  
4 Education Trust Fund, to remain available until ex-  
5 pended.

6 TITLE VIII

7 GENERAL PROVISIONS—DEPARTMENT OF  
8 DEFENSE

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

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

1 fense foreign service national employees serving at United  
2 States diplomatic missions whose pay is set by the Depart-  
3 ment of State under the Foreign Service Act of 1980: *Pro-*  
4 *vided further*, That the limitations of this provision shall  
5 not apply to foreign national employees of the Department  
6 of Defense in the Republic of Turkey.

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

10 SEC. 8004. No more than 20 percent of the appro-  
11 priations in this Act which are limited for obligation dur-  
12 ing the current fiscal year shall be obligated during the  
13 last 2 months of the fiscal year: *Provided*, That this sec-  
14 tion shall not apply to obligations for support of active  
15 duty training of reserve components or summer camp  
16 training of the Reserve Officers' Training Corps.

17 (TRANSFER OF FUNDS)

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

1 for the same purposes, and for the same time period, as  
2 the appropriation or fund to which transferred: *Provided*,  
3 That such authority to transfer may not be used unless  
4 for higher priority items, based on unforeseen military re-  
5 quirements, than those for which originally appropriated  
6 and in no case where the item for which funds are re-  
7 quested has been denied by the Congress: *Provided further*,  
8 That the Secretary of Defense shall notify the Congress  
9 promptly of all transfers made pursuant to this authority  
10 or any other authority in this Act: *Provided further*, That  
11 no part of the funds in this Act shall be available to pre-  
12 pare or present a request to the Committees on Appropria-  
13 tions for reprogramming of funds, unless for higher pri-  
14 ority items, based on unforeseen military requirements,  
15 than those for which originally appropriated and in no  
16 case where the item for which reprogramming is requested  
17 has been denied by the Congress.

18 (TRANSFER OF FUNDS)

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

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

14 SEC. 8007. Funds appropriated by this Act may not  
15 be used to initiate a special access program without prior  
16 notification 30 calendar days in session to the congres-  
17 sional defense committees.

18 SEC. 8008. None of the funds provided in this Act  
19 shall be available to initiate: (1) a multiyear contract that  
20 employs economic order quantity procurement in excess of  
21 \$20,000,000 in any 1 year of the contract or that includes  
22 an unfunded contingent liability in excess of \$20,000,000;  
23 or (2) a contract for advance procurement leading to a  
24 multiyear contract that employs economic order quantity  
25 procurement in excess of \$20,000,000 in any 1 year, un-

1 less the congressional defense committees have been noti-  
 2 fied at least 30 days in advance of the proposed contract  
 3 award: *Provided*, That no part of any appropriation con-  
 4 tained in this Act shall be available to initiate a multiyear  
 5 contract for which the economic order quantity advance  
 6 procurement is not funded at least to the limits of the  
 7 Government's liability: *Provided further*, That no part of  
 8 any appropriation contained in this Act shall be available  
 9 to initiate multiyear procurement contracts for any sys-  
 10 tems or component thereof if the value of the multiyear  
 11 contract would exceed \$500,000,000 unless specifically  
 12 provided in this Act: *Provided further*, That no multiyear  
 13 procurement contract can be terminated without 10-day  
 14 prior notification to the congressional defense committees:  
 15 *Provided further*, That the execution of multiyear author-  
 16 ity shall require the use of a present value analysis to de-  
 17 termine lowest cost compared to an annual procurement.

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

20 M2A3 Bradley fighting vehicle; DDG-51 de-  
 21 stroyer; C-17; and UH-60/CH-60 aircraft.

22 SEC. 8009. Within the funds appropriated for the op-  
 23 eration and maintenance of the Armed Forces, funds are  
 24 hereby appropriated pursuant to section 401 of title 10,  
 25 United States Code, for humanitarian and civic assistance

1 costs under chapter 20 of title 10, United States Code.  
2 Such funds may also be obligated for humanitarian and  
3 civic assistance costs incidental to authorized operations  
4 and pursuant to authority granted in section 401 of chap-  
5 ter 20 of title 10, United States Code, and these obliga-  
6 tions shall be reported to the Congress on September 30  
7 of each year: *Provided*, That funds available for operation  
8 and maintenance shall be available for providing humani-  
9 tarian and similar assistance by using Civic Action Teams  
10 in the Trust Territories of the Pacific Islands and freely  
11 associated states of Micronesia, pursuant to the Compact  
12 of Free Association as authorized by Public Law 99-239:  
13 *Provided further*, That upon a determination by the Sec-  
14 retary of the Army that such action is beneficial for grad-  
15 uate medical education programs conducted at Army med-  
16 ical facilities located in Hawaii, the Secretary of the Army  
17 may authorize the provision of medical services at such  
18 facilities and transportation to such facilities, on a non-  
19 reimbursable basis, for civilian patients from American  
20 Samoa, the Commonwealth of the Northern Mariana Is-  
21 lands, the Marshall Islands, the Federated States of Mi-  
22 cronesia, Palau, and Guam.

23 SEC. 8010. (a) During fiscal year 2001, the civilian  
24 personnel of the Department of Defense may not be man-  
25 aged on the basis of any end-strength, and the manage-

1 ment of such personnel during that fiscal year shall not  
2 be subject to any constraint or limitation (known as an  
3 end-strength) on the number of such personnel who may  
4 be employed on the last day of such fiscal year.

5 (b) The fiscal year 2002 budget request for the De-  
6 partment of Defense as well as all justification material  
7 and other documentation supporting the fiscal year 2002  
8 Department of Defense budget request shall be prepared  
9 and submitted to the Congress as if subsections (a) and  
10 (b) of this provision were effective with regard to fiscal  
11 year 2002.

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

14 SEC. 8011. Notwithstanding any other provision of  
15 law, none of the funds made available by this Act shall  
16 be used by the Department of Defense to exceed, outside  
17 the 50 United States, its territories, and the District of  
18 Columbia, 125,000 civilian workyears: *Provided*, That  
19 workyears shall be applied as defined in the Federal Per-  
20 sonnel Manual: *Provided further*, That workyears ex-  
21 pended in dependent student hiring programs for dis-  
22 advantaged youths shall not be included in this workyear  
23 limitation.

24 SEC. 8012. None of the funds made available by this  
25 Act shall be used in any way, directly or indirectly, to in-

1 fluence congressional action on any legislation or appro-  
2 priation matters pending before the Congress.

3       SEC. 8013. (a) None of the funds appropriated by  
4 this Act shall be used to make contributions to the Depart-  
5 ment of Defense Education Benefits Fund pursuant to  
6 section 2006(g) of title 10, United States Code, rep-  
7 resenting the normal cost for future benefits under section  
8 3015(d) of title 38, United States Code, for any member  
9 of the armed services who, on or after the date of the en-  
10 actment of this Act, enlists in the armed services for a  
11 period of active duty of less than 3 years, nor shall any  
12 amounts representing the normal cost of such future bene-  
13 fits be transferred from the Fund by the Secretary of the  
14 Treasury to the Secretary of Veterans Affairs pursuant  
15 to section 2006(d) of title 10, United States Code; nor  
16 shall the Secretary of Veterans Affairs pay such benefits  
17 to any such member: *Provided*, That these limitations  
18 shall not apply to members in combat arms skills or to  
19 members who enlist in the armed services on or after July  
20 1, 1989, under a program continued or established by the  
21 Secretary of Defense in fiscal year 1991 to test the cost-  
22 effective use of special recruiting incentives involving not  
23 more than 19 noncombat arms skills approved in advance  
24 by the Secretary of Defense: *Provided further*, That this  
25 subsection applies only to active components of the Army.

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

12       SEC. 8014. None of the funds appropriated by this  
13 Act shall be available to convert to contractor performance  
14 an activity or function of the Department of Defense that,  
15 on or after the date of the enactment of this Act, is per-  
16 formed by more than 10 Department of Defense civilian  
17 employees until a most efficient and cost-effective organi-  
18 zation analysis is completed on such activity or function  
19 and certification of the analysis is made to the Committees  
20 on Appropriations of the House of Representatives and the  
21 Senate: *Provided*, That this section and subsections (a),  
22 (b), and (c) of 10 U.S.C. 2461 shall not apply to a com-  
23 mercial or industrial type function of the Department of  
24 Defense that: (1) is included on the procurement list es-  
25 tablished pursuant to section 2 of the Act of June 25,

1 1938 (41 U.S.C. 47), popularly referred to as the Javits-  
 2 Wagner-O'Day Act; (2) is planned to be converted to per-  
 3 formance by a qualified nonprofit agency for the blind or  
 4 by a qualified nonprofit agency for other severely handi-  
 5 capped individuals in accordance with that Act; or (3) is  
 6 planned to be converted to performance by a qualified firm  
 7 under 51 percent Native American ownership.

8 (TRANSFER OF FUNDS)

9 SEC. 8015. Funds appropriated in title III of this Act  
 10 for the Department of Defense Pilot Mentor-Protege Pro-  
 11 gram may be transferred to any other appropriation con-  
 12 tained in this Act solely for the purpose of implementing  
 13 a Mentor-Protege Program developmental assistance  
 14 agreement pursuant to section 831 of the National De-  
 15 fense Authorization Act for Fiscal Year 1991 (Public Law  
 16 101-510; 10 U.S.C. 2301 note), as amended, under the  
 17 authority of this provision or any other transfer authority  
 18 contained in this Act.

19 SEC. 8016. None of the funds in this Act may be  
 20 available for the purchase by the Department of Defense  
 21 (and its departments and agencies) of welded shipboard  
 22 anchor and mooring chain 4 inches in diameter and under  
 23 unless the anchor and mooring chain are manufactured  
 24 in the United States from components which are substan-  
 25 tially manufactured in the United States: *Provided*, That  
 26 for the purpose of this section manufactured will include

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

17 SEC. 8017. None of the funds appropriated by this  
18 Act available for the Civilian Health and Medical Program  
19 of the Uniformed Services (CHAMPUS) or Tricare shall  
20 be available for the reimbursement of any health care pro-  
21 vider for inpatient mental health service for care received  
22 when a patient is referred to a provider of inpatient men-  
23 tal health care or residential treatment care by a medical  
24 or health care professional having an economic interest in  
25 the facility to which the patient is referred: *Provided*, That

1 this limitation does not apply in the case of inpatient men-  
2 tal health services provided under the program for persons  
3 with disabilities under subsection (d) of section 1079 of  
4 title 10, United States Code, provided as partial hospital  
5 care, or provided pursuant to a waiver authorized by the  
6 Secretary of Defense because of medical or psychological  
7 circumstances of the patient that are confirmed by a  
8 health professional who is not a Federal employee after  
9 a review, pursuant to rules prescribed by the Secretary,  
10 which takes into account the appropriate level of care for  
11 the patient, the intensity of services required by the pa-  
12 tient, and the availability of that care.

13 SEC. 8018. Funds available in this Act may be used  
14 to provide transportation for the next-of-kin of individuals  
15 who have been prisoners of war or missing in action from  
16 the Vietnam era to an annual meeting in the United  
17 States, under such regulations as the Secretary of Defense  
18 may prescribe.

19 SEC. 8019. Notwithstanding any other provision of  
20 law, during the current fiscal year, the Secretary of De-  
21 fense may, by executive agreement, establish with host na-  
22 tion governments in NATO member states a separate ac-  
23 count into which such residual value amounts negotiated  
24 in the return of United States military installations in  
25 NATO member states may be deposited, in the currency

1 of the host nation, in lieu of direct monetary transfers to  
2 the United States Treasury: *Provided*, That such credits  
3 may be utilized only for the construction of facilities to  
4 support United States military forces in that host nation,  
5 or such real property maintenance and base operating  
6 costs that are currently executed through monetary trans-  
7 fers to such host nations: *Provided further*, That the De-  
8 partment of Defense's budget submission for fiscal year  
9 2002 shall identify such sums anticipated in residual value  
10 settlements, and identify such construction, real property  
11 maintenance or base operating costs that shall be funded  
12 by the host nation through such credits: *Provided further*,  
13 That all military construction projects to be executed from  
14 such accounts must be previously approved in a prior Act  
15 of Congress: *Provided further*, That each such executive  
16 agreement with a NATO member host nation shall be re-  
17 ported to the congressional defense committees, the Com-  
18 mittee on International Relations of the House of Rep-  
19 resentatives and the Committee on Foreign Relations of  
20 the Senate 30 days prior to the conclusion and endorse-  
21 ment of any such agreement established under this provi-  
22 sion.

23 SEC. 8020. None of the funds available to the De-  
24 partment of Defense may be used to demilitarize or dis-

1 pose of M-1 Carbines, M-1 Garand rifles, M-14 rifles,  
2 .22 caliber rifles, .30 caliber rifles, or M-1911 pistols.

3 SEC. 8021. No more than \$500,000 of the funds ap-  
4 propriated or made available in this Act shall be used dur-  
5 ing a single fiscal year for any single relocation of an orga-  
6 nization, unit, activity or function of the Department of  
7 Defense into or within the National Capital Region: *Pro-*  
8 *vided*, That the Secretary of Defense may waive this re-  
9 striction on a case-by-case basis by certifying in writing  
10 to the congressional defense committees that such a relo-  
11 cation is required in the best interest of the Government.

12 SEC. 8022. In addition to the funds provided else-  
13 where in this Act, \$8,000,000 is appropriated only for in-  
14 centive payments authorized by section 504 of the Indian  
15 Financing Act of 1974 (25 U.S.C. 1544): *Provided*, That  
16 contractors participating in the test program established  
17 by section 854 of Public Law 101-189 (15 U.S.C. 637  
18 note) shall be eligible for the program established by sec-  
19 tion 504 of the Indian Financing Act of 1974 (25 U.S.C.  
20 1544).

21 SEC. 8023. During the current fiscal year, funds ap-  
22 propriated or otherwise available for any Federal agency,  
23 the Congress, the judicial branch, or the District of Co-  
24 lumbia may be used for the pay, allowances, and benefits  
25 of an employee as defined by section 2105 of title 5,

1 United States Code, or an individual employed by the gov-  
2 ernment of the District of Columbia, permanent or tem-  
3 porary indefinite, who—

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

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

13 (A) Federal service under sections 331,  
14 332, 333, or 12406 of title 10, United States  
15 Code, or other provision of law, as applicable;  
16 or

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

21 (3) requests and is granted—

22 (A) leave under the authority of this sec-  
23 tion; or

24 (B) annual leave, which may be granted  
25 without regard to the provisions of sections

1           5519 and 6323(b) of title 5, United States  
2           Code, if such employee is otherwise entitled to  
3           such annual leave:

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

11       SEC. 8024. None of the funds appropriated by this  
12 Act shall be available to perform any cost study pursuant  
13 to the provisions of OMB Circular A-76 if the study being  
14 performed exceeds a period of 24 months after initiation  
15 of such study with respect to a single function activity or  
16 48 months after initiation of such study for a multi-func-  
17 tion activity.

18       SEC. 8025. Funds appropriated by this Act for the  
19 American Forces Information Service shall not be used for  
20 any national or international political or psychological ac-  
21 tivities.

22       SEC. 8026. Notwithstanding any other provision of  
23 law or regulation, the Secretary of Defense may adjust  
24 wage rates for civilian employees hired for certain health  
25 care occupations as authorized for the Secretary of Vet-

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

3 SEC. 8027. None of the funds appropriated or made  
4 available in this Act shall be used to reduce or disestablish  
5 the operation of the 53rd Weather Reconnaissance Squad-  
6 ron of the Air Force Reserve, if such action would reduce  
7 the WC-130 Weather Reconnaissance mission below the  
8 levels funded in this Act.

9 SEC. 8028. (a) Of the funds for the procurement of  
10 supplies or services appropriated by this Act, qualified  
11 nonprofit agencies for the blind or other severely handi-  
12 capped shall be afforded the maximum practicable oppor-  
13 tunity to participate as subcontractors and suppliers in the  
14 performance of contracts let by the Department of De-  
15 fense.

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

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

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

6 SEC. 8029. During the current fiscal year, net re-  
7 cepts pursuant to collections from third party payers pur-  
8 suant to section 1095 of title 10, United States Code, shall  
9 be made available to the local facility of the uniformed  
10 services responsible for the collections and shall be over  
11 and above the facility’s direct budget amount.

12 SEC. 8030. During the current fiscal year, the De-  
13 partment of Defense is authorized to incur obligations of  
14 not to exceed \$350,000,000 for purposes specified in sec-  
15 tion 2350j(c) of title 10, United States Code, in anticipa-  
16 tion of receipt of contributions, only from the Government  
17 of Kuwait, under that section: *Provided*, That upon re-  
18 ceipt, such contributions from the Government of Kuwait  
19 shall be credited to the appropriations or fund which in-  
20 curred such obligations.

21 SEC. 8031. Of the funds made available in this Act,  
22 not less than \$21,417,000 shall be available for the Civil  
23 Air Patrol Corporation, of which \$19,417,000 shall be  
24 available for Civil Air Patrol Corporation operation and  
25 maintenance to support readiness activities which includes

1 \$2,000,000 for the Civil Air Patrol counterdrug program:  
2 *Provided*, That funds identified for “Civil Air Patrol”  
3 under this section are intended for and shall be for the  
4 exclusive use of the Civil Air Patrol Corporation and not  
5 for the Air Force or any unit thereof.

6 SEC. 8032. (a) None of the funds appropriated in this  
7 Act are available to establish a new Department of De-  
8 fense (department) federally funded research and develop-  
9 ment center (FFRDC), either as a new entity, or as a  
10 separate entity administrated by an organization man-  
11 aging another FFRDC, or as a nonprofit membership cor-  
12 poration consisting of a consortium of other FFRDCs and  
13 other non-profit entities.

14 (b) No member of a Board of Directors, Trustees,  
15 Overseers, Advisory Group, Special Issues Panel, Visiting  
16 Committee, or any similar entity of a defense FFRDC,  
17 and no paid consultant to any defense FFRDC, except  
18 when acting in a technical advisory capacity, may be com-  
19 pensated for his or her services as a member of such enti-  
20 ty, or as a paid consultant by more than one FFRDC in  
21 a fiscal year: *Provided*, That a member of any such entity  
22 referred to previously in this subsection shall be allowed  
23 travel expenses and per diem as authorized under the Fed-  
24 eral Joint Travel Regulations, when engaged in the per-  
25 formance of membership duties.

1       (c) Notwithstanding any other provision of law, none  
2 of the funds available to the department from any source  
3 during fiscal year 2001 may be used by a defense FFRDC,  
4 through a fee or other payment mechanism, for construc-  
5 tion of new buildings, for payment of cost sharing for  
6 projects funded by Government grants, for absorption of  
7 contract overruns, or for certain charitable contributions,  
8 not to include employee participation in community service  
9 and/or development.

10       (d) Notwithstanding any other provision of law, of  
11 the funds available to the department during fiscal year  
12 2001, not more than 6,227 staff years of technical effort  
13 (staff years) may be funded for defense FFRDCs: *Pro-*  
14 *vided*, That of the specific amount referred to previously  
15 in this subsection, not more than 1,009 staff years may  
16 be funded for the defense studies and analysis FFRDCs.

17       (e) The Secretary of Defense shall, with the submis-  
18 sion of the department's fiscal year 2002 budget request,  
19 submit a report presenting the specific amounts of staff  
20 years of technical effort to be allocated for each defense  
21 FFRDC during that fiscal year.

22       SEC. 8033. None of the funds appropriated or made  
23 available in this Act shall be used to procure carbon, alloy  
24 or armor steel plate for use in any Government-owned fa-  
25 cility or property under the control of the Department of

1 Defense which were not melted and rolled in the United  
2 States or Canada: *Provided*, That these procurement re-  
3 strictions shall apply to any and all Federal Supply Class  
4 9515, American Society of Testing and Materials (ASTM)  
5 or American Iron and Steel Institute (AISI) specifications  
6 of carbon, alloy or armor steel plate: *Provided further*,  
7 That the Secretary of the military department responsible  
8 for the procurement may waive this restriction on a case-  
9 by-case basis by certifying in writing to the Committees  
10 on Appropriations of the House of Representatives and the  
11 Senate that adequate domestic supplies are not available  
12 to meet Department of Defense requirements on a timely  
13 basis and that such an acquisition must be made in order  
14 to acquire capability for national security purposes: *Pro-*  
15 *vided further*, That these restrictions shall not apply to  
16 contracts which are in being as of the date of the enact-  
17 ment of this Act.

18 SEC. 8034. For the purposes of this Act, the term  
19 “congressional defense committees” means the Armed  
20 Services Committee of the House of Representatives, the  
21 Armed Services Committee of the Senate, the Sub-  
22 committee on Defense of the Committee on Appropriations  
23 of the Senate, and the Subcommittee on Defense of the  
24 Committee on Appropriations of the House of Representa-  
25 tives.

1        SEC. 8035. During the current fiscal year, the De-  
2    partment of Defense may acquire the modification, depot  
3    maintenance and repair of aircraft, vehicles and vessels  
4    as well as the production of components and other De-  
5    fense-related articles, through competition between De-  
6    partment of Defense depot maintenance activities and pri-  
7    vate firms: *Provided*, That the Senior Acquisition Execu-  
8    tive of the military department or defense agency con-  
9    cerned, with power of delegation, shall certify that success-  
10    ful bids include comparable estimates of all direct and in-  
11    direct costs for both public and private bids: *Provided fur-*  
12    *ther*, That Office of Management and Budget Circular A-  
13    76 shall not apply to competitions conducted under this  
14    section.

15       SEC. 8036. (a)(1) If the Secretary of Defense, after  
16    consultation with the United States Trade Representative,  
17    determines that a foreign country which is party to an  
18    agreement described in paragraph (2) has violated the  
19    terms of the agreement by discriminating against certain  
20    types of products produced in the United States that are  
21    covered by the agreement, the Secretary of Defense shall  
22    rescind the Secretary's blanket waiver of the Buy Amer-  
23    ican Act with respect to such types of products produced  
24    in that foreign country.

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

7       (b) The Secretary of Defense shall submit to the Con-  
8 gress a report on the amount of Department of Defense  
9 purchases from foreign entities in fiscal year 2001. Such  
10 report shall separately indicate the dollar value of items  
11 for which the Buy American Act was waived pursuant to  
12 any agreement described in subsection (a)(2), the Trade  
13 Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any  
14 international agreement to which the United States is a  
15 party.

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

22       SEC. 8037. Appropriations contained in this Act that  
23 remain available at the end of the current fiscal year as  
24 a result of energy cost savings realized by the Department  
25 of Defense shall remain available for obligation for the

1 next fiscal year to the extent, and for the purposes, pro-  
2 vided in section 2865 of title 10, United States Code.

3 (INCLUDING TRANSFER OF FUNDS)

4 SEC. 8038. Amounts deposited during the current fis-  
5 cal year to the special account established under 40 U.S.C.  
6 485(h)(2) and to the special account established under 10  
7 U.S.C. 2667(d)(1) are appropriated and shall be available  
8 until transferred by the Secretary of Defense to current  
9 applicable appropriations or funds of the Department of  
10 Defense under the terms and conditions specified by 40  
11 U.S.C. 485(h)(2)(A) and (B) and 10 U.S.C.  
12 2667(d)(1)(B), to be merged with and to be available for  
13 the same time period and the same purposes as the appro-  
14 priation to which transferred.

15 SEC. 8039. The President shall include with each  
16 budget for a fiscal year submitted to the Congress under  
17 section 1105 of title 31, United States Code, materials  
18 that shall identify clearly and separately the amounts re-  
19 quested in the budget for appropriation for that fiscal year  
20 for salaries and expenses related to administrative activi-  
21 ties of the Department of Defense, the military depart-  
22 ments, and the defense agencies.

23 SEC. 8040. Notwithstanding any other provision of  
24 law, funds available for “Drug Interdiction and Counter-  
25 Drug Activities, Defense” may be obligated for the Young  
26 Marines program.

1        SEC. 8041. During the current fiscal year, amounts  
2 contained in the Department of Defense Overseas Military  
3 Facility Investment Recovery Account established by sec-  
4 tion 2921(c)(1) of the National Defense Authorization Act  
5 of 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall  
6 be available until expended for the payments specified by  
7 section 2921(c)(2) of that Act: *Provided*, That none of the  
8 funds made available for expenditure under this section  
9 may be transferred or obligated until 30 days after the  
10 Secretary of Defense submits a report which details the  
11 balance available in the Overseas Military Facility Invest-  
12 ment Recovery Account, all projected income into the ac-  
13 count during fiscal years 2001 and 2002, and the specific  
14 expenditures to be made using funds transferred from this  
15 account during fiscal year 2001.

16        SEC. 8042. Of the funds appropriated or otherwise  
17 made available by this Act, not more than \$119,200,000  
18 shall be available for payment of the operating costs of  
19 NATO Headquarters: *Provided*, That the Secretary of De-  
20 fense may waive this section for Department of Defense  
21 support provided to NATO forces in and around the  
22 former Yugoslavia.

23        SEC. 8043. During the current fiscal year, appropria-  
24 tions which are available to the Department of Defense  
25 for operation and maintenance may be used to purchase

1 items having an investment item unit cost of not more  
2 than \$100,000.

3       SEC. 8044. (a) During the current fiscal year, none  
4 of the appropriations or funds available to the Department  
5 of Defense Working Capital Funds shall be used for the  
6 purchase of an investment item for the purpose of acquir-  
7 ing a new inventory item for sale or anticipated sale dur-  
8 ing the current fiscal year or a subsequent fiscal year to  
9 customers of the Department of Defense Working Capital  
10 Funds if such an item would not have been chargeable  
11 to the Department of Defense Business Operations Fund  
12 during fiscal year 1994 and if the purchase of such an  
13 investment item would be chargeable during the current  
14 fiscal year to appropriations made to the Department of  
15 Defense for procurement.

16       (b) The fiscal year 2002 budget request for the De-  
17 partment of Defense as well as all justification material  
18 and other documentation supporting the fiscal year 2002  
19 Department of Defense budget shall be prepared and sub-  
20 mitted to the Congress on the basis that any equipment  
21 which was classified as an end item and funded in a pro-  
22 curement appropriation contained in this Act shall be  
23 budgeted for in a proposed fiscal year 2000 procurement  
24 appropriation and not in the supply management business

1 area or any other area or category of the Department of  
2 Defense Working Capital Funds.

3 SEC. 8045. None of the funds appropriated by this  
4 Act for programs of the Central Intelligence Agency shall  
5 remain available for obligation beyond the current fiscal  
6 year, except for funds appropriated for the Reserve for  
7 Contingencies, which shall remain available until Sep-  
8 tember 30, 2002: *Provided*, That funds appropriated,  
9 transferred, or otherwise credited to the Central Intel-  
10 ligence Agency Central Services Working Capital Fund  
11 during this or any prior or subsequent fiscal year shall  
12 remain available until expended.

13 SEC. 8046. Notwithstanding any other provision of  
14 law, funds made available in this Act for the Defense In-  
15 telligence Agency may be used for the design, develop-  
16 ment, and deployment of General Defense Intelligence  
17 Program intelligence communications and intelligence in-  
18 formation systems for the Services, the Unified and Speci-  
19 fied Commands, and the component commands.

20 SEC. 8047. Of the funds appropriated by the Depart-  
21 ment of Defense under the heading “Operation and Main-  
22 tenance, Defense-Wide”, not less than \$10,000,000 shall  
23 be made available only for the mitigation of environmental  
24 impacts, including training and technical assistance to  
25 tribes, related administrative support, the gathering of in-

1 formation, documenting of environmental damage, and de-  
2 veloping a system for prioritization of mitigation and cost  
3 to complete estimates for mitigation, on Indian lands re-  
4 sulting from Department of Defense activities.

5 SEC. 8048. Amounts collected for the use of the fa-  
6 cilities of the National Science Center for Communications  
7 and Electronics during the current fiscal year pursuant  
8 to section 1459(g) of the Department of Defense Author-  
9 ization Act, 1986, and deposited to the special account es-  
10 tablished under subsection 1459(g)(2) of that Act are ap-  
11 propriated and shall be available until expended for the  
12 operation and maintenance of the Center as provided for  
13 in subsection 1459(g)(2).

14 SEC. 8049. (a) None of the funds appropriated in this  
15 Act may be expended by an entity of the Department of  
16 Defense unless the entity, in expending the funds, com-  
17 plies with the Buy American Act. For purposes of this  
18 subsection, the term “Buy American Act” means title III  
19 of the Act entitled “An Act making appropriations for the  
20 Treasury and Post Office Departments for the fiscal year  
21 ending June 30, 1934, and for other purposes”, approved  
22 March 3, 1933 (41 U.S.C. 10a et seq.).

23 (b) If the Secretary of Defense determines that a per-  
24 son has been convicted of intentionally affixing a label  
25 bearing a “Made in America” inscription to any product

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

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

14 SEC. 8050. None of the funds appropriated by this  
15 Act shall be available for a contract for studies, analysis,  
16 or consulting services entered into without competition on  
17 the basis of an unsolicited proposal unless the head of the  
18 activity responsible for the procurement determines—

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

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

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

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

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

15       SEC. 8051. (a) Except as provided in subsections (b)  
16  and (c), none of the funds made available by this Act may  
17  be used—

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

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

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

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

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

9 SEC. 8052. Funds appropriated by this Act, or made  
10 available by the transfer of funds in this Act for intel-  
11 ligence activities are deemed to be specifically authorized  
12 by the Congress for purposes of section 504 of the Na-  
13 tional Security Act of 1947 (50 U.S.C. 414) during fiscal  
14 year 2001 until the enactment of the Intelligence Author-  
15 ization Act for Fiscal Year 2001.

16 SEC. 8053. Notwithstanding section 303 of Public  
17 Law 96–487 or any other provision of law, the Secretary  
18 of the Navy is authorized to lease real and personal prop-  
19 erty at Naval Air Facility, Adak, Alaska, pursuant to 10  
20 U.S.C. 2667(f), for commercial, industrial or other pur-  
21 poses: *Provided*, That notwithstanding any other provision  
22 of law, the Secretary of the Navy may remove hazardous  
23 materials from facilities, buildings, and structures at  
24 Adak, Alaska, and may demolish or otherwise dispose of  
25 such facilities, buildings, and structures.

## (RESCISSIONS)

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SEC. 8054. Of the funds provided in Department of Defense Acts, the following funds are hereby rescinded as of the date of the enactment of this Act or October 1, 2000, whichever is later, from the following accounts and programs in the specified amounts:

“Weapons and Tracked Combat Vehicles, 2000/2002”, \$59,000,000;

“Aircraft Procurement, Air Force, 2000/2002”, \$24,000,000;

“Other Procurement, Army, 2000/2002”, \$29,300,000;

“Missile Procurement, Air Force, 2000/2002”, \$30,000,000; and

“Research, Development, Test and Evaluation, Army, 2000/2001”, \$27,000,000.

SEC. 8055. None of the funds available in this Act may be used to reduce the authorized positions for military (civilian) technicians of the Army National Guard, the Air National Guard, Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military (civilian) technicians, unless such reductions are a direct result of a reduction in military force structure.

1        SEC. 8056. None of the funds appropriated or other-  
2 wise made available in this Act may be obligated or ex-  
3 pended for assistance to the Democratic People's Republic  
4 of North Korea unless specifically appropriated for that  
5 purpose.

6        SEC. 8057. During the current fiscal year, funds ap-  
7 propriated in this Act are available to compensate mem-  
8 bers of the National Guard for duty performed pursuant  
9 to a plan submitted by a Governor of a State and approved  
10 by the Secretary of Defense under section 112 of title 32,  
11 United States Code: *Provided*, That during the perform-  
12 ance of such duty, the members of the National Guard  
13 shall be under State command and control: *Provided fur-*  
14 *ther*, That such duty shall be treated as full-time National  
15 Guard duty for purposes of sections 12602(a)(2) and  
16 (b)(2) of title 10, United States Code.

17        SEC. 8058. Funds appropriated in this Act for oper-  
18 ation and maintenance of the Military Departments, Uni-  
19 fied and Specified Commands and Defense Agencies shall  
20 be available for reimbursement of pay, allowances and  
21 other expenses which would otherwise be incurred against  
22 appropriations for the National Guard and Reserve when  
23 members of the National Guard and Reserve provide intel-  
24 ligence or counterintelligence support to Unified and Spec-  
25 ified Commands, Defense Agencies and Joint Intelligence

1 Activities, including the activities and programs included  
2 within the National Foreign Intelligence Program (NFIP),  
3 the Joint Military Intelligence Program (JMIP), and the  
4 Tactical Intelligence and Related Activities (TIARA) ag-  
5 gregate: *Provided*, That nothing in this section authorizes  
6 deviation from established Reserve and National Guard  
7 personnel and training procedures.

8 (INCLUDING TRANSFER OF FUNDS)

9 SEC. 8059. None of the funds appropriated in this  
10 Act may be transferred to or obligated from the Pentagon  
11 Reservation Maintenance Revolving Fund, unless the Sec-  
12 retary of Defense certifies that the total cost for the plan-  
13 ning, design, construction and installation of equipment  
14 for the renovation of the Pentagon Reservation will not  
15 exceed \$1,222,000,000.

16 SEC. 8060. (a) None of the funds available to the  
17 Department of Defense for any fiscal year for drug inter-  
18 diction or counter-drug activities may be transferred to  
19 any other department or agency of the United States ex-  
20 cept as specifically provided in an appropriations law.

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

## (TRANSFER OF FUNDS)

1  
2 SEC. 8061. Appropriations available in this Act under  
3 the heading “Operation and Maintenance, Defense-Wide”  
4 for increasing energy and water efficiency in Federal  
5 buildings may, during their period of availability, be trans-  
6 ferred to other appropriations or funds of the Department  
7 of Defense for projects related to increasing energy and  
8 water efficiency, to be merged with and to be available  
9 for the same general purposes, and for the same time pe-  
10 riod, as the appropriation or fund to which transferred.

11 SEC. 8062. None of the funds appropriated by this  
12 Act may be used for the procurement of ball and roller  
13 bearings other than those produced by a domestic source  
14 and of domestic origin: *Provided*, That the Secretary of  
15 the military department responsible for such procurement  
16 may waive this restriction on a case-by-case basis by certi-  
17 fying in writing to the Committees on Appropriations of  
18 the House of Representatives and the Senate, that ade-  
19 quate domestic supplies are not available to meet Depart-  
20 ment of Defense requirements on a timely basis and that  
21 such an acquisition must be made in order to acquire ca-  
22 pability for national security purposes.

23 SEC. 8063. Notwithstanding any other provision of  
24 law, funds available to the Department of Defense shall  
25 be made available to provide transportation of medical

1 supplies and equipment, on a nonreimbursable basis, to  
2 American Samoa, and funds available to the Department  
3 of Defense shall be made available to provide transpor-  
4 tation of medical supplies and equipment, on a non-  
5 reimbursable basis, to the Indian Health Service when it  
6 is in conjunction with a civil-military project.

7       SEC. 8064. None of the funds in this Act may be  
8 used to purchase any supercomputer which is not manu-  
9 factured in the United States, unless the Secretary of De-  
10 fense certifies to the congressional defense committees  
11 that such an acquisition must be made in order to acquire  
12 capability for national security purposes that is not avail-  
13 able from United States manufacturers.

14       SEC. 8065. Notwithstanding any other provision of  
15 law, the Naval shipyards of the United States shall be eli-  
16 gible to participate in any manufacturing extension pro-  
17 gram financed by funds appropriated in this or any other  
18 Act.

19       SEC. 8066. Notwithstanding any other provision of  
20 law, each contract awarded by the Department of Defense  
21 during the current fiscal year for construction or service  
22 performed in whole or in part in a State (as defined in  
23 section 381(d) of title 10, United States Code) which is  
24 not contiguous with another State and has an unemploy-  
25 ment rate in excess of the national average rate of unem-

1 ployment as determined by the Secretary of Labor, shall  
2 include a provision requiring the contractor to employ, for  
3 the purpose of performing that portion of the contract in  
4 such State that is not contiguous with another State, indi-  
5 viduals who are residents of such State and who, in the  
6 case of any craft or trade, possess or would be able to  
7 acquire promptly the necessary skills: *Provided*, That the  
8 Secretary of Defense may waive the requirements of this  
9 section, on a case-by-case basis, in the interest of national  
10 security.

11 SEC. 8067. During the current fiscal year, the Army  
12 shall use the former George Air Force Base as the airhead  
13 for the National Training Center at Fort Irwin: *Provided*,  
14 That none of the funds in this Act shall be obligated or  
15 expended to transport Army personnel into Edwards Air  
16 Force Base for training rotations at the National Training  
17 Center.

18 SEC. 8068. (a) LIMITATION ON TRANSFER OF DE-  
19 FENSE ARTICLES AND SERVICES.—Notwithstanding any  
20 other provision of law, none of the funds available to the  
21 Department of Defense for the current fiscal year may be  
22 obligated or expended to transfer to another nation or an  
23 international organization any defense articles or services  
24 (other than intelligence services) for use in the activities  
25 described in subsection (b) unless the congressional de-

1 fense committees, the Committee on International Rela-  
2 tions of the House of Representatives, and the Committee  
3 on Foreign Relations of the Senate are notified 15 days  
4 in advance of such transfer.

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

6 (1) any international peacekeeping or peace-en-  
7 forcement operation under the authority of chapter  
8 VI or chapter VII of the United Nations Charter  
9 under the authority of a United Nations Security  
10 Council resolution; and

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

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

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

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

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

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

1 (B) a statement of whether the items pro-  
2 posed to be transferred will have to be replaced  
3 and, if so, how the President proposes to pro-  
4 vide funds for such replacement.

5 SEC. 8069. To the extent authorized by subchapter  
6 VI of chapter 148 of title 10, United States Code, the  
7 Secretary of Defense may issue loan guarantees in support  
8 of United States defense exports not otherwise provided  
9 for: *Provided*, That the total contingent liability of the  
10 United States for guarantees issued under the authority  
11 of this section may not exceed \$15,000,000,000: *Provided*  
12 *further*, That the exposure fees charged and collected by  
13 the Secretary for each guarantee, shall be paid by the  
14 country involved and shall not be financed as part of a  
15 loan guaranteed by the United States: *Provided further*,  
16 That the Secretary shall provide quarterly reports to the  
17 Committees on Appropriations, Armed Services, and For-  
18 eign Relations of the Senate and the Committees on Ap-  
19 propriations, Armed Services, and International Relations  
20 in the House of Representatives on the implementation of  
21 this program: *Provided further*, That amounts charged for  
22 administrative fees and deposited to the special account  
23 provided for under section 2540c(d) of title 10, shall be  
24 available for paying the costs of administrative expenses  
25 of the Department of Defense that are attributable to the

1 loan guarantee program under subchapter VI of chapter  
2 148 of title 10, United States Code.

3 SEC. 8070. None of the funds available to the De-  
4 partment of Defense under this Act shall be obligated or  
5 expended to pay a contractor under a contract with the  
6 Department of Defense for costs of any amount paid by  
7 the contractor to an employee when—

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

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

13 SEC. 8071. (a) None of the funds appropriated or  
14 otherwise made available in this Act may be used to trans-  
15 port or provide for the transportation of chemical muni-  
16 tions or agents to the Johnston Atoll for the purpose of  
17 storing or demilitarizing such munitions or agents.

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

22 (c) The President may suspend the application of  
23 subsection (a) during a period of war in which the United  
24 States is a party.

1        SEC. 8072. None of the funds provided in title II of  
2 this Act for “Former Soviet Union Threat Reduction”  
3 may be obligated or expended to finance housing for any  
4 individual who was a member of the military forces of the  
5 Soviet Union or for any individual who is or was a member  
6 of the military forces of the Russian Federation.

7                    (INCLUDING TRANSFER OF FUNDS)

8        SEC. 8073. During the current fiscal year, no more  
9 than \$30,000,000 of appropriations made in this Act  
10 under the heading “Operation and Maintenance, Defense-  
11 Wide” may be transferred to appropriations available for  
12 the pay of military personnel, to be merged with, and to  
13 be available for the same time period as the appropriations  
14 to which transferred, to be used in support of such per-  
15 sonnel in connection with support and services for eligible  
16 organizations and activities outside the Department of De-  
17 fense pursuant to section 2012 of title 10, United States  
18 Code.

19        SEC. 8074. For purposes of section 1553(b) of title  
20 31, United States Code, any subdivision of appropriations  
21 made in this Act under the heading “Shipbuilding and  
22 Conversion, Navy” shall be considered to be for the same  
23 purpose as any subdivision under the heading “Ship-  
24 building and Conversion, Navy” appropriations in any  
25 prior year, and the 1 percent limitation shall apply to the  
26 total amount of the appropriation.

1        SEC. 8075. During the current fiscal year, in the case  
2 of an appropriation account of the Department of Defense  
3 for which the period of availability for obligation has ex-  
4 pired or which has closed under the provisions of section  
5 1552 of title 31, United States Code, and which has a  
6 negative unliquidated or unexpended balance, an obliga-  
7 tion or an adjustment of an obligation may be charged  
8 to any current appropriation account for the same purpose  
9 as the expired or closed account if—

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

14            (2) the obligation is not otherwise properly  
15 chargeable to any current appropriation account of  
16 the Department of Defense; and

17            (3) in the case of an expired account, the obli-  
18 gation is not chargeable to a current appropriation  
19 of the Department of Defense under the provisions  
20 of section 1405(b)(8) of the National Defense Au-  
21 thorization Act for Fiscal Year 1991, Public Law  
22 101–510, as amended (31 U.S.C. 1551 note): *Pro-*  
23 *vided*, That in the case of an expired account, if sub-  
24 sequent review or investigation discloses that there  
25 was not in fact a negative unliquidated or unex-

1       pended balance in the account, any charge to a cur-  
 2       rent account under the authority of this section shall  
 3       be reversed and recorded against the expired ac-  
 4       count: *Provided further*, That the total amount  
 5       charged to a current appropriation under this sec-  
 6       tion may not exceed an amount equal to 1 percent  
 7       of the total appropriation for that account.

8                               (TRANSFER OF FUNDS)

9       SEC. 8076. Upon the enactment of this Act, the Sec-  
 10      retary of Defense shall make the following transfers of  
 11      funds: *Provided*, That the amounts transferred shall be  
 12      available for the same purposes as the appropriations to  
 13      which transferred, and for the same time period as the  
 14      appropriation from which transferred: *Provided further*,  
 15      That the amounts shall be transferred between the fol-  
 16      lowing appropriations in the amount specified:

17                   From:

18                               Under the heading, “Shipbuilding and  
 19                   Conversion, Navy, 1998/2002”:

20                               SSN-21 attack submarine program,  
 21                               \$74,000,000;

22                   To:

23                               Under the heading, “Research, Develop-  
 24                   ment, Test and Evaluation, Navy, 2001/2002”:

25                               For       SSN-21       development,  
 26                               \$74,000,000.

1        SEC. 8077. The Under Secretary of Defense (Comp-  
2 troller) shall submit to the congressional defense commit-  
3 tees by February 1, 2001, a detailed report identifying,  
4 by amount and by separate budget activity, activity group,  
5 subactivity group, line item, program element, program,  
6 project, subproject, and activity, any activity for which the  
7 fiscal year 2002 budget request was reduced because the  
8 Congress appropriated funds above the President's budget  
9 request for that specific activity for fiscal year 2001.

10       SEC. 8078. Funds appropriated in title II of this Act  
11 and for the Defense Health Program in title VI of this  
12 Act for supervision and administration costs for facilities  
13 maintenance and repair, minor construction, or design  
14 projects may be obligated at the time the reimbursable  
15 order is accepted by the performing activity: *Provided*,  
16 That for the purpose of this section, supervision and ad-  
17 ministration costs includes all in-house Government cost.

18       SEC. 8079. During the current fiscal year, the Sec-  
19 retary of Defense may waive reimbursement of the cost  
20 of conferences, seminars, courses of instruction, or similar  
21 educational activities of the Asia-Pacific Center for Secu-  
22 rity Studies for military officers and civilian officials of  
23 foreign nations if the Secretary determines that attend-  
24 ance by such personnel, without reimbursement, is in the  
25 national security interest of the United States: *Provided*,

1 That costs for which reimbursement is waived pursuant  
2 to this subsection shall be paid from appropriations avail-  
3 able for the Asia-Pacific Center.

4 SEC. 8080. (a) Notwithstanding any other provision  
5 of law, the Chief of the National Guard Bureau may per-  
6 mit the use of equipment of the National Guard Distance  
7 Learning Project by any person or entity on a space-avail-  
8 able, reimbursable basis. The Chief of the National Guard  
9 Bureau shall establish the amount of reimbursement for  
10 such use on a case-by-case basis.

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

17 SEC. 8081. Using funds available by this Act or any  
18 other Act, the Secretary of the Air Force, pursuant to a  
19 determination under section 2690 of title 10, United  
20 States Code, may implement cost-effective agreements for  
21 required heating facility modernization in the  
22 Kaiserslautern Military Community in the Federal Repub-  
23 lic of Germany: *Provided*, That in the City of  
24 Kaiserslautern such agreements will include the use of  
25 United States anthracite as the base load energy for mu-

1 nicipal district heat to the United States Defense installa-  
 2 tions: *Provided further*, That at Landstuhl Army Regional  
 3 Medical Center and Ramstein Air Base, furnished heat  
 4 may be obtained from private, regional or municipal serv-  
 5 ices, if provisions are included for the consideration of  
 6 United States coal as an energy source.

7 SEC. 8082. Notwithstanding 31 U.S.C. 3902, during  
 8 the current fiscal year, interest penalties may be paid by  
 9 the Department of Defense from funds financing the oper-  
 10 ation of the military department or defense agency with  
 11 which the invoice or contract payment is associated.

12 (RESCISSIONS)

13 SEC. 8083. Of the funds provided in the Department  
 14 of Defense Appropriations Act, 1999 (Public Law 105–  
 15 262), \$319,688,000, to reflect savings from revised eco-  
 16 nomic assumptions, is hereby rescinded as of the date of  
 17 the enactment of this Act, or October 1, 2000, whichever  
 18 is later, from the following accounts in the specified  
 19 amounts:

20 “Aircraft Procurement, Army”, \$7,000,000;

21 “Missile Procurement, Army”, \$6,000,000;

22 “Procurement of Weapons and Tracked Combat  
 23 Vehicles, Army”, \$7,000,000;

24 “Procurement of Ammunition, Army”,  
 25 \$5,000,000;

26 “Other Procurement, Army”, \$16,000,000;

1           “Aircraft Procurement, Navy”, \$24,125,000;  
 2           “Weapons Procurement, Navy”, \$3,853,000;  
 3           “Procurement of Ammunition, Navy and Ma-  
 4 rine Corps”, \$1,463,000;  
 5           “Shipbuilding and Conversion, Navy”,  
 6 \$19,644,000;  
 7           “Other Procurement, Navy”, \$12,032,000;  
 8           “Procurement, Marine Corps”, \$3,623,000;  
 9           “Aircraft Procurement, Air Force”,  
 10 \$32,743,000;  
 11           “Missile Procurement, Air Force”, \$5,500,000;  
 12           “Procurement of Ammunition, Air Force”,  
 13 \$1,232,000;  
 14           “Other Procurement, Air Force”, \$19,902,000;  
 15           “Procurement, Defense-Wide”, \$6,683,000;  
 16           “Chemical Agents and Munitions Destruction,  
 17 Army”, \$1,103,000;  
 18           “Defense Health Program”, \$808,000;  
 19           “Research, Development, Test and Evaluation,  
 20 Army”, \$20,592,000;  
 21           “Research, Development, Test and Evaluation,  
 22 Navy”, \$35,621,000;  
 23           “Research, Development, Test and Evaluation,  
 24 Air Force”, \$53,467,000; and

1           “Research, Development, Test and Evaluation,  
2       Defense-Wide”, \$36,297,000:

3   *Provided*, That these reductions shall be applied propor-  
4   tionally to each budget activity, activity group and sub-  
5   activity group and each program, project, and activity  
6   within each appropriation account.

7       SEC. 8084. The budget of the President for fiscal  
8   year 2002 submitted to the Congress pursuant to section  
9   1105 of title 31, United States Code, and each annual  
10   budget request thereafter, shall include budget activity  
11   groups (known as “subactivities”) in all appropriations ac-  
12   counts provided in this Act, as may be necessary, to sepa-  
13   rately identify all costs incurred by the Department of De-  
14   fense to support the North Atlantic Treaty Organization  
15   and all Partnership For Peace programs and initiatives.  
16   The budget justification materials submitted to the Con-  
17   gress in support of the budget of the Department of De-  
18   fense for fiscal year 2002, and subsequent fiscal years,  
19   shall provide complete, detailed estimates for all such  
20   costs.

21       SEC. 8085. (a) The Secretary of Defense may, on a  
22   case-by-case basis, waive with respect to a foreign country  
23   each limitation on the procurement of defense items from  
24   foreign sources provided in law if the Secretary determines  
25   that the application of the limitation with respect to that

1 country would invalidate cooperative programs entered  
 2 into between the Department of Defense and the foreign  
 3 country, or would invalidate reciprocal trade agreements  
 4 for the procurement of defense items entered into under  
 5 section 2531 of title 10, United States Code, and the  
 6 country does not discriminate against the same or similar  
 7 defense items produced in the United States for that coun-  
 8 try.

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

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

12 (2) options for the procurement of items that  
 13 are exercised after such date under contracts that  
 14 are entered into before such date if the option prices  
 15 are adjusted for any reason other than the applica-  
 16 tion of a waiver granted under subsection (a).

17 (c) Subsection (a) does not apply to a limitation re-  
 18 garding construction of public vessels, ball and roller bear-  
 19 ings, food, and clothing or textile materials as defined by  
 20 section 11 (chapters 50–65) of the Harmonized Tariff  
 21 Schedule and products classified under headings 4010,  
 22 4202, 4203, 6401 through 6406, 6505, 7019, 7218  
 23 through 7229, 7304.41 through 7304.49, 7306.40, 7502  
 24 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

1        SEC. 8086. Funds made available to the Civil Air Pa-  
2    trol in this Act under the heading “Drug Interdiction and  
3    Counter-Drug Activities, Defense” may be used for the  
4    Civil Air Patrol Corporation’s counterdrug program, in-  
5    cluding its demand reduction program involving youth  
6    programs, as well as operational and training drug recon-  
7    naissance missions for Federal, State, and local govern-  
8    ment agencies; for administrative costs, including the hir-  
9    ing of Civil Air Patrol Corporation employees; for travel  
10   and per diem expenses of Civil Air Patrol Corporation per-  
11   sonnel in support of those missions; and for equipment  
12   needed for mission support or performance: *Provided*,  
13   That the Department of the Air Force should waive reim-  
14   bursement from the Federal, State, and local government  
15   agencies for the use of these funds.

16       SEC. 8087. Notwithstanding any other provision of  
17   law, the TRICARE managed care support contracts in ef-  
18   fect, or in final stages of acquisition as of September 30,  
19   2000, may be extended for 2 years: *Provided*, That any  
20   such extension may only take place if the Secretary of De-  
21   fense determines that it is in the best interest of the Gov-  
22   ernment: *Provided further*, That any contract extension  
23   shall be based on the price in the final best and final offer  
24   for the last year of the existing contract as adjusted for  
25   inflation and other factors mutually agreed to by the con-

1 tractor and the Government: *Provided further*, That not-  
2 withstanding any other provision of law, all future  
3 TRICARE managed care support contracts replacing con-  
4 tracts in effect, or in the final stages of acquisition as of  
5 September 30, 2000, may include a base contract period  
6 for transition and up to seven 1-year option periods.

7       SEC. 8088. (a) PROHIBITION.—None of the funds  
8 made available by this Act may be used to support any  
9 training program involving a unit of the security forces  
10 of a foreign country if the Secretary of Defense has re-  
11 ceived credible information from the Department of State  
12 that the unit has committed a gross violation of human  
13 rights, unless all necessary corrective steps have been  
14 taken.

15       (b) MONITORING.—The Secretary of Defense, in con-  
16 sultation with the Secretary of State, shall ensure that  
17 prior to a decision to conduct any training program re-  
18 ferred to in subsection (a), full consideration is given to  
19 all credible information available to the Department of  
20 State relating to human rights violations by foreign secu-  
21 rity forces.

22       (c) WAIVER.—The Secretary of Defense, after con-  
23 sultation with the Secretary of State, may waive the prohi-  
24 bition in subsection (a) if he determines that such waiver  
25 is required by extraordinary circumstances.

1 (d) REPORT.—Not more than 15 days after the exer-  
 2 cise of any waiver under subsection (c), the Secretary of  
 3 Defense shall submit a report to the congressional defense  
 4 committees describing the extraordinary circumstances,  
 5 the purpose and duration of the training program, the  
 6 United States forces and the foreign security forces in-  
 7 volved in the training program, and the information relat-  
 8 ing to human rights violations that necessitates the waiv-  
 9 er.

10 SEC. 8089. The Secretary of Defense, in coordination  
 11 with the Secretary of Health and Human Services, may  
 12 carry out a program to distribute surplus dental equip-  
 13 ment of the Department of Defense, at no cost to the De-  
 14 partment of Defense, to Indian health service facilities and  
 15 to federally-qualified health centers (within the meaning  
 16 of section 1905(l)(2)(B) of the Social Security Act (42  
 17 U.S.C. 1396d(l)(2)(B))).

18 SEC. 8090. Notwithstanding any other provision in  
 19 this Act, the total amount appropriated in this Act is here-  
 20 by reduced by \$56,200,000 to reflect savings from the pay  
 21 of civilian personnel, to be distributed as follows:

22 “Operation and Maintenance, Army”,  
 23 \$4,600,000;  
 24 “Operation and Maintenance, Navy”,  
 25 \$49,600,000; and

1           “Operation and Maintenance, Defense-Wide”,  
2       \$2,000,000.

3       SEC. 8091. Notwithstanding any other provision in  
4 this Act, the total amount appropriated in this Act is here-  
5 by reduced by \$769,700,000 to reflect savings from favor-  
6 able foreign currency fluctuations, to be distributed as fol-  
7 lows:

8           “Military Personnel, Army”, \$60,500,000;

9           “Military Personnel, Navy”, \$32,000,000;

10          “Military Personnel, Marine Corps”,  
11       \$9,700,000;

12          “Military Personnel, Air Force”, \$53,000,000;

13          “Operation and Maintenance, Army”,  
14       \$292,100,000;

15          “Operation and Maintenance, Navy”,  
16       \$105,100,000;

17          “Operation and Maintenance, Marine Corps”,  
18       \$25,800,000;

19          “Operation and Maintenance, Air Force,”  
20       \$157,600,000;

21          “Operation and Maintenance, Defense-Wide”,  
22       \$27,200,000; and

23          “Defense Health Program”, \$6,700,000.

24       SEC. 8092. None of the funds appropriated or made  
25 available in this Act to the Department of the Navy shall

1 be used to develop, lease or procure the ADC(X) class of  
2 ships unless the main propulsion diesel engines and  
3 propulsors are manufactured in the United States by a  
4 domestically operated entity: *Provided*, That the Secretary  
5 of Defense may waive this restriction on a case-by-case  
6 basis by certifying in writing to the Committees on Appro-  
7 priations of the House of Representatives and the Senate  
8 that adequate domestic supplies are not available to meet  
9 Department of Defense requirements on a timely basis  
10 and that such an acquisition must be made in order to  
11 acquire capability for national security purposes or there  
12 exists a significant cost or quality difference.

13 SEC. 8093. Of the funds made available in this Act,  
14 not less than \$65,200,000 shall be available to maintain  
15 an attrition reserve force of 18 B-52 aircraft, of which  
16 \$3,200,000 shall be available from “Military Personnel,  
17 Air Force”, \$36,900,000 shall be available from “Oper-  
18 ation and Maintenance, Air Force”, and \$25,100,000  
19 shall be available from “Aircraft Procurement, Air Force”:  
20 *Provided*, That the Secretary of the Air Force shall main-  
21 tain a total force of 94 B-52 aircraft, including 18 attri-  
22 tion reserve aircraft, during fiscal year 2001: *Provided fur-*  
23 *ther*, That the Secretary of Defense shall include in the  
24 Air Force budget request for fiscal year 2002 amounts  
25 sufficient to maintain a B-52 force totaling 94 aircraft.

1        SEC. 8094. The budget of the President for fiscal  
2 year 2001 submitted to the Congress pursuant to section  
3 1105 of title 31, United States Code, and each annual  
4 budget request thereafter, shall include separate budget  
5 justification documents for costs of United States Armed  
6 Forces' participation in contingency operations for the  
7 Military Personnel accounts, the Overseas Contingency  
8 Operations Transfer Fund, the Operation and Maintenance  
9 nance accounts, and the Procurement accounts: *Provided*,  
10 That these budget justification documents shall include a  
11 description of the funding requested for each anticipated  
12 contingency operation, for each military service, to include  
13 active duty and Guard and Reserve components, and for  
14 each appropriation account: *Provided further*, That these  
15 documents shall include estimated costs for each element  
16 of expense or object class, a reconciliation of increases and  
17 decreases for ongoing contingency operations, and programmatic  
18 data including, but not limited to troop  
19 strength for each active duty and Guard and Reserve component,  
20 and estimates of the major weapons systems deployed in support of each contingency.

22        SEC. 8095. None of the funds appropriated or otherwise  
23 made available by this or other Department of Defense  
24 Appropriations Acts may be obligated or expended  
25 for the purpose of performing repairs or maintenance to

1 military family housing units of the Department of De-  
2 fense, including areas in such military family housing  
3 units that may be used for the purpose of conducting offi-  
4 cial Department of Defense business.

5 SEC. 8096. Notwithstanding any other provision of  
6 law, for the purpose of establishing all Department of De-  
7 fense policies governing the provision of care provided by  
8 and financed under the military health care system's case  
9 management program under 10 U.S.C. 1079(a)(17), the  
10 term "custodial care" shall be defined as care designed  
11 essentially to assist an individual in meeting the activities  
12 of daily living and which does not require the supervision  
13 of trained medical, nursing, paramedical or other specially  
14 trained individuals: *Provided*, That the case management  
15 program shall provide that members and retired members  
16 of the military services, and their dependents and sur-  
17 vivors, have access to all medically necessary health care  
18 through the health care delivery system of the military  
19 services regardless of the health care status of the person  
20 seeking the health care: *Provided further*, That the case  
21 management program shall be the primary obligor for pay-  
22 ment of medically necessary services and shall not be con-  
23 sidered as secondarily liable to title XIX of the Social Se-  
24 curity Act, other welfare programs or charity based care.

25 SEC. 8097. During the current fiscal year—

1           (1) refunds attributable to the use of the Gov-  
2           ernment travel card and refunds attributable to offi-  
3           cial Government travel arranged by Government  
4           Contracted Travel Management Centers may be  
5           credited to operation and maintenance accounts of  
6           the Department of Defense which are current when  
7           the refunds are received; and

8           (2) refunds attributable to the use of the Gov-  
9           ernment Purchase Card by military personnel and  
10          civilian employees of the Department of Defense  
11          may be credited to accounts of the Department of  
12          Defense that are current when the refunds are re-  
13          ceived and that are available for the same purposes  
14          as the accounts originally charged.

15        SEC. 8098. During the current fiscal year, none of  
16        the funds available to the Department of Defense may be  
17        used to provide support to another department or agency  
18        of the United States if such department or agency is more  
19        than 90 days in arrears in making payment to the Depart-  
20        ment of Defense for goods or services previously provided  
21        to such department or agency on a reimbursable basis:  
22        *Provided*, That this restriction shall not apply if the de-  
23        partment is authorized by law to provide support to such  
24        department or agency on a nonreimbursable basis, and is  
25        providing the requested support pursuant to such author-

1 ity: *Provided further*, That the Secretary of Defense may  
2 waive this restriction on a case-by-case basis by certifying  
3 in writing to the Committees on Appropriations of the  
4 House of Representatives and the Senate that it is in the  
5 national security interest to do so.

6 SEC. 8099. None of the funds provided in this Act  
7 may be used to transfer to any nongovernmental entity  
8 ammunition held by the Department of Defense that has  
9 a center-fire cartridge and a United States military no-  
10 menclature designation of “armor penetrator”, “armor  
11 piercing (AP)”, “armor piercing incendiary (API)”, or  
12 “armor-piercing incendiary-tracer (API-T)”, except to an  
13 entity performing demilitarization services for the Depart-  
14 ment of Defense under a contract that requires the entity  
15 to demonstrate to the satisfaction of the Department of  
16 Defense that armor piercing projectiles are either: (1) ren-  
17 dered incapable of reuse by the demilitarization process;  
18 or (2) used to manufacture ammunition pursuant to a con-  
19 tract with the Department of Defense or the manufacture  
20 of ammunition for export pursuant to a License for Per-  
21 manent Export of Unclassified Military Articles issued by  
22 the Department of State.

23 SEC. 8100. Notwithstanding any other provision of  
24 law, the Chief of the National Guard Bureau, or his des-  
25 ignee, may waive payment of all or part of the consider-

1 ation that otherwise would be required under 10 U.S.C.  
2 2667, in the case of a lease of personal property for a  
3 period not in excess of 1 year to any organization specified  
4 in 32 U.S.C. 508(d), or any other youth, social, or fra-  
5 ternal non-profit organization as may be approved by the  
6 Chief of the National Guard Bureau, or his designee, on  
7 a case-by-case basis.

8       SEC. 8101. Notwithstanding any other provision of  
9 law, that not more than 35 percent of funds provided in  
10 this Act, may be obligated for environmental remediation  
11 under indefinite delivery/indefinite quantity contracts with  
12 a total contract value of \$130,000,000 or higher.

13       SEC. 8102. Of the funds made available under the  
14 heading “Operation and Maintenance, Air Force”,  
15 \$10,000,000 shall be transferred to the Department of  
16 Transportation to enable the Secretary of Transportation  
17 to realign railroad track on Elmendorf Air Force Base and  
18 Fort Richardson.

19       SEC. 8103. None of the funds appropriated by this  
20 Act shall be used for the support of any nonappropriated  
21 funds activity of the Department of Defense that procures  
22 malt beverages and wine with nonappropriated funds for  
23 resale (including such alcoholic beverages sold by the  
24 drink) on a military installation located in the United  
25 States unless such malt beverages and wine are procured

1 within that State, or in the case of the District of Colum-  
2 bia, within the District of Columbia, in which the military  
3 installation is located: *Provided*, That in a case in which  
4 the military installation is located in more than one State,  
5 purchases may be made in any State in which the installa-  
6 tion is located: *Provided further*, That such local procure-  
7 ment requirements for malt beverages and wine shall  
8 apply to all alcoholic beverages only for military installa-  
9 tions in States which are not contiguous with another  
10 State: *Provided further*, That alcoholic beverages other  
11 than wine and malt beverages, in contiguous States and  
12 the District of Columbia shall be procured from the most  
13 competitive source, price and other factors considered.

14 SEC. 8104. During the current fiscal year, under reg-  
15 ulations prescribed by the Secretary of Defense, the Cen-  
16 ter of Excellence for Disaster Management and Humani-  
17 tarian Assistance may also pay, or authorize payment for,  
18 the expenses of providing or facilitating education and  
19 training for appropriate military and civilian personnel of  
20 foreign countries in disaster management, peace oper-  
21 ations, and humanitarian assistance: *Provided*, That not  
22 later than April 1, 2001, the Secretary of Defense shall  
23 submit to the congressional defense committees a report  
24 regarding the training of foreign personnel conducted  
25 under this authority during the preceding fiscal year for

1 which expenses were paid under the section: *Provided fur-*  
2 *ther*, That the report shall specify the countries in which  
3 the training was conducted, the type of training con-  
4 ducted, and the foreign personnel trained.

5 SEC. 8105. (a) The Department of Defense is author-  
6 ized to enter into agreements with the Veterans Adminis-  
7 tration and federally-funded health agencies providing  
8 services to Native Hawaiians for the purpose of estab-  
9 lishing a partnership similar to the Alaska Federal Health  
10 Care Partnership, in order to maximize Federal resources  
11 in the provision of health care services by federally-funded  
12 health agencies, applying telemedicine technologies. For  
13 the purpose of this partnership, Native Hawaiians shall  
14 have the same status as other Native Americans who are  
15 eligible for the health care services provided by the Indian  
16 Health Service.

17 (b) The Department of Defense is authorized to de-  
18 velop a consultation policy, consistent with Executive  
19 Order No. 13084 (issued May 14, 1998), with Native Ha-  
20 waiians for the purpose of assuring maximum Native Ha-  
21 waiian participation in the direction and administration of  
22 governmental services so as to render those services more  
23 responsive to the needs of the Native Hawaiian commu-  
24 nity.

1       (c) For purposes of this section, the term “Native  
2 Hawaiian” means any individual who is a descendant of  
3 the aboriginal people who, prior to 1778, occupied and ex-  
4 ercised sovereignty in the area that now comprises the  
5 State of Hawaii.

6       SEC. 8106. None of the funds appropriated or other-  
7 wise made available by this Act or any other Act may be  
8 made available for reconstruction activities in the Republic  
9 of Serbia (excluding the province of Kosovo) as long as  
10 Slobodan Milosevic remains the President of the Federal  
11 Republic of Yugoslavia (Serbia and Montenegro).

12       SEC. 8107. In addition to the amounts provided else-  
13 where in this Act, the amount of \$10,000,000 is hereby  
14 appropriated for “Operation and Maintenance, Defense-  
15 Wide”, to be available, notwithstanding any other provi-  
16 sion of law, only for a grant to the United Service Organi-  
17 zations Incorporated, a federally chartered corporation  
18 under chapter 2201 of title 36, United States Code. The  
19 grant provided for by this section is in addition to any  
20 grant provided for under any other provision of law.

21       SEC. 8108. Of the funds made available in this Act  
22 under the heading “Operation and Maintenance, Defense-  
23 Wide”, up to \$5,000,000 shall be available to provide as-  
24 sistance, by grant or otherwise, to public school systems  
25 that have unusually high concentrations of special needs

1 military dependents enrolled: *Provided*, That in selecting  
2 school systems to receive such assistance, special consider-  
3 ation shall be given to school systems in States that are  
4 considered overseas assignments.

5 SEC. 8109. (a) IN GENERAL.—Notwithstanding any  
6 other provision of law, the Secretary of the Air Force may  
7 convey at no cost to the Air Force, without consideration,  
8 to Indian tribes located in the States of North Dakota,  
9 South Dakota, Montana, and Minnesota relocatable mili-  
10 tary housing units located at Grand Forks Air Force Base  
11 and Minot Air Force Base that are excess to the needs  
12 of the Air Force.

13 (b) PROCESSING OF REQUESTS.—The Secretary of  
14 the Air Force shall convey, at no cost to the Air Force,  
15 military housing units under subsection (a) in accordance  
16 with the request for such units that are submitted to the  
17 Secretary by the Operation Walking Shield Program on  
18 behalf of Indian tribes located in the States of North Da-  
19 kota, South Dakota, Montana, and Minnesota.

20 (c) RESOLUTION OF HOUSING UNIT CONFLICTS.—  
21 The Operation Walking Shield program shall resolve any  
22 conflicts among request of Indian tribes for housing units  
23 under subsection (a) before submitting requests to the  
24 Secretary of the Air Force under paragraph (b).

1 (d) INDIAN TRIBE DEFINED.—In this section, the  
2 term “Indian tribe” means any recognized Indian tribe in-  
3 cluded on the current list published by the Secretary of  
4 Interior under section 104 of the Federally Recognized In-  
5 dian Tribe Act of 1994 (Public Law 103–454; 108 Stat.  
6 4792; 25 U.S.C. 479a–1).

7 SEC. 8110. Of the amounts appropriated in the Act  
8 under the heading “Research, Development, Test and  
9 Evaluation, Defense-Wide”, \$85,849,000 shall be avail-  
10 able for the purpose of adjusting the cost-share of the par-  
11 ties under the Agreement between the Department of De-  
12 fense and the Ministry of Defence of Israel for the Arrow  
13 Deployability Program.

14 SEC. 8111. The Secretary of Defense shall fully iden-  
15 tify and determine the validity of healthcare contract addi-  
16 tional liabilities, requests for equitable adjustment, and  
17 claims for unanticipated healthcare contract costs: *Pro-*  
18 *vided*, That the Secretary of Defense shall establish an  
19 equitable and timely process for the adjudication of claims,  
20 and recognize actual liabilities during the Department’s  
21 planning, programming and budgeting process: *Provided*  
22 *further*, That not later than March 1, 2001, the Secretary  
23 of Defense shall submit a report to the congressional de-  
24 fense committees on the scope and extent of healthcare  
25 contract claims, and on the action taken to implement the

1 provisions of this section: *Provided further*, That nothing  
2 in this section should be construed as congressional direc-  
3 tion to liquidate or pay any claims that otherwise would  
4 not have been adjudicated in favor of the claimant.

5 SEC. 8112. Funds available to the Department of De-  
6 fense for the Global Positioning System during the current  
7 fiscal year may be used to fund civil requirements associ-  
8 ated with the satellite and ground control segments of  
9 such system's modernization program.

10 SEC. 8113. Of the amounts appropriated in this Act  
11 under the heading, "Operation and Maintenance, Defense-  
12 Wide," \$115,000,000 shall remain available until ex-  
13 pended: *Provided*, That notwithstanding any other provi-  
14 sion of law, the Secretary of Defense is authorized to  
15 transfer such funds to other activities of the Federal Gov-  
16 ernment.

17 SEC. 8114. OPERATIONAL SUPPORT AIRCRAFT  
18 LEASING AUTHORITY. (a) The Secretary of the Army and  
19 the Secretary of the Navy may establish a multi-year pilot  
20 program for leasing aircraft for utility and operational  
21 support airlift purposes on such terms and conditions as  
22 the respective Secretaries may deem appropriate, con-  
23 sistent with this section.

1       (b) Sections 2401 and 2401a of title 10, United  
2 States Code, shall not apply to any aircraft lease author-  
3 ized by this section.

4       (c) Under the aircraft lease program authorized by  
5 this section:

6           (1) The Secretary of the Army and the Sec-  
7 retary of the Navy may include terms and conditions  
8 in lease agreements that are customary in aircraft  
9 leases by a non-Government lessor to a non-Govern-  
10 ment lessee.

11          (2) The term of any individual lease agreement  
12 into which a service Secretary enters under this sec-  
13 tion shall not exceed 10 years.

14          (3) The Secretary of the Army and the Sec-  
15 retary of the Navy may provide for special payments  
16 to a lessor if either the respective Secretary termi-  
17 nates or cancels the lease prior to the expiration of  
18 its term or aircraft are damaged or destroyed prior  
19 to the expiration of the term of the lease. Such spe-  
20 cial payments shall not exceed an amount equal to  
21 the value of one year's lease payment under the  
22 lease. The amount of special payments shall be sub-  
23 ject to negotiation between the Army or Navy and  
24 lessors.

1           (4) Notwithstanding any other provision of law,  
2           any payments required under a lease under this sec-  
3           tion, and any payments made pursuant to subsection  
4           (3) above may be made from:

5                   (A) appropriations available for the per-  
6                   formance of the lease at the time the lease  
7                   takes effect;

8                   (B) appropriations for the operation and  
9                   maintenance available at the time which the  
10                  payment is due; and

11                  (C) funds appropriated for those payments.

12           (5) The Secretary of the Army and the Sec-  
13           retary of the Navy may lease aircraft, on such terms  
14           and conditions as they may deem appropriate, con-  
15           sistent with this section, through an operating lease  
16           consistent with OMB Circular A-11.

17           (6) The Secretary of the Army and the Sec-  
18           retary of the Navy may exchange or sell existing air-  
19           craft and apply the exchange allowance or sale pro-  
20           ceeds in whole or in part toward the cost of leasing  
21           replacement aircraft under this section.

22           (7) No lease of operational support aircraft may  
23           be entered into under this section after September  
24           30, 2004.

1       (d) The authority granted to the Secretary of the  
2 Army and the Secretary of the Navy by this section is  
3 separate from and in addition to, and shall not be con-  
4 strued to impair or otherwise affect, the authority of the  
5 respective Secretaries to procure transportation or enter  
6 into leases under a provision of law other than this section.

7       (e) The authority provided under this section may be  
8 used to lease not more than a total of three (3) Army  
9 aircraft, three (3) Navy aircraft, and three (3) Marine  
10 Corps aircraft for the purposes of providing operational  
11 support.

12       SEC. 8115. Notwithstanding any other provision in  
13 this Act, the total amount appropriated in this Act under  
14 Title IV for the Ballistic Missile Defense Organization  
15 (BMDO) is hereby reduced by \$26,154,000 to reflect a  
16 reduction in system engineering, program management,  
17 and other support costs.

18       SEC. 8116. 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.

24       SEC. 8117. Up to \$3,000,000 of the funds appro-  
25 priated under the heading, “Operation and Maintenance,

1 Navy” in this Act for the Pacific Missile Range Facility  
2 may be made available to contract for the repair, mainte-  
3 nance, and operation of adjacent off-base water, drainage,  
4 and flood control systems critical to base operations.

5 SEC. 8118. In addition to amounts appropriated else-  
6 where in the Act, \$20,000,000 is hereby appropriated to  
7 the Department of Defense: *Provided*, That the Secretary  
8 of Defense shall make a grant in the amount of  
9 \$20,000,000 to the National Center for the Preservation  
10 of Democracy.

11 SEC. 8119. Of the funds made available under the  
12 heading “Operation and Maintenance, Air Force”, not less  
13 than \$7,000,000 shall be made available by grant or other-  
14 wise, to the North Slope Borough, to provide assistance  
15 for health care, monitoring and related issues associated  
16 with research conducted from 1955 to 1957 by the former  
17 Arctic Aeromedical Laboratory.

18 SEC. 8120. None of the funds appropriated in this  
19 Act under the heading “Overseas Contingency Operations  
20 Transfer Fund” may be transferred or obligated for ex-  
21 penses not directly related to the conduct of overseas con-  
22 tingencies: *Provided*, That the Secretary of Defense shall  
23 submit a report no later than thirty days after the end  
24 of each fiscal quarter to the Committees on Appropriations  
25 of the Senate and House of Representatives that details

1 any transfer of funds from the “Overseas Contingency Op-  
2 erations Transfer Fund”: *Provided further*, That the re-  
3 port shall explain any transfer for the maintenance of real  
4 property, pay of civilian personnel, base operations sup-  
5 port, and weapon, vehicle or equipment maintenance.

6 SEC. 8121. In addition to amounts made available  
7 elsewhere in this Act, \$1,000,000 is hereby appropriated  
8 to the Department of Defense to be available for payment  
9 to members of the uniformed services for reimbursement  
10 for mandatory pet quarantines as authorized by law.

11 SEC. 8122. The Secretary of the Navy may transfer  
12 from any available Department of the Navy appropriation  
13 to any available Navy ship construction appropriation for  
14 the purpose of liquidating necessary ship cost changes for  
15 previous ship construction programs appropriated in law:  
16 *Provided*, That the Secretary may transfer no more than  
17 \$300,000,000 under the authority provided within this  
18 section: *Provided further*, That the funding transferred  
19 shall be available for the same time period as the appro-  
20 priation from which transferred: *Provided further*, That  
21 the Secretary may not transfer any funding until 30 days  
22 after the proposed transfer has been reported to the House  
23 and Senate Committees on Appropriations: *Provided fur-*  
24 *ther*, That the transfer authority provided within this sec-

1 tion is in addition to any other transfer authority con-  
2 tained elsewhere in this Act.

3 SEC. 8123. In addition to amounts appropriated else-  
4 where in the Act, \$2,100,000 is hereby appropriated to  
5 the Department of Defense: *Provided*, That the Secretary  
6 of Defense shall make a grant in the amount of  
7 \$2,100,000 to the National D-Day Museum.

8 SEC. 8124. In addition to amounts appropriated else-  
9 where in this Act, \$5,000,000 is hereby appropriated to  
10 the Department of Defense: *Provided*, That the Secretary  
11 of the Army shall make available a grant of \$5,000,000  
12 only to the Chicago Public Schools for conversion and ex-  
13 pansion of the former Eighth Regiment National Guard  
14 Armory (Bronzeville).

15 SEC. 8125. In addition to the amounts provided else-  
16 where in this Act, the amount of \$10,000,000 is hereby  
17 appropriated for “Operation and Maintenance, Navy”, to  
18 accelerate the disposal and scrapping of ships of the Navy  
19 Inactive Fleet and Maritime Administration National De-  
20 fense Reserve Fleet: *Provided*, That the Secretary of the  
21 Navy and the Secretary of Transportation shall develop  
22 criteria for selecting ships for scrapping or disposal based  
23 on their potential for causing pollution, creating an envi-  
24 ronmental hazard and cost of storage: *Provided further*,  
25 That the Secretary of the Navy and the Secretary of

1 Transportation shall report to the congressional defense  
2 committees no later than June 1, 2001 regarding the total  
3 number of vessels currently designated for scrapping, and  
4 the schedule and costs for scrapping these vessels.

5       This Act may be cited as the “Department of Defense  
6 Appropriations Act, 2001”.

**Calendar No. 563**

106TH CONGRESS  
2D SESSION

**S. 2593**

**[Report No. 106-298]**

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**A BILL**

Making appropriations for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes.

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MAY 18, 2000

Read twice and placed on the calendar