

Calendar No. 431

105<sup>TH</sup> CONGRESS  
2D SESSION

**H. R. 4103**

---

---

**AN ACT**

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

---

---

JUNE 25, 1998

Received; read twice and placed on the calendar

Calendar No. 431

105<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R. 4103**

---

IN THE SENATE OF THE UNITED STATES

JUNE 25, 1998

Received; read twice and placed on the calendar

---

**AN ACT**

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

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

1 That the following sums are appropriated, out of any  
2 money in the Treasury not otherwise appropriated, for the  
3 fiscal year ending September 30, 1999, for military func-  
4 tions administered by the Department of Defense, and for  
5 other purposes, namely:

6 TITLE I

7 MILITARY PERSONNEL

8 MILITARY PERSONNEL, ARMY

9 For pay, allowances, individual clothing, subsistence,  
10 interest on deposits, gratuities, permanent change of sta-  
11 tion travel (including all expenses thereof for organiza-  
12 tional movements), and expenses of temporary duty travel  
13 between permanent duty stations, for members of the  
14 Army on active duty (except members of reserve compo-  
15 nents provided for elsewhere), cadets, and aviation cadets;  
16 and for payments pursuant to section 156 of Public Law  
17 97-377, as amended (42 U.S.C. 402 note), to section  
18 229(b) of the Social Security Act (42 U.S.C. 429(b)), and  
19 to the Department of Defense Military Retirement Fund,  
20 \$20,908,851,000.

21 MILITARY PERSONNEL, NAVY

22 For pay, allowances, individual clothing, subsistence,  
23 interest on deposits, gratuities, permanent change of sta-  
24 tion travel (including all expenses thereof for organiza-  
25 tional movements), and expenses of temporary duty travel

1 between permanent duty stations, for members of the  
2 Navy on active duty (except members of the Reserve pro-  
3 vided for elsewhere), midshipmen, and aviation cadets; and  
4 for payments pursuant to section 156 of Public Law 97-  
5 377, as amended (42 U.S.C. 402 note), to section 229(b)  
6 of the Social Security Act (42 U.S.C. 429(b)), and to the  
7 Department of Defense Military Retirement Fund,  
8 \$16,560,253,000.

9           MILITARY PERSONNEL, MARINE CORPS

10       For pay, allowances, individual clothing, subsistence,  
11 interest on deposits, gratuities, permanent change of sta-  
12 tion travel (including all expenses thereof for organiza-  
13 tional movements), and expenses of temporary duty travel  
14 between permanent duty stations, for members of the Ma-  
15 rine Corps on active duty (except members of the Reserve  
16 provided for elsewhere); and for payments pursuant to sec-  
17 tion 156 of Public Law 97-377, as amended (42 U.S.C.  
18 402 note), to section 229(b) of the Social Security Act  
19 (42 U.S.C. 429(b)), and to the Department of Defense  
20 Military Retirement Fund, \$6,241,189,000.

21           MILITARY PERSONNEL, AIR FORCE

22       For pay, allowances, individual clothing, subsistence,  
23 interest on deposits, gratuities, permanent change of sta-  
24 tion travel (including all expenses thereof for organiza-  
25 tional movements), and expenses of temporary duty travel

1 between permanent duty stations, for members of the Air  
2 Force on active duty (except members of reserve compo-  
3 nents provided for elsewhere), cadets, and aviation cadets;  
4 and for payments pursuant to section 156 of Public Law  
5 97–377, as amended (42 U.S.C. 402 note), to section  
6 229(b) of the Social Security Act (42 U.S.C. 429(b)), and  
7 to the Department of Defense Military Retirement Fund,  
8 \$17,201,583,000.

9                                   RESERVE PERSONNEL, ARMY

10       For pay, allowances, clothing, subsistence, gratuities,  
11 travel, and related expenses for personnel of the Army Re-  
12 serve on active duty under sections 10211, 10302, and  
13 3038 of title 10, United States Code, or while serving on  
14 active duty under section 12301(d) of title 10, United  
15 States Code, in connection with performing duty specified  
16 in section 12310(a) of title 10, United States Code, or  
17 while undergoing reserve training, or while performing  
18 drills or equivalent duty or other duty, and for members  
19 of the Reserve Officers' Training Corps, and expenses au-  
20 thorized by section 16131 of title 10, United States Code;  
21 and for payments to the Department of Defense Military  
22 Retirement Fund, \$2,171,675,000.

23                                   RESERVE PERSONNEL, NAVY

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

1 serve on active duty under section 10211 of title 10,  
2 United States Code, or while serving on active duty under  
3 section 12301(d) of title 10, United States Code, in con-  
4 nection with performing duty specified in section 12310(a)  
5 of title 10, United States Code, or while undergoing re-  
6 serve training, or while performing drills or equivalent  
7 duty, and for members of the Reserve Officers' Training  
8 Corps, and expenses authorized by section 16131 of title  
9 10, United States Code; and for payments to the Depart-  
10 ment of Defense Military Retirement Fund,  
11 \$1,427,979,000.

12           RESERVE PERSONNEL, MARINE CORPS

13       For pay, allowances, clothing, subsistence, gratuities,  
14 travel, and related expenses for personnel of the Marine  
15 Corps Reserve on active duty under section 10211 of title  
16 10, United States Code, or while serving on active duty  
17 under section 12301(d) of title 10, United States Code,  
18 in connection with performing duty specified in section  
19 12310(a) of title 10, United States Code, or while under-  
20 going reserve training, or while performing drills or equiv-  
21 alent duty, and for members of the Marine Corps platoon  
22 leaders class, and expenses authorized by section 16131  
23 of title 10, United States Code; and for payments to the  
24 Department of Defense Military Retirement Fund,  
25 \$403,513,000.

## 1 RESERVE PERSONNEL, AIR FORCE

2 For pay, allowances, clothing, subsistence, gratuities,  
3 travel, and related expenses for personnel of the Air Force  
4 Reserve on active duty under sections 10211, 10305, and  
5 8038 of title 10, United States Code, or while serving on  
6 active duty under section 12301(d) of title 10, United  
7 States Code, in connection with performing duty specified  
8 in section 12310(a) of title 10, United States Code, or  
9 while undergoing reserve training, or while performing  
10 drills or equivalent duty or other duty, and for members  
11 of the Air Reserve Officers' Training Corps, and expenses  
12 authorized by section 16131 of title 10, United States  
13 Code; and for payments to the Department of Defense  
14 Military Retirement Fund, \$850,576,000.

## 15 NATIONAL GUARD PERSONNEL, ARMY

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

1 section 16131 of title 10, United States Code; and for pay-  
2 ments to the Department of Defense Military Retirement  
3 Fund, \$3,413,195,000.

4 NATIONAL GUARD PERSONNEL, AIR FORCE

5 For pay, allowances, clothing, subsistence, gratuities,  
6 travel, and related expenses for personnel of the Air Na-  
7 tional Guard on duty under section 10211, 10305, or  
8 12402 of title 10 or section 708 of title 32, United States  
9 Code, or while serving on duty under section 12301(d) of  
10 title 10 or section 502(f) of title 32, United States Code,  
11 in connection with performing duty specified in section  
12 12310(a) of title 10, United States Code, or while under-  
13 going training, or while performing drills or equivalent  
14 duty or other duty, and expenses authorized by section  
15 16131 of title 10, United States Code; and for payments  
16 to the Department of Defense Military Retirement Fund,  
17 \$1,372,997,000.

18 TITLE II

19 OPERATION AND MAINTENANCE

20 OPERATION AND MAINTENANCE, ARMY

21 (INCLUDING TRANSFER OF FUNDS)

22 For expenses, not otherwise provided for, necessary  
23 for the operation and maintenance of the Army, as author-  
24 ized by law; and not to exceed \$11,437,000 can be used  
25 for emergencies and extraordinary expenses, to be ex-



1 pended on the approval or authority of the Secretary of  
2 the Army, and payments may be made on his certificate  
3 of necessity for confidential military purposes,  
4 \$16,936,503,000 and, in addition, \$50,000,000 shall be  
5 derived by transfer from the National Defense Stockpile  
6 Transaction Fund: *Provided*, That of the funds appro-  
7 priated in this paragraph, \$596,803,000 shall not be obli-  
8 gated or expended until authorized by law.

9           OPERATION AND MAINTENANCE, NAVY

10                   (INCLUDING TRANSFER OF FUNDS)

11       For expenses, not otherwise provided for, necessary  
12 for the operation and maintenance of the Navy and the  
13 Marine Corps, as authorized by law; and not to exceed  
14 \$5,360,000 can be used for emergencies and extraordinary  
15 expenses, to be expended on the approval or authority of  
16 the Secretary of the Navy, and payments may be made  
17 on his certificate of necessity for confidential military pur-  
18 poses, \$21,638,999,000 and, in addition, \$50,000,000  
19 shall be derived by transfer from the National Defense  
20 Stockpile Transaction Fund.

21       OPERATION AND MAINTENANCE, MARINE CORPS

22       For expenses, not otherwise provided for, necessary  
23 for the operation and maintenance of the Marine Corps,  
24 as authorized by law, \$2,585,118,000: *Provided*, That of

1 the funds appropriated in this paragraph, \$45,415,000  
2 shall not be obligated or expended until authorized by law.

3 OPERATION AND MAINTENANCE, AIR FORCE

4 (INCLUDING TRANSFER OF FUNDS)

5 For expenses, not otherwise provided for, necessary  
6 for the operation and maintenance of the Air Force, as  
7 authorized by law; and not to exceed \$7,968,000 can be  
8 used for emergencies and extraordinary expenses, to be ex-  
9 pended on the approval or authority of the Secretary of  
10 the Air Force, and payments may be made on his certifi-  
11 cate of necessity for confidential military purposes,  
12 \$19,024,233,000 and, in addition, \$50,000,000 shall be  
13 derived by transfer from the National Defense Stockpile  
14 Transaction Fund: *Provided*, That of the funds appro-  
15 priated in this paragraph, \$208,125,000 shall not be obli-  
16 gated or expended until authorized by law.

17 OPERATION AND MAINTENANCE, DEFENSE-WIDE

18 For expenses, not otherwise provided for, necessary  
19 for the operation and maintenance of activities and agen-  
20 cies of the Department of Defense (other than the military  
21 departments), as authorized by law, \$10,804,542,000, of  
22 which not to exceed \$25,000,000 may be available for the  
23 CINC initiative fund account; and of which not to exceed  
24 \$29,000,000 can be used for emergencies and extraor-  
25 dinary expenses, to be expended on the approval or author-

1 ity of the Secretary of Defense, and payments may be  
2 made on his certificate of necessity for confidential mili-  
3 tary purposes: *Provided*, That of the funds appropriated  
4 in this paragraph, \$450,326,000 shall not be obligated or  
5 expended until authorized by law.

6 OPERATION AND MAINTENANCE, ARMY RESERVE

7 For expenses, not otherwise provided for, necessary  
8 for the operation and maintenance, including training, or-  
9 ganization, and administration, of the Army Reserve; re-  
10 pair of facilities and equipment; hire of passenger motor  
11 vehicles; travel and transportation; care of the dead; re-  
12 cruiting; procurement of services, supplies, and equip-  
13 ment; and communications, \$1,201,222,000: *Provided*,  
14 That of the funds appropriated in this paragraph,  
15 \$3,600,000 shall not be obligated or expended until au-  
16 thorized by law.

17 OPERATION AND MAINTENANCE, NAVY RESERVE

18 For expenses, not otherwise provided for, necessary  
19 for the operation and maintenance, including training, or-  
20 ganization, and administration, of the Navy Reserve; re-  
21 pair of facilities and equipment; hire of passenger motor  
22 vehicles; travel and transportation; care of the dead; re-  
23 cruiting; procurement of services, supplies, and equip-  
24 ment; and communications, \$949,039,000: *Provided*, That

1 of the funds appropriated in this paragraph, \$400,000  
2 shall not be obligated or expended until authorized by law.

3 OPERATION AND MAINTENANCE, MARINE CORPS

4 RESERVE

5 For expenses, not otherwise provided for, necessary  
6 for the operation and maintenance, including training, or-  
7 ganization, and administration, of the Marine Corps Re-  
8 serve; repair of facilities and equipment; hire of passenger  
9 motor vehicles; travel and transportation; care of the dead;  
10 recruiting; procurement of services, supplies, and equip-  
11 ment; and communications, \$119,093,000: *Provided*, That  
12 of the funds appropriated in this paragraph, \$2,100,000  
13 shall not be obligated or expended until authorized by law.

14 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

15 For expenses, not otherwise provided for, necessary  
16 for the operation and maintenance, including training, or-  
17 ganization, and administration, of the Air Force Reserve;  
18 repair of facilities and equipment; hire of passenger motor  
19 vehicles; travel and transportation; care of the dead; re-  
20 cruiting; procurement of services, supplies, and equip-  
21 ment; and communications, \$1,735,996,000.

22 OPERATION AND MAINTENANCE, ARMY NATIONAL

23 GUARD

24 For expenses of training, organizing, and administer-  
25 ing the Army National Guard, including medical and hos-

1 pital treatment and related expenses in non-Federal hos-  
2 pitals; maintenance, operation, and repairs to structures  
3 and facilities; hire of passenger motor vehicles; personnel  
4 services in the National Guard Bureau; travel expenses  
5 (other than mileage), as authorized by law for Army per-  
6 sonnel on active duty, for Army National Guard division,  
7 regimental, and battalion commanders while inspecting  
8 units in compliance with National Guard Bureau regula-  
9 tions when specifically authorized by the Chief, National  
10 Guard Bureau; supplying and equipping the Army Na-  
11 tional Guard as authorized by law; and expenses of repair,  
12 modification, maintenance, and issue of supplies and  
13 equipment (including aircraft), \$2,570,315,000: *Provided*,  
14 That not later than March 15, 1999, the Director of the  
15 Army National Guard shall provide a report to the con-  
16 gressional defense committees identifying the allocation,  
17 by installation and activity, of all base operations funds  
18 appropriated under this heading: *Provided further*, That  
19 of the funds appropriated in this paragraph,  
20 \$105,500,000 shall not be obligated or expended until au-  
21 thorized by law.

22 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

23 For operation and maintenance of the Air National  
24 Guard, including medical and hospital treatment and re-  
25 lated expenses in non-Federal hospitals; maintenance, op-

1 eration, repair, and other necessary expenses of facilities  
2 for the training and administration of the Air National  
3 Guard, including repair of facilities, maintenance, oper-  
4 ation, and modification of aircraft; transportation of  
5 things, hire of passenger motor vehicles; supplies, mate-  
6 rials, and equipment, as authorized by law for the Air Na-  
7 tional Guard; and expenses incident to the maintenance  
8 and use of supplies, materials, and equipment, including  
9 such as may be furnished from stocks under the control  
10 of agencies of the Department of Defense; travel expenses  
11 (other than mileage) on the same basis as authorized by  
12 law for Air National Guard personnel on active Federal  
13 duty, for Air National Guard commanders while inspecting  
14 units in compliance with National Guard Bureau regula-  
15 tions when specifically authorized by the Chief, National  
16 Guard Bureau, \$3,075,233,000.

17 OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND  
18 (INCLUDING TRANSFER OF FUNDS)

19 For expenses directly relating to Overseas Contin-  
20 gency Operations by United States military forces,  
21 \$746,900,000: *Provided*, That the Secretary of Defense  
22 may transfer these funds only to operation and mainte-  
23 nance accounts within this title, to the Defense Health  
24 Program, to procurement accounts, and to working capital  
25 funds: *Provided further*, That the funds transferred shall

1 be merged with and shall be available for the same pur-  
2 poses and for the same time period, as the appropriation  
3 to which transferred: *Provided further*, That the transfer  
4 authority provided in this paragraph is in addition to any  
5 other transfer authority contained elsewhere in this Act.

6 UNITED STATES COURT OF APPEALS FOR THE ARMED  
7 FORCES

8 For salaries and expenses necessary for the United  
9 States Court of Appeals for the Armed Forces,  
10 \$7,324,000, of which not to exceed \$2,500 can be used  
11 for official representation purposes.

12 ENVIRONMENTAL RESTORATION, ARMY  
13 (INCLUDING TRANSFER OF FUNDS)

14 For the Department of the Army, \$342,640,000, to  
15 remain available until transferred: *Provided*, That the Sec-  
16 retary of the Army shall, upon determining that such  
17 funds are required for environmental restoration, reduc-  
18 tion and recycling of hazardous waste, removal of unsafe  
19 buildings and debris of the Department of the Army, or  
20 for similar purposes, transfer the funds made available by  
21 this appropriation to other appropriations made available  
22 to the Department of the Army, to be merged with and  
23 to be available for the same purposes and for the same  
24 time period as the appropriations to which transferred:  
25 *Provided further*, That upon a determination that all or

1 part of the funds transferred from this appropriation are  
2 not necessary for the purposes provided herein, such  
3 amounts may be transferred back to this appropriation.

4 ENVIRONMENTAL RESTORATION, NAVY

5 (INCLUDING TRANSFER OF FUNDS)

6 For the Department of the Navy, \$281,600,000, to  
7 remain available until transferred: *Provided*, That the Sec-  
8 retary of the Navy shall, upon determining that such  
9 funds are required for environmental restoration, reduc-  
10 tion and recycling of hazardous waste, removal of unsafe  
11 buildings and debris of the Department of the Navy, or  
12 for similar purposes, transfer the funds made available by  
13 this appropriation to other appropriations made available  
14 to the Department of the Navy, to be merged with and  
15 to be available for the same purposes and for the same  
16 time period as the appropriations to which transferred:  
17 *Provided further*, That upon a determination that all or  
18 part of the funds transferred from this appropriation are  
19 not necessary for the purposes provided herein, such  
20 amounts may be transferred back to this appropriation.

21 ENVIRONMENTAL RESTORATION, AIR FORCE

22 (INCLUDING TRANSFER OF FUNDS)

23 For the Department of the Air Force, \$379,100,000,  
24 to remain available until transferred: *Provided*, That the  
25 Secretary of the Air Force shall, upon determining that



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

14 ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

15 (INCLUDING TRANSFER OF FUNDS)

16 For the Department of Defense, \$26,091,000, to re-  
17 main available until transferred: *Provided*, That the Sec-  
18 retary of Defense shall, upon determining that such funds  
19 are required for environmental restoration, reduction and  
20 recycling of hazardous waste, removal of unsafe buildings  
21 and debris of the Department of Defense, or for similar  
22 purposes, transfer the funds made available by this appro-  
23 priation to other appropriations made available to the De-  
24 partment of Defense, to be merged with and to be avail-  
25 able for the same purposes and for the same time period

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

6 ENVIRONMENTAL RESTORATION, FORMERLY USED

7 DEFENSE SITES

8 (INCLUDING TRANSFER OF FUNDS)

9 For the Department of the Army, \$195,000,000, to  
10 remain available until transferred: *Provided*, That the Sec-  
11 retary of the Army shall, upon determining that such  
12 funds are required for environmental restoration, reduc-  
13 tion and recycling of hazardous waste, removal of unsafe  
14 buildings and debris at sites formerly used by the Depart-  
15 ment of Defense, transfer the funds made available by this  
16 appropriation to other appropriations made available to  
17 the Department of the Army, to be merged with and to  
18 be available for the same purposes and for the same time  
19 period as the appropriations to which transferred: *Pro-*  
20 *vided further*, That upon a determination that all or part  
21 of the funds transferred from this appropriation are not  
22 necessary for the purposes provided herein, such amounts  
23 may be transferred back to this appropriation.

## 1 OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

2 For expenses relating to the Overseas Humanitarian,  
3 Disaster, and Civic Aid programs of the Department of  
4 Defense (consisting of the programs provided under sec-  
5 tions 401, 402, 404, 2547, and 2551 of title 10, United  
6 States Code), \$56,111,000, to remain available until Sep-  
7 tember 30, 2000: *Provided*, That of the funds appro-  
8 priated in this paragraph, \$8,800,000 shall not be obli-  
9 gated or expended until authorized by law.

## 10 FORMER SOVIET UNION THREAT REDUCTION

11 For assistance to the republics of the former Soviet  
12 Union, including assistance provided by contract or by  
13 grants, for facilitating the elimination and the safe and  
14 secure transportation and storage of nuclear, chemical and  
15 other weapons; for establishing programs to prevent the  
16 proliferation of weapons, weapons components, and weap-  
17 on-related technology and expertise; for programs relating  
18 to the training and support of defense and military person-  
19 nel for demilitarization and protection of weapons, weap-  
20 ons components and weapons technology and expertise,  
21 \$417,400,000, to remain available until September 30,  
22 2001.

## 23 QUALITY OF LIFE ENHANCEMENTS, DEFENSE

24 For expenses, not otherwise provided for, resulting  
25 from unfunded shortfalls in the repair and maintenance

1 of real property of the Department of Defense (including  
2 military housing and barracks), \$850,000,000, for the  
3 maintenance of real property of the Department of De-  
4 fense (including minor construction and major mainte-  
5 nance and repair), which shall remain available for obliga-  
6 tion until September 30, 2000, as follows:

7           Army, \$219,688,000;  
8           Navy, \$244,507,000;  
9           Marine Corps, \$48,901,000;  
10          Air Force, \$194,926,000;  
11          Army Reserve, \$47,579,000;  
12          Navy Reserve, \$21,055,000;  
13          Marine Corps Reserve, \$7,600,000;  
14          Air Force Reserve, \$9,871,000;  
15          Army National Guard, \$37,535,000; and  
16          Air National Guard, \$18,338,000:

17 *Provided*, That none of the funds appropriated in this  
18 paragraph shall be obligated or expended until authorized  
19 by law.

### 20                                   TITLE III

### 21                                   PROCUREMENT

#### 22                                   AIRCRAFT PROCUREMENT, ARMY

23           For construction, procurement, production, modifica-  
24 tion, and modernization of aircraft, equipment, including  
25 ordnance, ground handling equipment, spare parts, and



1 foregoing purposes, \$1,140,623,000, to remain available  
2 for obligation until September 30, 2001.

3       PROCUREMENT OF WEAPONS AND TRACKED COMBAT  
4   VEHICLES, ARMY

5       For construction, procurement, production, and  
6 modification of weapons and tracked combat vehicles,  
7 equipment, including ordnance, spare parts, and acces-  
8 sories therefor; specialized equipment and training devices;  
9 expansion of public and private plants, including the land  
10 necessary therefor, 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; and  
13 procurement and installation of equipment, appliances,  
14 and machine tools in public and private plants; reserve  
15 plant and Government and contractor-owned equipment  
16 layaway; and other expenses necessary for the foregoing  
17 purposes, \$1,513,540,000, to remain available for obliga-  
18 tion until September 30, 2001: *Provided*, That of the  
19 funds appropriated in this paragraph, \$5,902,000 shall  
20 not be obligated or expended until authorized by law.

21   PROCUREMENT OF AMMUNITION, ARMY

22       For construction, procurement, production, and  
23 modification of ammunition, and accessories therefor; spe-  
24 cialized equipment and training devices; expansion of pub-  
25 lic and private plants, including ammunition facilities au-

1 thORIZED by section 2854 of title 10, United States Code,  
2 and the land necessary therefor, for the foregoing pur-  
3 poses, and such lands and interests therein, may be ac-  
4 quired, and construction prosecuted thereon prior to ap-  
5 proval of title; and procurement and installation of equip-  
6 ment, appliances, and machine tools in public and private  
7 plants; reserve plant and Government and contractor-  
8 owned equipment layaway; and other expenses necessary  
9 for the foregoing purposes, \$1,099,155,000, to remain  
10 available for obligation until September 30, 2001: *Pro-*  
11 *vided*, That of the funds appropriated in this paragraph,  
12 \$45,700,000 shall not be obligated or expended until au-  
13 thorized by law.

14 OTHER PROCUREMENT, ARMY

15 For construction, procurement, production, and  
16 modification of vehicles, including tactical, support, and  
17 non-tracked combat vehicles; the purchase of not to exceed  
18 37 passenger motor vehicles for replacement only; and the  
19 purchase of 54 vehicles required for physical security of  
20 personnel, notwithstanding price limitations applicable to  
21 passenger vehicles but not to exceed \$230,000 per vehicle;  
22 communications and electronic equipment; other support  
23 equipment; spare parts, ordnance, and accessories there-  
24 for; specialized equipment and training devices; expansion  
25 of public and private plants, including the land necessary

1 therefor, for the foregoing purposes, and such lands and  
2 interests therein, may be acquired, and construction pros-  
3 ecuted thereon prior to approval of title; and procurement  
4 and installation of equipment, appliances, and machine  
5 tools in public and private plants; reserve plant and Gov-  
6 ernment and contractor-owned equipment layaway; and  
7 other expenses necessary for the foregoing purposes,  
8 \$3,101,130,000, to remain available for obligation until  
9 September 30, 2001.

10 AIRCRAFT PROCUREMENT, NAVY

11 For construction, procurement, production, modifica-  
12 tion, and modernization of aircraft, equipment, including  
13 ordnance, spare parts, and accessories therefor; specialized  
14 equipment; expansion of public and private plants, includ-  
15 ing the land necessary therefor, and such lands and inter-  
16 ests therein, may be acquired, and construction prosecuted  
17 thereon prior to approval of title; and procurement and  
18 installation of equipment, appliances, and machine tools  
19 in public and private plants; reserve plant and Govern-  
20 ment and contractor-owned equipment layaway,  
21 \$7,599,968,000, to remain available for obligation until  
22 September 30, 2001: *Provided*, That of the funds appro-  
23 priated in this paragraph, \$179,121,000 shall not be obli-  
24 gated or expended until authorized by law.



## 1 WEAPONS PROCUREMENT, NAVY

2 For construction, procurement, production, modifica-  
3 tion, and modernization of missiles, torpedoes, other weap-  
4 ons, and related support equipment including spare parts,  
5 and accessories therefor; expansion of public and private  
6 plants, including the land necessary therefor, and such  
7 lands and interests therein, may be acquired, and con-  
8 struction prosecuted thereon prior to approval of title; and  
9 procurement and installation of equipment, appliances,  
10 and machine tools in public and private plants; reserve  
11 plant and Government and contractor-owned equipment  
12 layaway, \$1,191,219,000, to remain available for obliga-  
13 tion until September 30, 2001.

## 14 PROCUREMENT OF AMMUNITION, NAVY AND MARINE

## 15 CORPS

16 For construction, procurement, production, and  
17 modification of ammunition, and accessories therefor; spe-  
18 cialized equipment and training devices; expansion of pub-  
19 lic and private plants, including ammunition facilities au-  
20 thorized by section 2854 of title 10, United States Code,  
21 and the land necessary therefor, for the foregoing pur-  
22 poses, and such lands and interests therein, may be ac-  
23 quired, and construction prosecuted thereon prior to ap-  
24 proval of title; and procurement and installation of equip-  
25 ment, appliances, and machine tools in public and private

1 plants; reserve plant and Government and contractor-  
2 owned equipment layaway; and other expenses necessary  
3 for the foregoing purposes, \$473,803,000, to remain avail-  
4 able for obligation until September 30, 2001: *Provided*,  
5 That of the funds appropriated in this paragraph,  
6 \$21,835,000 shall not be obligated or expended until au-  
7 thorized by law.

8 SHIPBUILDING AND CONVERSION, NAVY

9 For expenses necessary for the construction, acquisi-  
10 tion, or conversion of vessels as authorized by law, includ-  
11 ing armor and armament thereof, plant equipment, appli-  
12 ances, and machine tools and installation thereof in public  
13 and private plants; reserve plant and Government and con-  
14 tractor-owned equipment layaway; procurement of critical,  
15 long leadtime components and designs for vessels to be  
16 constructed or converted in the future; and expansion of  
17 public and private plants, including land necessary there-  
18 for, and such lands and interests therein, may be acquired,  
19 and construction prosecuted thereon prior to approval of  
20 title, \$5,973,452,000, to remain available for obligation  
21 until September 30, 2003: *Provided*, That additional obli-  
22 gations may be incurred after September 30, 2003, for  
23 engineering services, tests, evaluations, and other such  
24 budgeted work that must be performed in the final stage  
25 of ship construction: *Provided further*, That none of the

1 funds provided under this heading for the construction or  
2 conversion of any naval vessel to be constructed in ship-  
3 yards in the United States shall be expended in foreign  
4 facilities for the construction of major components of such  
5 vessel: *Provided further*, That none of the funds provided  
6 under this heading shall be used for the construction of  
7 any naval vessel in foreign shipyards.

8                                   OTHER PROCUREMENT, NAVY

9           For procurement, production, and modernization of  
10 support equipment and materials not otherwise provided  
11 for, Navy ordnance (except ordnance for new aircraft, new  
12 ships, and ships authorized for conversion); the purchase  
13 of not to exceed 246 passenger motor vehicles for replace-  
14 ment only; and the purchase of one vehicle required for  
15 physical security of personnel, notwithstanding price limi-  
16 tations applicable to passenger vehicles but not to exceed  
17 \$225,000 per vehicle; expansion of public and private  
18 plants, including the land necessary therefor, and such  
19 lands and interests therein, may be acquired, and con-  
20 struction prosecuted thereon prior to approval of title; and  
21 procurement and installation of equipment, appliances,  
22 and machine tools in public and private plants; reserve  
23 plant and Government and contractor-owned equipment  
24 layaway, \$3,990,553,000, to remain available for obliga-  
25 tion until September 30, 2001: *Provided*, That of the

1 funds appropriated in this paragraph, \$21,046,000 shall  
2 not be obligated or expended until authorized by law.

3                   PROCUREMENT, MARINE CORPS

4       For expenses necessary for the procurement, manu-  
5 facture, and modification of missiles, armament, military  
6 equipment, spare parts, and accessories therefor; plant  
7 equipment, appliances, and machine tools, and installation  
8 thereof in public and private plants; reserve plant and  
9 Government and contractor-owned equipment layaway; ve-  
10 hicles for the Marine Corps, including the purchase of not  
11 to exceed 37 passenger motor vehicles for replacement  
12 only; and expansion of public and private plants, including  
13 land necessary therefor, and such lands and interests  
14 therein, may be acquired, and construction prosecuted  
15 thereon prior to approval of title, \$812,618,000, to remain  
16 available for obligation until September 30, 2001: *Pro-*  
17 *vided*, That of the funds appropriated in this paragraph,  
18 \$120,750,000 shall not be obligated or expended until au-  
19 thorized by law.

20                   AIRCRAFT PROCUREMENT, AIR FORCE

21       For construction, procurement, and modification of  
22 aircraft and equipment, including armor and armament,  
23 specialized ground handling equipment, and training de-  
24 vices, spare parts, and accessories therefor; specialized  
25 equipment; expansion of public and private plants, Gov-

1 ernment-owned equipment and installation thereof in such  
2 plants, erection of structures, and acquisition of land, for  
3 the foregoing purposes, and such lands and interests  
4 therein, may be acquired, and construction prosecuted  
5 thereon prior to approval of title; reserve plant and Gov-  
6 ernment and contractor-owned equipment layaway; and  
7 other expenses necessary for the foregoing purposes in-  
8 cluding rents and transportation of things,  
9 \$8,384,735,000, to remain available for obligation until  
10 September 30, 2001: *Provided*, That of the funds appro-  
11 priated in this paragraph, \$165,658,000 shall not be obli-  
12 gated or expended until authorized by law.

13 MISSILE PROCUREMENT, AIR FORCE

14 For construction, procurement, and modification of  
15 missiles, spacecraft, rockets, and related equipment, in-  
16 cluding spare parts and accessories therefor, ground han-  
17 dling equipment, and training devices; expansion of public  
18 and private plants, Government-owned equipment and in-  
19 stallation thereof in such plants, erection of structures,  
20 and acquisition of land, for the foregoing purposes, and  
21 such lands and interests therein, may be acquired, and  
22 construction prosecuted thereon prior to approval of title;  
23 reserve plant and Government and contractor-owned  
24 equipment layaway; and other expenses necessary for the  
25 foregoing purposes including rents and transportation of

1 things, \$2,191,527,000, to remain available for obligation  
2 until September 30, 2001.

3           PROCUREMENT OF AMMUNITION, AIR FORCE

4           For construction, procurement, production, and  
5 modification of ammunition, and accessories therefor; spe-  
6 cialized equipment and training devices; expansion of pub-  
7 lic and private plants, including ammunition facilities au-  
8 thorized by section 2854 of title 10, United States Code,  
9 and the land necessary therefor, for the foregoing pur-  
10 poses, and such lands and interests therein, may be ac-  
11 quired, and construction prosecuted thereon prior to ap-  
12 proval of title; and procurement and installation of equip-  
13 ment, appliances, and machine tools in public and private  
14 plants; reserve plant and Government and contractor-  
15 owned equipment layaway; and other expenses necessary  
16 for the foregoing purposes, \$388,925,000, to remain avail-  
17 able for obligation until September 30, 2001: *Provided*,  
18 That of the funds appropriated in this paragraph,  
19 \$5,298,000 shall not be obligated or expended until au-  
20 thorized by law.

21           OTHER PROCUREMENT, AIR FORCE

22           For procurement and modification of equipment (in-  
23 cluding ground guidance and electronic control equipment,  
24 and ground electronic and communication equipment),  
25 and supplies, materials, and spare parts therefor, not oth-



1 and acquisition of land for the foregoing purposes, and  
2 such lands and interests therein, may be acquired, and  
3 construction prosecuted thereon prior to approval of title;  
4 reserve plant and Government and contractor-owned  
5 equipment layaway, \$2,055,432,000, to remain available  
6 for obligation until September 30, 2001: *Provided*, That  
7 not less than \$109,455,000 of the funds appropriated in  
8 this paragraph shall be made available only for the pro-  
9 curement of high performance computing hardware: *Pro-*  
10 *vided further*, That of the funds appropriated in this para-  
11 graph, \$92,566,000 shall not be obligated or expended  
12 until authorized by law.

13 NATIONAL GUARD AND RESERVE EQUIPMENT

14 For procurement of aircraft, missiles, tracked combat  
15 vehicles, ammunition, other weapons, and other procure-  
16 ment for the reserve components of the Armed Forces,  
17 \$120,000,000, to remain available for obligation until Sep-  
18 tember 30, 2001: *Provided*, That the Chiefs of the Reserve  
19 and National Guard components shall, not later than 30  
20 days after the enactment of this Act, individually submit  
21 to the congressional defense committees the modernization  
22 priority assessment for their respective Reserve or Na-  
23 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, \$4,967,446,000, to remain avail-  
10 able for obligation until September 30, 2000: *Provided*,  
11 That of the funds appropriated in this paragraph,  
12 \$175,449,000 shall not be obligated or expended until au-  
13 thorized by law: *Provided further*, That of the funds made  
14 available under this heading, \$10,000,000 shall be avail-  
15 able only to commence a live fire, side-by-side operational  
16 test and evaluation of the air-to-air Starstreak and air-  
17 to-air Stinger missiles fired from the AH-64D Apache heli-  
18 copter: *Provided further*, That none of the funds specified  
19 in the preceding proviso may be obligated until the Sec-  
20 retary of the Army certifies the following, in writing, to  
21 the congressional defense committees:

22 (1) Engagement tests can be safely conducted  
23 with both Starstreak and Stinger missiles from the  
24 AH-64D helicopter at air speeds consistent with the  
25 normal operating limits of that aircraft;

1           (2) The Starstreak missiles utilized in the test  
2 will be provided at no cost to the United States Gov-  
3 ernment;

4           (3) None of the \$10,000,000 provided will be  
5 used to develop modifications to the Starstreak or  
6 the Stinger missiles; and

7           (4) Both the Starstreak and Stinger missiles  
8 can be fired from the AH-64D aircraft consistent  
9 with the survivability of the aircraft and missile per-  
10 formance standards contained in the Army's Air-to-  
11 Air Missile Capability Need Statement approved by  
12 the Department of the Army in January 1997.

13 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,  
14 NAVY

15 For expenses necessary for basic and applied sci-  
16 entific research, development, test and evaluation, includ-  
17 ing maintenance, rehabilitation, lease, and operation of fa-  
18 cilities and equipment, \$8,297,986,000, to remain avail-  
19 able for obligation until September 30, 2000: *Provided,*  
20 That funds appropriated in this paragraph which are  
21 available for the V-22 may be used to meet unique re-  
22 quirements of the Special Operation Forces: *Provided fur-*  
23 *ther,* That notwithstanding 10 U.S.C. 2366, none of the  
24 funds made available under this heading may be used to  
25 conduct system-level live-fire shock tests on the SSN-21

1 class of submarines unless the Commander-in-Chief of the  
2 United States Atlantic Command certifies in writing to the  
3 congressional defense committees that such testing must  
4 be conducted to meet operational requirements for those  
5 submarines: *Provided further*, That not more than  
6 \$50,000,000 of the funds made available under this head-  
7 ing for feasibility studies and component research and de-  
8 velopment for future aircraft carriers may be obligated  
9 until the Secretary of the Navy certifies in writing to the  
10 congressional defense committees that the Navy has a pro-  
11 gram in place to develop and install an infrared search  
12 and track device on CVN-77 upon its acceptance by the  
13 government: *Provided further*, That the restriction in the  
14 preceding proviso does not apply to funds requested in the  
15 fiscal year 1999 President's budget and provided in this  
16 Act for design of CVN-77: *Provided further*, That of the  
17 funds appropriated in title IV of Public Law 105-56 (De-  
18 partment of Defense Appropriations Act, 1998),  
19 \$213,229,000 is only for research, development, test and  
20 evaluation of cooperative engagement capability.

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, \$13,577,441,000, to remain avail-  
2 able for obligation until September 30, 2000.

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 \$8,776,318,000, to remain available for obligation until  
13 September 30, 2000: *Provided*, That not less than  
14 \$340,446,000 of the funds made available under this  
15 heading shall be made available only for the Sea-Based  
16 Wide Area Defense (Navy Upper-Tier) program: *Provided*  
17 *further*, That funding for the Sea-Based Wide Area De-  
18 fense (Navy Upper-Tier) program in this or any other Act  
19 shall be used for research, development and deployment  
20 including, but not limited to, continuing ongoing risk re-  
21 duction activities, initiating system engineering for an ini-  
22 tial Block I capability, and deployment at the earliest fea-  
23 sible time following Aegis Lightweight Exoatmospheric  
24 Projectile (LEAP) intercept flight tests.

## 1 DEVELOPMENTAL TEST AND EVALUATION, DEFENSE

2 For expenses, not otherwise provided for, of inde-  
3 pendent activities of the Director, Test and Evaluation in  
4 the direction and supervision of developmental test and  
5 evaluation, including performance and joint developmental  
6 testing and evaluation; and administrative expenses in  
7 connection therewith, \$263,606,000, to remain available  
8 for obligation until September 30, 2000: *Provided*, That  
9 of the funds appropriated in this paragraph, \$12,500,000  
10 shall not be obligated or expended until authorized by law.

## 11 OPERATIONAL TEST AND EVALUATION, DEFENSE

12 For expenses, not otherwise provided for, necessary  
13 for the independent activities of the Director, Operational  
14 Test and Evaluation in the direction and supervision of  
15 operational test and evaluation, including initial oper-  
16 ational test and evaluation which is conducted prior to,  
17 and in support of, production decisions; joint operational  
18 testing and evaluation; and administrative expenses in  
19 connection therewith, \$35,245,000, to remain available for  
20 obligation until September 30, 2000: *Provided*, That of the  
21 funds appropriated in this paragraph, \$6,000,000 shall  
22 not be obligated or expended until authorized by law.

1 TITLE V  
2 REVOLVING AND MANAGEMENT FUNDS  
3 DEFENSE WORKING CAPITAL FUNDS  
4 (INCLUDING TRANSFER OF FUNDS)

5 For the Defense Working Capital Funds,  
6 \$94,500,000: *Provided*, That during the fiscal year 1999,  
7 in order to maintain adequate cash balances in the De-  
8 fense Working Capital Funds, the Secretary of Defense  
9 may transfer up to \$350,000,000 from the National De-  
10 fense Stockpile Transaction Fund to the Defense Working  
11 Capital Funds: *Provided further*, That the total of  
12 amounts so transferred during the fiscal year shall be  
13 transferred back to the National Defense Stockpile Trans-  
14 action Fund not later than September 30, 1999.

15 NATIONAL DEFENSE SEALIFT FUND  
16 (INCLUDING TRANSFER OF FUNDS)

17 For National Defense Sealift Fund programs,  
18 projects, and activities, and for expenses of the National  
19 Defense Reserve Fleet, as established by section 11 of the  
20 Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744),  
21 \$673,366,000, to remain available until expended: *Pro-*  
22 *vided*, That none of the funds provided in this paragraph  
23 shall be used to award a new contract that provides for  
24 the acquisition of any of the following major components  
25 unless such components are manufactured in the United

1 States: auxiliary equipment, including pumps, for all ship-  
2 board services; propulsion system components (that is; en-  
3 gines, reduction gears, and propellers); shipboard cranes;  
4 and spreaders for shipboard cranes: *Provided further*, That  
5 the exercise of an option in a contract awarded through  
6 the obligation of previously appropriated funds shall not  
7 be considered to be the award of a new contract: *Provided*  
8 *further*, That notwithstanding any other provision of law,  
9 of the funds available under this heading, \$28,800,000  
10 shall be transferred to “Alteration of Bridges”: *Provided*  
11 *further*, That the Secretary of the military department re-  
12 sponsible for such procurement may waive the restrictions  
13 in the first proviso on a case-by-case basis by certifying  
14 in writing to the Committees on Appropriations of the  
15 House of Representatives and the Senate that adequate  
16 domestic supplies are not available to meet Department  
17 of Defense requirements on a timely basis and that such  
18 an acquisition must be made in order to acquire capability  
19 for national security purposes: *Provided further*, That of  
20 the funds appropriated in this paragraph, \$3,800,000  
21 shall not be obligated or expended until authorized by law.

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, \$10,127,622,000, of which  
7 \$9,725,235,000 shall be for Operation and maintenance,  
8 of which not to exceed two per centum shall remain avail-  
9 able until September 30, 2000, and of which  
10 \$402,387,000, to remain available for obligation until Sep-  
11 tember 30, 2001, shall be for Procurement: *Provided,*  
12 That of the funds appropriated in this paragraph,  
13 \$62,200,000 shall not be obligated or expended until au-  
14 thorized by law.

15 CHEMICAL AGENTS AND MUNITIONS DESTRUCTION,  
16 ARMY

17 For expenses, not otherwise provided for, necessary  
18 for the destruction of the United States stockpile of lethal  
19 chemical agents and munitions in accordance with the pro-  
20 visions of section 1412 of the Department of Defense Au-  
21 thorization Act, 1986 (50 U.S.C. 1521), and for the de-  
22 struction of other chemical warfare materials that are not  
23 in the chemical weapon stockpile, \$796,100,000, of which  
24 \$508,650,000 shall be for Operation and maintenance,  
25 \$124,670,000 shall be for Procurement to remain avail-



1 able until September 30, 2001, and \$162,780,000 shall  
2 be for Research, development, test and evaluation to re-  
3 main available until September 30, 2000.

4 DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,  
5 DEFENSE  
6 (INCLUDING TRANSFER OF FUNDS)

7 For drug interdiction and counter-drug activities of  
8 the Department of Defense, for transfer to appropriations  
9 available to the Department of Defense for military per-  
10 sonnel of the reserve components serving under the provi-  
11 sions of title 10 and title 32, United States Code; for Op-  
12 eration and maintenance; for Procurement; and for Re-  
13 search, development, test and evaluation, \$764,595,000:  
14 *Provided*, That the funds appropriated under this heading  
15 shall be available for obligation for the same time period  
16 and for the same purpose as the appropriation to which  
17 transferred: *Provided further*, That the transfer authority  
18 provided in this paragraph is in addition to any transfer  
19 authority contained elsewhere in this Act: *Provided fur-*  
20 *ther*, That of the funds appropriated in this paragraph,  
21 \$37,013,000 shall not be obligated or expended until au-  
22 thorized by law.

23 OFFICE OF THE INSPECTOR GENERAL

24 For expenses and activities of the Office of the In-  
25 spector General in carrying out the provisions of the In-

1 spector General Act of 1978, as amended, \$132,064,000,  
2 of which \$130,764,000 shall be for Operation and mainte-  
3 nance, of which not to exceed \$600,000 is available for  
4 emergencies and extraordinary expenses to be expended on  
5 the approval or authority of the Inspector General, and  
6 payments may be made on his certificate of necessity for  
7 confidential military purposes; and of which \$1,300,000,  
8 to remain available until September 30, 2001, shall be for  
9 Procurement.

## 10 TITLE VII

### 11 RELATED AGENCIES

#### 12 CENTRAL INTELLIGENCE AGENCY RETIREMENT AND

#### 13 DISABILITY SYSTEM FUND

14 For payment to the Central Intelligence Agency Re-  
15 tirement and Disability System Fund, to maintain proper  
16 funding level for continuing the operation of the Central  
17 Intelligence Agency Retirement and Disability System,  
18 \$201,500,000.

#### 19 INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

#### 20 (INCLUDING TRANSFER OF FUNDS)

21 For necessary expenses of the Intelligence Commu-  
22 nity Management Account, \$136,123,000, of which  
23 \$30,290,000 for the Advanced Research and Development  
24 Committee shall remain available until September 30,  
25 2000: *Provided*, That of the funds appropriated under this

1 heading, \$27,000,000 shall be transferred to the Depart-  
2 ment of Justice for the National Drug Intelligence Center  
3 to support the Department of Defense's counter-drug in-  
4 telligence responsibilities, and of the said amount,  
5 \$1,500,000 for Procurement shall remain available until  
6 September 30, 2001, and \$3,000,000 for Research, devel-  
7 opment, test and evaluation shall remain available until  
8 September 30, 2000.

9 PAYMENT TO KAHO'OLAWA ISLAND CONVEYANCE, RE-  
10 MEDIATION, AND ENVIRONMENTAL RESTORATION  
11 FUND

12 For payment to Kaho'olawe Island Conveyance, Re-  
13 mediation, and Environmental Restoration Fund, as au-  
14 thorized by law, \$15,000,000, to remain available until ex-  
15 pended.

16 NATIONAL SECURITY EDUCATION TRUST FUND

17 For the purposes of title VIII of Public Law 102-  
18 183, \$3,000,000, to be derived from the National Security  
19 Education Trust Fund, to remain available until ex-  
20 pended.

21 TITLE VIII

22 GENERAL PROVISIONS

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

1        SEC. 8002. During the current fiscal year, provisions  
2 of law prohibiting the payment of compensation to, or em-  
3 ployment of, any person not a citizen of the United States  
4 shall not apply to personnel of the Department of Defense:  
5 *Provided*, That salary increases granted to direct and indi-  
6 rect hire foreign national employees of the Department of  
7 Defense funded by this Act shall not be at a rate in excess  
8 of the percentage increase authorized by law for civilian  
9 employees of the Department of Defense whose pay is  
10 computed under the provisions of section 5332 of title 5,  
11 United States Code, or at a rate in excess of the percent-  
12 age increase provided by the appropriate host nation to  
13 its own employees, whichever is higher: *Provided further*,  
14 That this section shall not apply to Department of De-  
15 fense foreign service national employees serving at United  
16 States diplomatic missions whose pay is set by the Depart-  
17 ment of State under the Foreign Service Act of 1980: *Pro-*  
18 *vided further*, That the limitations of this provision shall  
19 not apply to foreign national employees of the Department  
20 of Defense in the Republic of Turkey.

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

24        SEC. 8004. No more than 20 per centum of the ap-  
25 propriations in this Act which are limited for obligation

1 during the current fiscal year shall be obligated during  
2 the last two months of the fiscal year: *Provided*, That this  
3 section shall not apply to obligations for support of active  
4 duty training of reserve components or summer camp  
5 training of the Reserve Officers' Training Corps.

6 (TRANSFER OF FUNDS)

7 SEC. 8005. Upon determination by the Secretary of  
8 Defense that such action is necessary in the national inter-  
9 est, he may, with the approval of the Office of Manage-  
10 ment and Budget, transfer not to exceed \$2,000,000,000  
11 of working capital funds of the Department of Defense  
12 or funds made available in this Act to the Department  
13 of Defense for military functions (except military con-  
14 struction) between such appropriations or funds or any  
15 subdivision thereof, to be merged with and to be available  
16 for the same purposes, and for the same time period, as  
17 the appropriation or fund to which transferred: *Provided*,  
18 That such authority to transfer may not be used unless  
19 for higher priority items, based on unforeseen military re-  
20 quirements, than those for which originally appropriated  
21 and in no case where the item for which funds are re-  
22 quested has been denied by Congress: *Provided further*,  
23 That the Secretary of Defense shall notify the Congress  
24 promptly of all transfers made pursuant to this authority  
25 or any other authority in this Act: *Provided further*, That  
26 no part of the funds in this Act shall be available to pre-

1 pare or present a request to the Committees on Appropria-  
2 tions for reprogramming of funds, unless for higher prior-  
3 ity items, based on unforeseen military requirements, than  
4 those for which originally appropriated and in no case  
5 where the item for which reprogramming is requested has  
6 been denied by the Congress.

7 (TRANSFER OF FUNDS)

8 SEC. 8006. During the current fiscal year, cash bal-  
9 ances in working capital funds of the Department of De-  
10 fense established pursuant to section 2208 of title 10,  
11 United States Code, may be maintained in only such  
12 amounts as are necessary at any time for cash disburse-  
13 ments to be made from such funds: *Provided*, That trans-  
14 fers may be made between such funds: *Provided further*,  
15 That transfers may be made between working capital  
16 funds and the “Foreign Currency Fluctuations, Defense”  
17 appropriation and the “Operation and Maintenance” ap-  
18 propriation accounts in such amounts as may be deter-  
19 mined by the Secretary of Defense, with the approval of  
20 the Office of Management and Budget, except that such  
21 transfers may not be made unless the Secretary of Defense  
22 has notified the Congress of the proposed transfer. Except  
23 in amounts equal to the amounts appropriated to working  
24 capital funds in this Act, no obligations may be made  
25 against a working capital fund to procure or increase the  
26 value of war reserve material inventory, unless the Sec-

1   retary of Defense has notified the Congress prior to any  
2   such obligation.

3         SEC. 8007. Funds appropriated by this Act may not  
4   be used to initiate a special access program without prior  
5   notification 30 calendar days in session in advance to the  
6   congressional defense committees.

7         SEC. 8008. None of the funds provided in this Act  
8   shall be available to initiate: (1) a multiyear contract that  
9   employs economic order quantity procurement in excess of  
10  \$20,000,000 in any one year of the contract or that in-  
11  cludes an unfunded contingent liability in excess of  
12  \$20,000,000; or (2) a contract for advance procurement  
13  leading to a multiyear contract that employs economic  
14  order quantity procurement in excess of \$20,000,000 in  
15  any one year, unless the congressional defense committees  
16  have been notified at least 30 days in advance of the pro-  
17  posed contract award: *Provided*, That no part of any ap-  
18  propriation contained in this Act shall be available to initi-  
19  ate a multiyear contract for which the economic order  
20  quantity advance procurement is not funded at least to  
21  the limits of the Government's liability: *Provided further*,  
22  That no part of any appropriation contained in this Act  
23  shall be available to initiate multiyear procurement con-  
24  tracts for any systems or component thereof if the value  
25  of the multiyear contract would exceed \$500,000,000 un-

1 less specifically provided in this Act: *Provided further*,  
2 That no multiyear procurement contract can be termi-  
3 nated without 10-day prior notification to the congres-  
4 sional defense committees: *Provided further*, That the exe-  
5 cution of multiyear authority shall require the use of a  
6 present value analysis to determine lowest cost compared  
7 to an annual procurement.

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

10 AV-8B aircraft;

11 E-2C aircraft;

12 T-45 aircraft; and

13 Medium Tactical Vehicle Replacement (MTVR)  
14 vehicle.

15 SEC. 8009. Within the funds appropriated for the op-  
16 eration and maintenance of the Armed Forces, funds are  
17 hereby appropriated pursuant to section 401 of title 10,  
18 United States Code, for humanitarian and civic assistance  
19 costs under chapter 20 of title 10, United States Code.  
20 Such funds may also be obligated for humanitarian and  
21 civic assistance costs incidental to authorized operations  
22 and pursuant to authority granted in section 401 of chap-  
23 ter 20 of title 10, United States Code, and these obliga-  
24 tions shall be reported to Congress on September 30 of  
25 each year: *Provided*, That funds available for operation



1 and maintenance shall be available for providing humani-  
2 tarian and similar assistance by using Civic Action Teams  
3 in the Trust Territories of the Pacific Islands and freely  
4 associated states of Micronesia, pursuant to the Compact  
5 of Free Association as authorized by Public Law 99–239:  
6 *Provided further*, That upon a determination by the Sec-  
7 retary of the Army that such action is beneficial for grad-  
8 uate medical education programs conducted at Army med-  
9 ical facilities located in Hawaii, the Secretary of the Army  
10 may authorize the provision of medical services at such  
11 facilities and transportation to such facilities, on a non-  
12 reimbursable basis, for civilian patients from American  
13 Samoa, the Commonwealth of the Northern Mariana Is-  
14 lands, the Marshall Islands, the Federated States of Mi-  
15 cronesia, Palau, and Guam.

16 SEC. 8010. (a) During fiscal year 1999, the civilian  
17 personnel of the Department of Defense may not be man-  
18 aged on the basis of any end-strength, and the manage-  
19 ment of such personnel during that fiscal year shall not  
20 be subject to any constraint or limitation (known as an  
21 end-strength) on the number of such personnel who may  
22 be employed on the last day of such fiscal year.

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

1 Department of Defense budget request shall be prepared  
2 and submitted to the Congress as if subsections (a) and  
3 (b) of this provision were effective with regard to fiscal  
4 year 2000.

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

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

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

21 SEC. 8013. (a) None of the funds appropriated by  
22 this Act shall be used to make contributions to the Depart-  
23 ment of Defense Education Benefits Fund pursuant to  
24 section 2006(g) of title 10, United States Code, represent-  
25 ing the normal cost for future benefits under section

1 3015(c) of title 38, United States Code, for any member  
2 of the armed services who, on or after the date of enact-  
3 ment of this Act—

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

6 (2) receives an enlistment bonus under section  
7 308a or 308f of title 37, United States Code,

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

24 (b) None of the funds appropriated by this Act shall  
25 be available for the basic pay and allowances of any mem-

1 ber of the Army participating as a full-time student and  
2 receiving benefits paid by the Secretary of Veterans Af-  
3 fairs from the Department of Defense Education Benefits  
4 Fund when time spent as a full-time student is credited  
5 toward completion of a service commitment: *Provided*,  
6 That this subsection shall not apply to those members who  
7 have reenlisted with this option prior to October 1, 1987:  
8 *Provided further*, That this subsection applies only to ac-  
9 tive components of the Army.

10 SEC. 8014. None of the funds appropriated by this  
11 Act shall be available to convert to contractor performance  
12 an activity or function of the Department of Defense that,  
13 on or after the date of enactment of this Act, is performed  
14 by more than ten Department of Defense civilian employ-  
15 ees until a most efficient and cost-effective organization  
16 analysis is completed on such activity or function and cer-  
17 tification of the analysis is made to the Committees on  
18 Appropriations of the House of Representatives and the  
19 Senate: *Provided*, That this section shall not apply to a  
20 commercial or industrial type function of the Department  
21 of Defense that: (1) is included on the procurement list  
22 established pursuant to section 2 of the Act of June 25,  
23 1938 (41 U.S.C. 47), popularly referred to as the Javits-  
24 Wagner-O'Day Act; (2) is planned to be converted to per-  
25 formance by a qualified nonprofit agency for the blind or

1 by a qualified nonprofit agency for other severely handi-  
2 capped individuals in accordance with that Act; or (3) is  
3 planned to be converted to performance by a qualified firm  
4 under 51 per centum Native American ownership.

5 (TRANSFER OF FUNDS)

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

16 SEC. 8016. None of the funds in this Act may be  
17 available for the purchase by the Department of Defense  
18 (and its departments and agencies) of welded shipboard  
19 anchor and mooring chain 4 inches in diameter and under  
20 unless the anchor and mooring chain are manufactured  
21 in the United States from components which are substan-  
22 tially manufactured in the United States: *Provided*, That  
23 for the purpose of this section manufactured will include  
24 cutting, heat treating, quality control, testing of chain and  
25 welding (including the forging and shot blasting process):  
26 *Provided further*, That for the purpose of this section sub-

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

14       SEC. 8017. None of the funds appropriated by this  
15 Act available for the Civilian Health and Medical Program  
16 of the Uniformed Services (CHAMPUS) shall be available  
17 for the reimbursement of any health care provider for in-  
18 patient mental health service for care received when a pa-  
19 tient is referred to a provider of inpatient mental health  
20 care or residential treatment care by a medical or health  
21 care professional having an economic interest in the facil-  
22 ity to which the patient is referred: *Provided*, That this  
23 limitation does not apply in the case of inpatient mental  
24 health services provided under the program for persons  
25 with disabilities under subsection (d) of section 1079 of

1 title 10, United States Code, provided as partial hospital  
2 care, or provided pursuant to a waiver authorized by the  
3 Secretary of Defense because of medical or psychological  
4 circumstances of the patient that are confirmed by a  
5 health professional who is not a Federal employee after  
6 a review, pursuant to rules prescribed by the Secretary,  
7 which takes into account the appropriate level of care for  
8 the patient, the intensity of services required by the pa-  
9 tient, and the availability of that care.

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

16       SEC. 8019. Notwithstanding any other provision of  
17 law, during the current fiscal year, the Secretary of De-  
18 fense may, by executive agreement, establish with host na-  
19 tion governments in NATO member states a separate ac-  
20 count into which such residual value amounts negotiated  
21 in the return of United States military installations in  
22 NATO member states may be deposited, in the currency  
23 of the host nation, in lieu of direct monetary transfers to  
24 the United States Treasury: *Provided*, That such credits  
25 may be utilized only for the construction of facilities to

1 support United States military forces in that host nation,  
2 or such real property maintenance and base operating  
3 costs that are currently executed through monetary trans-  
4 fers to such host nations: *Provided further*, That the De-  
5 partment of Defense's budget submission for fiscal year  
6 2000 shall identify such sums anticipated in residual value  
7 settlements, and identify such construction, real property  
8 maintenance or base operating costs that shall be funded  
9 by the host nation through such credits: *Provided further*,  
10 That all military construction projects to be executed from  
11 such accounts must be previously approved in a prior Act  
12 of Congress: *Provided further*, That each such executive  
13 agreement with a NATO member host nation shall be re-  
14 ported to the congressional defense committees, the Com-  
15 mittee on International Relations of the House of Rep-  
16 resentatives and the Committee on Foreign Relations of  
17 the Senate 30 days prior to the conclusion and endorse-  
18 ment of any such agreement established under this provi-  
19 sion.

20 SEC. 8020. None of the funds available to the De-  
21 partment of Defense may be used to demilitarize or dis-  
22 pose of M-1 Carbines, M-1 Garand rifles, M-14 rifles,  
23 .22 caliber rifles, .30 caliber rifles, or M-1911 pistols.

24 SEC. 8021. Notwithstanding any other provision of  
25 law, none of the funds appropriated by this Act shall be



1 available to pay more than 50 per centum of an amount  
2 paid to any person under section 308 of title 37, United  
3 States Code, in a lump sum.

4       SEC. 8022. No more than \$500,000 of the funds ap-  
5 propriated or made available in this Act shall be used dur-  
6 ing a single fiscal year for any single relocation of an orga-  
7 nization, unit, activity or function of the Department of  
8 Defense into or within the National Capital Region: *Pro-*  
9 *vided*, That the Secretary of Defense may waive this re-  
10 striction on a case-by-case basis by certifying in writing  
11 to the congressional defense committees that such a relo-  
12 cation is required in the best interest of the Government.

13       SEC. 8023. A member of a reserve component whose  
14 unit or whose residence is located in a State which is not  
15 contiguous with another State is authorized to travel in  
16 a space required status on aircraft of the Armed Forces  
17 between home and place of inactive duty training, or place  
18 of duty in lieu of unit training assembly, when there is  
19 no road or railroad transportation (or combination of road  
20 and railroad transportation between those locations): *Pro-*  
21 *vided*, That a member traveling in that status on a mili-  
22 tary aircraft pursuant to the authority provided in this  
23 section is not authorized to receive travel, transportation,  
24 or per diem allowances in connection with that travel.

1       SEC. 8024. The unobligated balance of the amounts  
2 appropriated by section 8024 of the Department of De-  
3 fense Appropriations Act, 1998 (Public Law 105–56),  
4 shall remain available until September 30, 1999 for incen-  
5 tive payments authorized by section 504 of the Indian Fi-  
6 nancing Act of 1974 (25 U.S.C. 1544): *Provided*, That  
7 contractors participating in the test program established  
8 by section 834 of Public Law 101–189 (15 U.S.C. 637  
9 note) shall be eligible for the program established by sec-  
10 tion 504 of the Indian Financing Act.

11       SEC. 8025. During the current fiscal year, funds ap-  
12 propriated or otherwise available for any Federal agency,  
13 the Congress, the judicial branch, or the District of Co-  
14 lumbia may be used for the pay, allowances, and benefits  
15 of an employee as defined by section 2105 of title 5,  
16 United States Code, or an individual employed by the gov-  
17 ernment of the District of Columbia, permanent or tem-  
18 porary indefinite, who—

19           (1) is a member of a Reserve component of the  
20 Armed Forces, as described in section 10101 of title  
21 10, United States Code, or the National Guard, as  
22 described in section 101 of title 32, United States  
23 Code;

24           (2) performs, for the purpose of providing mili-  
25 tary aid to enforce the law or providing assistance

1 to civil authorities in the protection or saving of life  
2 or property or prevention of injury—

3 (A) Federal service under sections 331,  
4 332, 333, or 12406 of title 10, or other provi-  
5 sion of law, as applicable; or

6 (B) full-time military service for his or her  
7 State, the District of Columbia, the Common-  
8 wealth of Puerto Rico, or a territory of the  
9 United States; and

10 (3) requests and is granted—

11 (A) leave under the authority of this sec-  
12 tion; or

13 (B) annual leave, which may be granted  
14 without regard to the provisions of sections  
15 5519 and 6323(b) of title 5, if such employee  
16 is otherwise entitled to such annual leave: *Pro-*  
17 *vided*, That any employee who requests leave  
18 under subsection (3)(A) for service described in  
19 subsection (2) of this section is entitled to such  
20 leave, subject to the provisions of this section  
21 and of the last sentence of section 6323(b) of  
22 title 5, and such leave shall be considered leave  
23 under section 6323(b) of title 5, United States  
24 Code.

1        SEC. 8026. None of the funds appropriated by this  
2 Act shall be available to perform any cost study pursuant  
3 to the provisions of OMB Circular A-76 if the study being  
4 performed exceeds a period of 24 months after initiation  
5 of such study with respect to a single function activity or  
6 48 months after initiation of such study for a multi-func-  
7 tion activity.

8        SEC. 8027. Funds appropriated by this Act for the  
9 American Forces Information Service shall not be used for  
10 any national or international political or psychological ac-  
11 tivities.

12        SEC. 8028. Notwithstanding any other provision of  
13 law or regulation, the Secretary of Defense may adjust  
14 wage rates for civilian employees hired for certain health  
15 care occupations as authorized for the Secretary of Veter-  
16 ans Affairs by section 7455 of title 38, United States  
17 Code.

18        SEC. 8029. None of the funds appropriated or made  
19 available in this Act shall be used to reduce or disestablish  
20 the operation of the 53rd Weather Reconnaissance Squad-  
21 ron of the Air Force Reserve, if such action would reduce  
22 the WC-130 Weather Reconnaissance mission below the  
23 levels funded in this Act.

24        SEC. 8030. (a) Of the funds for the procurement of  
25 supplies or services appropriated by this Act, qualified

1 nonprofit agencies for the blind or other severely handi-  
2 capped shall be afforded the maximum practicable oppor-  
3 tunity to participate as subcontractors and suppliers in the  
4 performance of contracts let by the Department of De-  
5 fense.

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

14 (c) For the purpose of this section, the phrase “quali-  
15 fied nonprofit agency for the blind or other severely handi-  
16 capped” means a nonprofit agency for the blind or other  
17 severely handicapped that has been approved by the Com-  
18 mittee for the Purchase from the Blind and Other Severely  
19 Handicapped under the Javits-Wagner-O’Day Act (41  
20 U.S.C. 46–48).

21 SEC. 8031. During the current fiscal year, net re-  
22 ceipts pursuant to collections from third party payers pur-  
23 suant to section 1095 of title 10, United States Code, shall  
24 be made available to the local facility of the uniformed

1 services responsible for the collections and shall be over  
2 and above the facility's direct budget amount.

3 SEC. 8032. During the current fiscal year, the De-  
4 partment of Defense is authorized to incur obligations of  
5 not to exceed \$350,000,000 for purposes specified in sec-  
6 tion 2350j(c) of title 10, United States Code, in anticipa-  
7 tion of receipt of contributions, only from the Government  
8 of Kuwait, under that section: *Provided*, That upon re-  
9 ceipt, such contributions from the Government of Kuwait  
10 shall be credited to the appropriations or fund which in-  
11 curred such obligations.

12 SEC. 8033. Of the funds made available in this Act,  
13 not less than \$28,300,000 shall be available for the Civil  
14 Air Patrol Corporation, of which \$23,500,000 shall be  
15 available for Civil Air Patrol Corporation operation and  
16 maintenance to support readiness activities which includes  
17 \$3,800,000 for the Civil Air Patrol counterdrug program:  
18 *Provided*, That funds identified for "Civil Air Patrol"  
19 under this section are intended for and shall be for the  
20 exclusive use of the Civil Air Patrol Corporation and not  
21 for the Air Force or any unit thereof.

22 SEC. 8034. (a) None of the funds appropriated in this  
23 Act are available to establish a new Department of De-  
24 fense (department) Federally Funded Research and Devel-  
25 opment Center (FFRDC), either as a new entity, or as

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

5 (b) No member of a Board of Directors, Trustees,  
6 Overseers, Advisory Group, Special Issues Panel, Visiting  
7 Committee, or any similar entity of a defense FFRDC,  
8 and no paid consultant to any defense FFRDC, may be  
9 compensated for his or her services as a member of such  
10 entity, or as a paid consultant, except under the same con-  
11 ditions, and to the same extent, as members of the De-  
12 fense Science Board: *Provided*, That a member of any  
13 such entity referred to previously in this subsection shall  
14 be allowed travel expenses and per diem as authorized  
15 under the Federal Joint Travel Regulations, when en-  
16 gaged in the performance of membership duties.

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

24 (d) Notwithstanding any other provision of law, of  
25 the funds available to the department during fiscal year

1 1999, not more than 6,206 staff years of technical effort  
2 (staff years) may be funded for defense FFRDCs: *Pro-*  
3 *vided*, That of the specific amount referred to previously  
4 in this subsection, not more than 1,105 staff years may  
5 be funded for the defense studies and analysis FFRDCs.

6 (e) Notwithstanding any other provision of law, the  
7 Secretary of Defense shall control the total number of  
8 staff years to be performed by defense FFRDCs during  
9 fiscal year 1999 so as to reduce the total amounts appro-  
10 priated in titles II, III, and IV of this Act by \$62,000,000:  
11 *Provided*, That the total amounts appropriated in titles  
12 II, III, and IV of this Act are hereby reduced by  
13 \$62,000,000 to reflect savings from the use of defense  
14 FFRDCs by the department.

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



1 (g) The Secretary of Defense shall, with the submis-  
2 sion of the department's fiscal year 2000 budget request,  
3 submit a report presenting the specific amounts of staff  
4 years of technical effort to be allocated for each defense  
5 FFRDC during that fiscal year.

6 (h) No part of the reductions contained in subsection  
7 (e) of this section may be applied against any budget activ-  
8 ity, activity group, subactivity group, line item, program  
9 element, program, project, subproject or activity which  
10 does not fund defense FFRDC activities within each ap-  
11 propriation account, and the reductions in subsection (e)  
12 shall be allocated on a proportional basis.

13 (i) Not later than 90 days after enactment of this  
14 Act, the Secretary of Defense shall submit to the congres-  
15 sional defense committees a report listing the specific  
16 funding reductions allocated to each category listed in sub-  
17 section (h) above pursuant to this section.

18 SEC. 8035. None of the funds appropriated or made  
19 available in this Act shall be used to procure carbon, alloy  
20 or armor steel plate for use in any Government-owned fa-  
21 cility or property under the control of the Department of  
22 Defense which were not melted and rolled in the United  
23 States or Canada: *Provided*, That these procurement re-  
24 strictions shall apply to any and all Federal Supply Class  
25 9515, American Society of Testing and Materials (ASTM)

1 or American Iron and Steel Institute (AISI) specifications  
2 of carbon, alloy or armor steel plate: *Provided further*,  
3 That the Secretary of the military department responsible  
4 for the procurement may waive this restriction on a case-  
5 by-case basis by certifying in writing to the Committees  
6 on Appropriations of the House of Representatives and the  
7 Senate that adequate domestic supplies are not available  
8 to meet Department of Defense requirements on a timely  
9 basis and that such an acquisition must be made in order  
10 to acquire capability for national security purposes: *Pro-*  
11 *vided further*, That these restrictions shall not apply to  
12 contracts which are in being as of the date of enactment  
13 of this Act.

14       SEC. 8036. For the purposes of this Act, the term  
15 “congressional defense committees” means the National  
16 Security Committee of the House of Representatives, the  
17 Armed Services Committee of the Senate, the Subcommit-  
18 tee on Defense of the Committee on Appropriations of the  
19 Senate, and the Subcommittee on National Security of the  
20 Committee on Appropriations of the House of Representa-  
21 tives.

22       SEC. 8037. During the current fiscal year, the De-  
23 partment of Defense may acquire the modification, depot  
24 maintenance and repair of aircraft, vehicles and vessels  
25 as well as the production of components and other De-

1 fense-related articles, through competition between De-  
2 partment of Defense depot maintenance activities and pri-  
3 vate firms: *Provided*, That the Senior Acquisition Execu-  
4 tive of the military department or defense agency con-  
5 cerned, with power of delegation, shall certify that success-  
6 ful bids include comparable estimates of all direct and in-  
7 direct costs for both public and private bids: *Provided fur-*  
8 *ther*, That Office of Management and Budget Circular A-  
9 76 shall not apply to competitions conducted under this  
10 section.

11       SEC. 8038. (a)(1) If the Secretary of Defense, after  
12 consultation with the United States Trade Representative,  
13 determines that a foreign country which is party to an  
14 agreement described in paragraph (2) has violated the  
15 terms of the agreement by discriminating against certain  
16 types of products produced in the United States that are  
17 covered by the agreement, the Secretary of Defense shall  
18 rescind the Secretary's blanket waiver of the Buy Amer-  
19 ican Act with respect to such types of products produced  
20 in that foreign country.

21       (2) An agreement referred to in paragraph (1) is any  
22 reciprocal defense procurement memorandum of under-  
23 standing, between the United States and a foreign country  
24 pursuant to which the Secretary of Defense has prospec-

1 tively waived the Buy American Act for certain products  
2 in that country.

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

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

18 SEC. 8039. Appropriations contained in this Act that  
19 remain available at the end of the current fiscal year as  
20 a result of energy cost savings realized by the Department  
21 of Defense shall remain available for obligation for the  
22 next fiscal year to the extent, and for the purposes, pro-  
23 vided in section 2865 of title 10, United States Code.

24 (INCLUDING TRANSFER OF FUNDS)

25 SEC. 8040. Amounts deposited during the current fis-  
26 cal year to the special account established under 40 U.S.C.

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

10 SEC. 8041. During the current fiscal year, appropria-  
11 tions available to the Department of Defense may be used  
12 to reimburse a member of a reserve component of the  
13 Armed Forces who is not otherwise entitled to travel and  
14 transportation allowances and who occupies transient gov-  
15 ernment housing while performing active duty for training  
16 or inactive duty training: *Provided*, That such members  
17 may be provided lodging in kind if transient government  
18 quarters are unavailable as if the member was entitled to  
19 such allowances under subsection (a) of section 404 of title  
20 37, United States Code: *Provided further*, That if lodging  
21 in kind is provided, any authorized service charge or cost  
22 of such lodging may be paid directly from funds appro-  
23 priated for operation and maintenance of the reserve com-  
24 ponent of the member concerned.

1       SEC. 8042. The President shall include with each  
2 budget for a fiscal year submitted to the Congress under  
3 section 1105 of title 31, United States Code, materials  
4 that shall identify clearly and separately the amounts re-  
5 quested in the budget for appropriation for that fiscal year  
6 for salaries and expenses related to administrative activi-  
7 ties of the Department of Defense, the military depart-  
8 ments, and the Defense Agencies.

9       SEC. 8043. Notwithstanding any other provision of  
10 law, funds available for “Drug Interdiction and Counter-  
11 Drug Activities, Defense” may be obligated for the Young  
12 Marines program.

13       SEC. 8044. During the current fiscal year, amounts  
14 contained in the Department of Defense Overseas Military  
15 Facility Investment Recovery Account established by sec-  
16 tion 2921(c)(1) of the National Defense Authorization Act  
17 of 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall  
18 be available until expended for the payments specified by  
19 section 2921(c)(2) of that Act.

20       SEC. 8045. Of the funds appropriated or otherwise  
21 made available by this Act, not more than \$119,200,000  
22 shall be available for payment of the operating costs of  
23 NATO Headquarters: *Provided*, That the Secretary of De-  
24 fense may waive this section for Department of Defense

1 support provided to NATO forces in and around the  
2 former Yugoslavia.

3 SEC. 8046. During the current fiscal year, appropria-  
4 tions which are available to the Department of Defense  
5 for operation and maintenance may be used to purchase  
6 items having an investment item unit cost of not more  
7 than \$100,000.

8 SEC. 8047. (a) During the current fiscal year, none  
9 of the appropriations or funds available to the Department  
10 of Defense Working Capital Funds shall be used for the  
11 purchase of an investment item for the purpose of acquir-  
12 ing a new inventory item for sale or anticipated sale dur-  
13 ing the current fiscal year or a subsequent fiscal year to  
14 customers of the Department of Defense Working Capital  
15 Funds if such an item would not have been chargeable  
16 to the Department of Defense Business Operations Fund  
17 during fiscal year 1994 and if the purchase of such an  
18 investment item would be chargeable during the current  
19 fiscal year to appropriations made to the Department of  
20 Defense for procurement.

21 (b) The fiscal year 2000 budget request for the De-  
22 partment of Defense as well as all justification material  
23 and other documentation supporting the fiscal year 2000  
24 Department of Defense budget shall be prepared and sub-  
25 mitted to the Congress on the basis that any equipment

1 which was classified as an end item and funded in a pro-  
2 curement appropriation contained in this Act shall be  
3 budgeted for in a proposed fiscal year 2000 procurement  
4 appropriation and not in the supply management business  
5 area or any other area or category of the Department of  
6 Defense Working Capital Funds.

7       SEC. 8048. None of the funds appropriated by this  
8 Act for programs of the Central Intelligence Agency shall  
9 remain available for obligation beyond the current fiscal  
10 year, except for funds appropriated for the Reserve for  
11 Contingencies, which shall remain available until Septem-  
12 ber 30, 2000: *Provided*, That funds appropriated, trans-  
13 ferred, or otherwise credited to the Central Intelligence  
14 Agency Central Services Working Capital Fund during  
15 this or any prior or subsequent fiscal year shall remain  
16 available until expended.

17       SEC. 8049. Notwithstanding any other provision of  
18 law, funds made available in this Act for the Defense In-  
19 telligence Agency may be used for the design, develop-  
20 ment, and deployment of General Defense Intelligence  
21 Program intelligence communications and intelligence in-  
22 formation systems for the Services, the Unified and Speci-  
23 fied Commands, and the component commands.

24       SEC. 8050. Amounts collected for the use of the fa-  
25 cilities of the National Science Center for Communications



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

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

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

22       (b) If the Secretary of Defense determines that a per-  
23 son has been convicted of intentionally affixing a label  
24 bearing a "Made in America" inscription to any product  
25 sold in or shipped to the United States that is not made

1 in America, the Secretary shall determine, in accordance  
2 with section 2410f of title 10, United States Code, wheth-  
3 er the person should be debarred from contracting with  
4 the Department of Defense.

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

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

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

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

1           (3) the purpose of the contract is to take ad-  
2 vantage of unique and significant industrial accom-  
3 plishment by a specific concern, or to insure that a  
4 new product or idea of a specific concern is given fi-  
5 nancial support: *Provided*, That this limitation shall  
6 not apply to contracts in an amount of less than  
7 \$25,000, contracts related to improvements of equip-  
8 ment that is in development or production, or con-  
9 tracts as to which a civilian official of the Depart-  
10 ment of Defense, who has been confirmed by the  
11 Senate, determines that the award of such contract  
12 is in the interest of the national defense.

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

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

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

22       (b) The Secretary of Defense or Secretary of a mili-  
23 tary department may waive the limitations in subsection  
24 (a), on a case-by-case basis, if the Secretary determines,  
25 and certifies to the Committees on Appropriations of the

1 House of Representatives and Senate that the granting  
2 of the waiver will reduce the personnel requirements or  
3 the financial requirements of the department.

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

7 SEC. 8055. Notwithstanding section 303 of Public  
8 Law 96–487 or any other provision of law, the Secretary  
9 of the Navy is authorized to lease real and personal prop-  
10 erty at Naval Air Facility, Adak, Alaska, pursuant to 10  
11 U.S.C. 2667(f), for commercial, industrial or other pur-  
12 poses.

13 (RESCISSIONS)

14 SEC. 8056. Of the funds provided in Department of  
15 Defense Appropriations Acts, the following funds are here-  
16 by rescinded from the following accounts in the specified  
17 amounts:

18 “Missile Procurement, Army, 1998/2000”,  
19 \$13,300,000;

20 “Procurement of Weapons and Tracked Combat  
21 Vehicles, Army, 1998/2000”, \$6,700,000;

22 “Other Procurement, Army, 1998/2000”,  
23 \$24,000,000;

24 “Weapons Procurement, Navy, 1998/2000”,  
25 \$2,000,000;

1           “Procurement of Ammunition, Navy and Ma-  
2           rine Corps, 1998/2000”, \$12,000,000;  
3           “Other Procurement, Navy, 1998/2000”,  
4           \$28,500,000;  
5           “Aircraft Procurement, Air Force, 1998/2000”,  
6           \$15,000,000;  
7           “Missile Procurement, Air Force, 1998/2000”,  
8           \$19,840,000;  
9           “Other Procurement, Air Force, 1998/2000”,  
10          \$4,160,000;  
11          “Research, Development, Test and Evaluation,  
12          Army, 1998/1999”, \$18,000,000;  
13          “Research, Development, Test and Evaluation,  
14          Navy, 1998/1999”, \$17,500,000;  
15          “Research, Development, Test and Evaluation,  
16          Air Force, 1998/1999”, \$34,370,000; and  
17          “Research, Development, Test and Evaluation,  
18          Defense-Wide, 1998/1999”, \$73,000,000.  
19          SEC. 8057. None of the funds available in this Act  
20          may be used to reduce the authorized positions for mili-  
21          tary (civilian) technicians of the Army National Guard,  
22          the Air National Guard, Army Reserve and Air Force Re-  
23          serve for the purpose of applying any administratively im-  
24          posed civilian personnel ceiling, freeze, or reduction on

1 military (civilian) technicians, unless such reductions are  
2 a direct result of a reduction in military force structure.

3 SEC. 8058. None of the funds appropriated or other-  
4 wise made available in this Act may be obligated or ex-  
5 pended for assistance to the Democratic People's Republic  
6 of North Korea unless specifically appropriated for that  
7 purpose.

8 SEC. 8059. During the current fiscal year, funds ap-  
9 propriated in this Act are available to compensate mem-  
10 bers of the National Guard for duty performed pursuant  
11 to a plan submitted by a Governor of a State and approved  
12 by the Secretary of Defense under section 112 of title 32,  
13 United States Code: *Provided*, That during the perform-  
14 ance of such duty, the members of the National Guard  
15 shall be under State command and control: *Provided fur-*  
16 *ther*, That such duty shall be treated as full-time National  
17 Guard duty for purposes of sections 12602(a)(2) and  
18 (b)(2) of title 10, United States Code.

19 SEC. 8060. Funds appropriated in this Act for oper-  
20 ation and maintenance of the Military Departments, Uni-  
21 fied and Specified Commands and Defense Agencies shall  
22 be available for reimbursement of pay, allowances and  
23 other expenses which would otherwise be incurred against  
24 appropriations for the National Guard and Reserve when  
25 members of the National Guard and Reserve provide intel-

1 lidence or counterintelligence support to Unified Com-  
2 mands, Defense Agencies and Joint Intelligence Activities,  
3 including the activities and programs included within the  
4 National Foreign Intelligence Program (NFIP), the Joint  
5 Military Intelligence Program (JMIP), and the Tactical  
6 Intelligence and Related Activities (TIARA) aggregate:  
7 *Provided*, That nothing in this section authorizes deviation  
8 from established Reserve and National Guard personnel  
9 and training procedures.

10       SEC. 8061. During the current fiscal year, none of  
11 the funds appropriated in this Act may be used to reduce  
12 the civilian medical and medical support personnel as-  
13 signed to military treatment facilities below the September  
14 30, 1998 level: *Provided*, That the Service Surgeons Gen-  
15 eral may waive this section by certifying to the congres-  
16 sional defense committees that the beneficiary population  
17 is declining in some catchment areas and civilian strength  
18 reductions may be consistent with responsible resource  
19 stewardship and capitation-based budgeting.

20                               (INCLUDING TRANSFER OF FUNDS)

21       SEC. 8062. None of the funds appropriated in this  
22 Act may be transferred to or obligated from the Pentagon  
23 Reservation Maintenance Revolving Fund, unless the Sec-  
24 retary of Defense certifies that the total cost for the plan-  
25 ning, design, construction and installation of equipment

1 for the renovation of the Pentagon Reservation will not  
2 exceed \$1,118,000,000.

3 SEC. 8063. (a) None of the funds available to the  
4 Department of Defense for any fiscal year for drug inter-  
5 diction or counter-drug activities may be transferred to  
6 any other department or agency of the United States ex-  
7 cept as specifically provided in an appropriations law.

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

13 (TRANSFER OF FUNDS)

14 SEC. 8064. Appropriations available in this Act under  
15 the heading "Operation and Maintenance, Defense-Wide"  
16 for increasing energy and water efficiency in Federal  
17 buildings may, during their period of availability, be trans-  
18 ferred to other appropriations or funds of the Department  
19 of Defense for projects related to increasing energy and  
20 water efficiency, to be merged with and to be available  
21 for the same general purposes, and for the same time pe-  
22 riod, as the appropriation or fund to which transferred.

23 SEC. 8065. None of the funds appropriated by this  
24 Act may be used for the procurement of ball and roller  
25 bearings other than those produced by a domestic source  
26 and of domestic origin: *Provided*, That the Secretary of



1 the military department responsible for such procurement  
2 may waive this restriction on a case-by-case basis by cer-  
3 tifying in writing to the Committees on Appropriations of  
4 the House of Representatives and the Senate, that ade-  
5 quate domestic supplies are not available to meet Depart-  
6 ment of Defense requirements on a timely basis and that  
7 such an acquisition must be made in order to acquire ca-  
8 pability for national security purposes.

9       SEC. 8066. Notwithstanding any other provision of  
10 law, funds available to the Department of Defense shall  
11 be made available to provide transportation of medical  
12 supplies and equipment, on a nonreimbursable basis, to  
13 American Samoa: *Provided*, That notwithstanding any  
14 other provision of law, funds available to the Department  
15 of Defense shall be made available to provide transpor-  
16 tation of medical supplies and equipment, on a non-  
17 reimbursable basis, to the Indian Health Service when it  
18 is in conjunction with a civil-military project.

19       SEC. 8067. None of the funds in this Act may be  
20 used to purchase any supercomputer which is not manu-  
21 factured in the United States, unless the Secretary of De-  
22 fense certifies to the congressional defense committees  
23 that such an acquisition must be made in order to acquire  
24 capability for national security purposes that is not avail-  
25 able from United States manufacturers.

1       SEC. 8068. Notwithstanding any other provision of  
2 law, the Naval shipyards of the United States shall be eli-  
3 gible to participate in any manufacturing extension pro-  
4 gram financed by funds appropriated in this or any other  
5 Act.

6       SEC. 8069. Notwithstanding any other provision of  
7 law, each contract awarded by the Department of Defense  
8 during the current fiscal year for construction or service  
9 performed in whole or in part in a State which is not con-  
10 tiguous with another State and has an unemployment rate  
11 in excess of the national average rate of unemployment  
12 as determined by the Secretary of Labor, shall include a  
13 provision requiring the contractor to employ, for the pur-  
14 pose of performing that portion of the contract in such  
15 State that is not contiguous with another State, individ-  
16 uals who are residents of such State and who, in the case  
17 of any craft or trade, possess or would be able to acquire  
18 promptly the necessary skills: *Provided*, That the Sec-  
19 retary of Defense may waive the requirements of this sec-  
20 tion, on a case-by-case basis, in the interest of national  
21 security.

22       SEC. 8070. During the current fiscal year, the Army  
23 shall use the former George Air Force Base as the airhead  
24 for the National Training Center at Fort Irwin: *Provided*,  
25 That none of the funds in this Act shall be obligated or

1 expended to transport Army personnel into Edwards Air  
2 Force Base for training rotations at the National Training  
3 Center.

4       SEC. 8071. (a) The Secretary of Defense shall sub-  
5 mit, on a quarterly basis, a report to the congressional  
6 defense committees, the Committee on International Rela-  
7 tions of the House of Representatives and the Committee  
8 on Foreign Relations of the Senate setting forth all costs  
9 (including incremental costs) incurred by the Department  
10 of Defense during the preceding quarter in implementing  
11 or supporting resolutions of the United Nations Security  
12 Council, including any such resolution calling for inter-  
13 national sanctions, international peacekeeping operations,  
14 and humanitarian missions undertaken by the Depart-  
15 ment of Defense. The quarterly report shall include an ag-  
16 gregate of all such Department of Defense costs by oper-  
17 ation or mission.

18       (b) The Secretary of Defense shall detail in the quar-  
19 terly reports all efforts made to seek credit against past  
20 United Nations expenditures and all efforts made to seek  
21 compensation from the United Nations for costs incurred  
22 by the Department of Defense in implementing and sup-  
23 porting United Nations activities.

24       SEC. 8072. (a) LIMITATION ON TRANSFER OF DE-  
25 FENSE ARTICLES AND SERVICES.—Notwithstanding any

1 other provision of law, none of the funds available to the  
2 Department of Defense for the current fiscal year may be  
3 obligated or expended to transfer to another nation or an  
4 international organization any defense articles or services  
5 (other than intelligence services) for use in the activities  
6 described in subsection (b) unless the congressional de-  
7 fense committees, the Committee on International Rela-  
8 tions of the House of Representatives, and the Committee  
9 on Foreign Relations of the Senate are notified 15 days  
10 in advance of such transfer.

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

12 (1) any international peacekeeping or peace-en-  
13 forcement operation under the authority of chapter  
14 VI or chapter VII of the United Nations Charter  
15 under the authority of a United Nations Security  
16 Council resolution; and

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

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

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

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

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

3                   (A) a statement of whether the inventory  
4                   requirements of all elements of the Armed  
5                   Forces (including the reserve components) for  
6                   the type of equipment or supplies to be trans-  
7                   ferred have been met; and

8                   (B) a statement of whether the items pro-  
9                   posed to be transferred will have to be replaced  
10                  and, if so, how the President proposes to pro-  
11                  vide funds for such replacement.

12          SEC. 8073. None of the funds available to the De-  
13          partment of Defense shall be obligated or expended to  
14          make a financial contribution to the United Nations for  
15          the cost of an United Nations peacekeeping activity  
16          (whether pursuant to assessment or a voluntary contribu-  
17          tion) or for payment of any United States arrearage to  
18          the United Nations.

19          SEC. 8074. None of the funds available to the De-  
20          partment of Defense under this Act shall be obligated or  
21          expended to pay a contractor under a contract with the  
22          Department of Defense for costs of any amount paid by  
23          the contractor to an employee when—



1 the heading “Operation and Maintenance, Defense-Wide”  
2 may be transferred to appropriations available for the pay  
3 of military personnel, to be merged with, and to be avail-  
4 able for the same time period as the appropriations to  
5 which transferred, to be used in support of such personnel  
6 in connection with support and services for eligible organi-  
7 zations and activities outside the Department of Defense  
8 pursuant to section 2012 of title 10, United States Code.

9       SEC. 8078. For purposes of section 1553(b) of title  
10 31, United States Code, any subdivision of appropriations  
11 made in this Act under the heading “Shipbuilding and  
12 Conversion, Navy” shall be considered to be for the same  
13 purpose as any subdivision under the heading “Shipbuild-  
14 ing and Conversion, Navy” appropriations in any prior  
15 year, and the 1 percent limitation shall apply to the total  
16 amount of the appropriation.

17       SEC. 8079. During the current fiscal year, in the case  
18 of an appropriation account of the Department of Defense  
19 for which the period of availability for obligation has ex-  
20 pired or which has closed under the provisions of section  
21 1552 of title 31, United States Code, and which has a  
22 negative unliquidated or unexpended balance, an obliga-  
23 tion or an adjustment of an obligation may be charged  
24 to any current appropriation account for the same purpose  
25 as the expired or closed account if—

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

5           (2) the obligation is not otherwise properly  
6 chargeable to any current appropriation account of  
7 the Department of Defense; and

8           (3) in the case of an expired account, the obli-  
9 gation is not chargeable to a current appropriation  
10 of the Department of Defense under the provisions  
11 of section 1405(b)(8) of the National Defense Au-  
12 thorization Act for Fiscal Year 1991, Public Law  
13 101–510, as amended (31 U.S.C. 1551 note): *Pro-*  
14 *vided*, That in the case of an expired account, if sub-  
15 sequent review or investigation discloses that there  
16 was not in fact a negative unliquidated or unex-  
17 pended balance in the account, any charge to a cur-  
18 rent account under the authority of this section shall  
19 be reversed and recorded against the expired ac-  
20 count: *Provided further*, That the total amount  
21 charged to a current appropriation under this sec-  
22 tion may not exceed an amount equal to 1 percent  
23 of the total appropriation for that account.

24       SEC. 8080. The Under Secretary of Defense (Comp-  
25 troller) shall submit to the congressional defense commit-



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

8       SEC. 8081. Funds appropriated in title II of this Act  
9 for supervision and administration costs for facilities  
10 maintenance and repair, minor construction, or design  
11 projects may be obligated at the time the reimbursable  
12 order is accepted by the performing activity: *Provided*,  
13 That for the purpose of this section, supervision and ad-  
14 ministration costs includes all in-house Government cost.

15       SEC. 8082. The Secretary of Defense may waive re-  
16 imbursement of the cost of conferences, seminars, courses  
17 of instruction, or similar educational activities of the Asia-  
18 Pacific Center for Security Studies for military officers  
19 and civilian officials of foreign nations if the Secretary de-  
20 termines that attendance by such personnel, without reim-  
21 bursement, is in the national security interest of the  
22 United States: *Provided*, That costs for which reimburse-  
23 ment is waived pursuant to this subsection shall be paid  
24 from appropriations available for the Asia-Pacific Center.

1       SEC. 8083. (a) Notwithstanding any other provision  
2 of law, the Chief of the National Guard Bureau may per-  
3 mit the use of equipment of the National Guard Distance  
4 Learning Project by any person or entity on a space-avail-  
5 able, reimbursable basis. The Chief of the National Guard  
6 Bureau shall establish the amount of reimbursement for  
7 such use on a case-by-case basis.

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

14       SEC. 8084. Using funds available by this Act or any  
15 other Act, the Secretary of the Air Force, pursuant to a  
16 determination under section 2690 of title 10, United  
17 States Code, may implement cost-effective agreements for  
18 required heating facility modernization in the  
19 Kaiserslautern Military Community in the Federal Repub-  
20 lic of Germany: *Provided*, That in the City of  
21 Kaiserslautern such agreements will include the use of  
22 United States anthracite as the base load energy for mu-  
23 nicipal district heat to the United States Defense installa-  
24 tions: *Provided further*, That at Landstuhl Army Regional  
25 Medical Center and Ramstein Air Base, furnished heat

1 may be obtained from private, regional or municipal serv-  
2 ices, if provisions are included for the consideration of  
3 United States coal as an energy source.

4       SEC. 8085. During the current fiscal year, the  
5 amounts which are necessary for the operation and main-  
6 tenance of the Fisher Houses administered by the Depart-  
7 ments of the Army, the Navy, and the Air Force are here-  
8 by appropriated, to be derived from amounts which are  
9 available in the applicable Fisher House trust fund estab-  
10 lished under 10 U.S.C. 2221 for the Fisher Houses of  
11 each such department.

12       SEC. 8086. During the current fiscal year and here-  
13 after, refunds attributable to the use of the Government  
14 travel card by military personnel and civilian employees  
15 of the Department of Defense and refunds attributable to  
16 official Government travel arranged by Government Con-  
17 tracted Travel Management Centers may be credited to  
18 operation and maintenance accounts of the Department  
19 of Defense which are current when the refunds are re-  
20 ceived.

21       SEC. 8087. During the current fiscal year, not more  
22 than a total of \$60,000,000 in withdrawal credits may be  
23 made by the Marine Corps Supply Management activity  
24 group of the Navy Working Capital Fund, Department of  
25 Defense Working Capital Funds, to the credit of current

1 applicable appropriations of a Department of Defense ac-  
2 tivity in connection with the acquisition of critical low den-  
3 sity repairables that are capitalized into the Navy Working  
4 Capital Fund.

5       SEC. 8088. Notwithstanding 31 U.S.C. 3902, during  
6 the current fiscal year interest penalties may be paid by  
7 the Department of Defense from funds financing the oper-  
8 ation of the military department or defense agency with  
9 which the invoice or contract payment is associated.

10       SEC. 8089. At the time the President submits his  
11 budget for fiscal year 2000 and any fiscal year thereafter,  
12 the Department of Defense shall transmit to the congres-  
13 sional defense committees a budget justification document  
14 for the active and reserve Military Personnel accounts, to  
15 be known as the “M-1”, which shall identify, at the budg-  
16 et activity, activity group, and subactivity group level, the  
17 amounts requested by the President to be appropriated to  
18 the Department of Defense for military personnel in any  
19 budget request, or amended budget request, for that fiscal  
20 year.

21       SEC. 8090. None of the funds appropriated in title  
22 IV of this Act may be used to procure end-items for deliv-  
23 ery to military forces for operational training, operational  
24 use or inventory requirements: *Provided*, That this restric-  
25 tion does not apply to end-items used in development,

1 prototyping, and test activities preceding and leading to  
2 acceptance for operational use: *Provided further*, That this  
3 restriction does not apply to programs funded within the  
4 National Foreign Intelligence Program: *Provided further*,  
5 That the Secretary of Defense may waive this restriction  
6 on a case-by-case basis by certifying in writing to the  
7 Committees on Appropriations of the House of Represent-  
8 atives and the Senate that it is in the national security  
9 interest to do so.

10       SEC. 8091. None of the funds made available in this  
11 Act may be obligated or expended to enter into or renew  
12 a contract with a contractor that is subject to the report-  
13 ing requirement set forth in subsection (d) of section 4212  
14 of title 38, United States Code, but has not submitted the  
15 most recent report required by such subsection for 1998  
16 or a subsequent year.

17       SEC. 8092. None of the funds made available in this  
18 Act may be used to approve or license the sale of the F-  
19 22 advanced tactical fighter to any foreign government.

20       SEC. 8093. None of the funds appropriated or other-  
21 wise made available by this Act may be made available  
22 for the United States Man and the Biosphere Program,  
23 or related projects.

24       SEC. 8094. Notwithstanding 31 U.S.C. 1552(a), of  
25 the funds provided in Department of Defense Appropria-

1 tions Acts, not more than the specified amounts from the  
2 following accounts shall remain available for the payment  
3 of satellite on-orbit incentive fees until the fees are paid:

4           “Missile Procurement, Air Force, 1995/1997”,  
5           \$20,978,000; and

6           “Missile Procurement, Air Force, 1996/1998”,  
7           \$16,782,400.

8           SEC. 8095. None of the funds in this or any other  
9 Act may be used by the National Imagery and Mapping  
10 Agency for any mapping, charting, and geodesy activities  
11 unless contracts for such services are awarded in accord-  
12 ance with the qualifications based selection process in 40  
13 U.S.C. 541 et seq. and 10 U.S.C. 2855: *Provided*, That  
14 an exception shall be provided for such services that are  
15 critical to national security after a written notification has  
16 been submitted by the Deputy Secretary of Defense to the  
17 Committees on Appropriations of the House of Represent-  
18 atives and the Senate.

19           SEC. 8096. Funds made available to the Civil Air Pa-  
20 trol in this Act under the heading “Drug Interdiction and  
21 Counter-Drug Activities, Defense” may be used for the  
22 Civil Air Patrol Corporation’s counterdrug program, in-  
23 cluding its demand reduction program involving youth  
24 programs, as well as operational and training drug recon-  
25 naissance missions for federal, state and local government

1 agencies; for administrative costs, including the hiring of  
2 Civil Air Patrol Corporation employees; for travel and per  
3 diem expenses of Civil Air Patrol Corporation personnel  
4 in support of those missions; and for equipment needed  
5 for mission support or performance: *Provided*, That of  
6 these funds, \$300,000 shall be made available to establish  
7 and operate a distance learning program: *Provided further*,  
8 That the Department of the Air Force should waive reim-  
9 bursement from the Federal, State and local government  
10 agencies for the use of these funds.

11       SEC. 8097. The Secretary of Defense shall undertake  
12 a review of all distributed learning education and training  
13 programs in the Department of Defense and shall issue  
14 a plan to implement a department-wide, standardized,  
15 cost-effective Advanced Distributed Learning framework  
16 to achieve the goals of commonality, interoperability, and  
17 reuse: *Provided*, That the Secretary shall report to Con-  
18 gress on the results of this review and present a detailed  
19 implementation and budget plan no later than July 30,  
20 1999.

21       SEC. 8098. None of the funds in this Act may be  
22 available for the purchase by the Department of Defense  
23 of cross deck pendants for arresting aircraft on U.S. Navy  
24 aircraft carriers unless such cross deck pendants are man-  
25 ufactured in the United States from components which are

1 substantially manufactured in the United States: *Pro-*  
2 *vided*, That when adequate domestic supplies are not  
3 available to meet Department of Defense requirements on  
4 a timely basis, the Secretary of the military department  
5 responsible for the procurement may waive this restriction  
6 on a case-by-case basis by certifying in writing to the  
7 Committees on Appropriations of the House of Represent-  
8 atives and the Senate that such an acquisition must be  
9 made in order to acquire capability for national security  
10 purposes.

11       SEC. 8099. None of the funds in this or any other  
12 Act shall be available to any Reserve Component to estab-  
13 lish new activities to perform depot level maintenance and  
14 remanufacture of any equipment in the Department of De-  
15 fense inventory unless the Secretary of Defense first cer-  
16 tifies to the Committees on Appropriations of the House  
17 of Representatives and the Senate, on a case-by-case basis,  
18 that (a) insufficient workload capacity is available at exist-  
19 ing government or private sector depot maintenance facili-  
20 ties currently used by the Reserve Components for similar  
21 work; and (b) an in-depth analysis has been performed  
22 comparing the cost of any proposed expansion of depot  
23 facilities versus the cost of performing the same work at  
24 existing depot facilities or by the private sector.



1        SEC. 8100. Notwithstanding any other provision of  
2 law, the TRICARE managed care support contracts in ef-  
3 fect, or in final stages of acquisition as of September 30,  
4 1998, may be extended for two years: *Provided*, That any  
5 such extension may only take place if the Secretary of De-  
6 fense determines that it is in the best interest of the gov-  
7 ernment: *Provided further*, That any contract extension  
8 shall be based on the price in the final best and final offer  
9 for the last year of the existing contract as adjusted for  
10 inflation and other factors mutually agreed to by the con-  
11 tractor and the government: *Provided further*, That not-  
12 withstanding any other provision of law, all future  
13 TRICARE managed care support contracts replacing con-  
14 tracts in effect, or in the final stages of acquisition as of  
15 September 30, 1998, may include a base contract period  
16 for transition and up to seven one-year option periods.

17        SEC. 8101. Notwithstanding any other provision in  
18 this Act, the total amount appropriated in this Act is here-  
19 by reduced by \$204,100,000 to reflect savings from re-  
20 vised economic assumptions, to be distributed as follows:

21                “Aircraft Procurement, Army”, \$4,000,000;

22                “Missile Procurement, Army”, \$4,000,000;

23                “Procurement of Weapons and Tracked Combat  
24        Vehicles, Army”, \$4,000,000;

1           “Procurement of Ammunition, Army”,  
2           \$3,000,000;  
3           “Other Procurement, Army”, \$9,000,000;  
4           “Aircraft Procurement, Navy”, \$22,000,000;  
5           “Weapons Procurement, Navy”, \$4,000,000;  
6           “Procurement of Ammunition, Navy and Ma-  
7           rine Corps”, \$1,000,000;  
8           “Shipbuilding and Conversion, Navy”,  
9           \$18,000,000;  
10          “Other Procurement, Navy”, \$12,000,000;  
11          “Procurement, Marine Corps”, \$2,000,000;  
12          “Aircraft Procurement, Air Force”,  
13          \$23,000,000;  
14          “Missile Procurement, Air Force”, \$5,200,000;  
15          “Procurement of Ammunition, Air Force”,  
16          \$1,000,000;  
17          “Other Procurement, Air Force”, \$4,900,000;  
18          “Procurement, Defense-Wide”, \$5,100,000;  
19          “Chemical Agents and Munitions Destruction,  
20          Army”, \$3,000,000;  
21          “Research, Development, Test and Evaluation,  
22          Army”, \$10,000,000;  
23          “Research, Development, Test and Evaluation,  
24          Navy”, \$18,500,000;

1           “Research, Development, Test and Evaluation,  
2           Air Force”, \$26,300,000; and

3           “Research, Development, Test and Evaluation,  
4           Defense-Wide”, \$24,100,000:

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

9           SEC. 8102. (a) TRANSFERS OF VESSELS BY  
10   GRANT.—The Secretary of the Navy is authorized to  
11   transfer vessels to foreign countries on a grant basis under  
12   section 516 of the Foreign Assistance Act of 1961 (22  
13   U.S.C. 2321j) as follows:

14           (1) To the Government of Argentina, the NEW-  
15   PORT class tank landing ship NEWPORT (LST  
16   1179).

17           (2) To the Government of Greece—

18                 (A) the KNOX class frigate HEPBURN  
19                 (FF 1055); and

20                 (B) the ADAMS class guided missile de-  
21                 stroyers STRAUSS (DDG 16), SEMMS (DDG  
22                 18), and WADDELL (DDG 24).

23           (3) To the Government of Portugal, the STAL-  
24   WART class ocean surveillance ship ASSURANCE  
25   (T-AGOS 5).

1           (4) To the Government of Turkey, the KNOX  
2           class frigates PAUL (FF 1080), MILLER (FF  
3           1091), and W.S. SIMMS (FF 1059).

4           (b) TRANSFERS OF VESSELS BY SALE.—The Sec-  
5           retary of the Navy is authorized to transfer vessels to for-  
6           eign countries on a sales basis under section 21 of the  
7           Arms Export Control Act (22 U.S.C. 2761) as follows:

8           (1) To the Government of Brazil, the NEW-  
9           PORT class tank landing ships CAYUGA (LST  
10           1186) and PEORIA (LST 1183).

11           (2) To the Government of Chile—

12           (A) the NEWPORT class tank landing  
13           ship SAN BERNARDINO (LST 1189); and

14           (B) the auxiliary repair dry dock WATER-  
15           FORD (ARD 5).

16           (3) To the Government of Greece—

17           (A) the OAK RIDGE class medium dry  
18           dock ALAMAGORDO (ARDM 2); and

19           (B) the KNOX class frigates VREELAND  
20           (FF 1068) and TRIPPE (FF 1075).

21           (4) To the Government of Mexico—

22           (A) the auxiliary repair dock SAN  
23           ONOFRE (ARD 30); and

24           (B) the KNOX class frigate PHARRIS  
25           (FF 1094).

1           (5) To the Government of the Philippines, the  
2 STALWART class ocean surveillance ship TRI-  
3 UMPH (T-AGOS 4).

4           (6) To the Government of Spain, the NEW-  
5 PORT class tank landing ships HARLAN COUNTY  
6 (LST 1196) and BARNSTABLE COUNTY (LST  
7 1197).

8           (7) To the Taipei Economic and Cultural Rep-  
9 resentative Office in the United States (the Taiwan  
10 instrumentality that is designated pursuant to sec-  
11 tion 10(a) of the Taiwan Relations Act)—

12           (A) the KNOX class frigates PEARY (FF  
13 1073), JOSEPH HEWES (FF 1078), COOK  
14 (FF 1083), BREWTON (FF 1086), KIRK  
15 (FF 1987), and BARBEY (FF 1088);

16           (B) the NEWPORT class tank landing  
17 ships MANITOWOC (LST 1180) and SUM-  
18 TER (LST 1181);

19           (C) the floating dry dock COMPETENT  
20 (AFDM 6); and

21           (D) the ANCHORAGE class dock landing  
22 ship PENSACOLA (LSD 38).

23           (8) To the Government of Turkey—

24           (A) the OLIVER HAZARD PERRY class  
25 guided missile frigates MAHLON S. TISDALE

1 (FFG 27), REID (FFG 30), and DUNCAN  
2 (FFG 10); and

3 (B) the KNOX class frigates REASONER  
4 (FF 1063), FANNING (FF 1076), BOWEN  
5 (FF 1079), MCCANDLESS (FF 1084), DON-  
6 ALD BEARY (FF 1085), AINSWORTH (FF  
7 1090), THOMAS C. HART (FF 1092), and  
8 CAPODANNO (FF 1093).

9 (9) To the Government of Venezuela, the me-  
10 dium auxiliary floating dry dock bearing hull num-  
11 ber AFDM 2.

12 (c) TRANSFERS OF VESSELS ON A COMBINED LEASE-  
13 SALE BASIS.—The Secretary of the Navy is authorized  
14 to transfer vessels to foreign countries on a combined  
15 lease-sale basis under sections 61 and 21 of the Arms Ex-  
16 port Control Act (22 U.S.C. 2796, 2761) and in accord-  
17 ance with subsection (d) as follows:

18 (1) To the Government of Brazil, the CIM-  
19 ARRON class oiler MERRIMACK (AO 179).

20 (2) To the Government of Greece, the KIDD  
21 class guided missile destroyers KIDD (DDG 993),  
22 CALLAGHAN (DDG 994), SCOTT (DDG 995),  
23 and CHANDLER (DDG 996).

24 (d) CONDITIONS RELATING TO COMBINED LEASE-  
25 SALE TRANSFERS.—A transfer of a vessel on a combined

1 lease-sale basis authorized by subsection (c) shall be made  
2 in accordance with the following provisions, which the Sec-  
3 retary shall include in the terms of any agreement with  
4 the recipient country for such transfer of the vessel:

5 (1) The Secretary may initially transfer the ves-  
6 sel by lease, with lease payments suspended for the  
7 term of the lease, while simultaneously entering into  
8 a foreign military sales agreement for the transfer of  
9 title to the vessel.

10 (2) The Secretary may not deliver title to the  
11 vessel until the purchase price of the vessel under  
12 such a sales agreement is paid in full.

13 (3) Upon payment of the purchase price in full  
14 under such a sales agreement and delivery of title to  
15 the recipient country, the Secretary shall terminate  
16 the lease.

17 (4) If the purchasing country fails to make full  
18 payment of the purchase price in accordance with  
19 the sales agreement—

20 (A) the sales agreement shall be imme-  
21 diately terminated;

22 (B) the suspension of lease payments  
23 under the lease shall be vacated; and

24 (C) the United States shall be entitled to  
25 retain funds received under the sales agreement

1           in such amounts as necessary to cover the  
2           amount of lease payments due and payable  
3           under the lease and all other costs required by  
4           the lease to be paid as of the date of the sales  
5           agreement termination.

6           (5) If a sales agreement is terminated pursuant  
7           to paragraph (4), the United States shall not be re-  
8           quired to pay any interest to the recipient country  
9           on any amount paid to the United States by the re-  
10          cipient country under the sales agreement and not  
11          retained by the United States under the lease.

12          (e) FUNDING FOR CERTAIN COSTS OF TRANSFERS.—  
13          There is established in the Treasury of the United States  
14          a special account to be known as the Defense Vessels  
15          Transfer Program Account. There is hereby appropriated  
16          into that account such sums as may be necessary for the  
17          costs (as defined in section 502 of the Congressional  
18          Budget Act of 1974 (2 U.S.C. 661a)) of the lease-sale  
19          transfers authorized by subsection (d). Funds in that ac-  
20          count are available only for the purpose of covering those  
21          costs.

22          (f) WAIVER OF REQUIREMENTS FOR NOTIFICATION  
23          TO CONGRESS.—Section 516(f) of the Foreign Assistance  
24          Act of 1961 (22 U.S.C. 2321j(f)), section 525 of the For-  
25          eign Operations, Export Financing, and Related Programs



1 Appropriations Act, 1998 (Public Law 105–118; 111 Stat.  
2 2412), and any similar, successor provision of law do not  
3 apply with respect to the transfers authorized by this sec-  
4 tion.

5 (g) INAPPLICABILITY OF AGGREGATE ANNUAL LIM-  
6 TATION ON VALUE OF TRANSFERRED EXCESS DEFENSE  
7 ARTICLES.—In the case of the transfer of a vessel author-  
8 ized by subsection (a) to be made by grant under section  
9 516 of the Foreign Assistance Act of 1961 (22 U.S.C.  
10 2321j), the value of the vessel transferred shall not be in-  
11 cluded for purposes of subsection (g) of that section in  
12 the aggregate value of excess defense articles transferred  
13 to countries under that section in any fiscal year.

14 (h) COSTS OF TRANSFERS.—Any expense incurred by  
15 the United States in connection with a transfer authorized  
16 by this section shall be charged to the recipient.

17 (i) REPAIR AND REFURBISHMENT IN UNITED  
18 STATES SHIPYARDS.—To the maximum extent prac-  
19 ticable, the Secretary of the Navy shall require, as a condi-  
20 tion of the transfer of a vessel under this section, that  
21 the country to which the vessel is transferred have such  
22 repair or refurbishment of the vessel as is needed, before  
23 the vessel joins the naval forces of that country, performed  
24 at a shipyard located in the United States, including a  
25 United States Navy shipyard.

1 (j) EXPIRATION OF AUTHORITY.—The authority to  
2 transfer vessels under this section shall expire at the end  
3 of the two-year period beginning on the date of the enact-  
4 ment of this Act.

5 SEC. 8103. None of the funds in this Act may be  
6 used to compensate an employee of the Department of De-  
7 fense who initiates a new start program without notifica-  
8 tion to the Office of the Secretary of Defense and the con-  
9 gressional defense committees, as required by Department  
10 of Defense financial management regulations.

11 (INCLUDING TRANSFER OF FUNDS)

12 SEC. 8104. Of the funds made available under title  
13 II of this Act, the following amounts shall be transferred  
14 to the Defense Working Capital Funds for the purpose  
15 of funding operations of the Defense Commissary Agency:

16 “Operation and Maintenance, Army”,  
17 \$338,400,000;

18 “Operation and Maintenance, Navy”,  
19 \$255,000,000;

20 “Operation and Maintenance, Marine Corps”,  
21 \$86,600,000; and

22 “Operation and Maintenance, Air Force”,  
23 \$302,071,000:

24 *Provided*, That the transfer authority provided in this sec-  
25 tion is in addition to any other transfer authority con-  
26 tained elsewhere in this Act.

1        SEC. 8105. Of the amounts made available in title  
2 II of this Act under the heading “Operation and Mainte-  
3 nance, Navy”, \$20,000,000 is available only for emergency  
4 and extraordinary expenses associated with the accident  
5 involving a United States Marine Corps A-6 aircraft on  
6 February 3, 1998, near Cavalese, Italy: *Provided*, That  
7 these funds shall remain available until expended: *Pro-*  
8 *vided further*, That notwithstanding any other provision  
9 of law, the funds made available by this section shall be  
10 available only for payments to persons, communities, or  
11 other entities in Italy only for reimbursement for damages  
12 resulting from the expenses associated with the accident  
13 involving a United States Marine Corps A-6 aircraft on  
14 February 3, 1998, near Cavalese, Italy: *Provided further*,  
15 That notwithstanding any other provision of law, funds  
16 made available under this section may be used to rebuild  
17 or replace the funicular system in Cavalese destroyed on  
18 February 3, 1998 by that aircraft: *Provided further*, That  
19 any amount paid to any individual or entity from the  
20 amount appropriated under this section shall be credited  
21 against any amount subsequently determined to be pay-  
22 able to that individual or entity under chapter 163 of title  
23 10, United States Code, section 127 of that title, or any  
24 other authority provided by law for administrative settle-  
25 ment of claims against the United States with respect to

1 damages arising from the accident described in this sec-  
2 tion: *Provided further*, That payment of an amount under  
3 this section shall not be considered to constitute a state-  
4 ment of legal liability on the part of the United States  
5 or otherwise to prejudge any judicial proceeding or inves-  
6 tigation arising from the accident described in this section.

7       SEC. 8106. No funds appropriated or otherwise made  
8 available by this Act may be used to initiate or conduct  
9 offensive military operations by United States Armed  
10 Forces except in accordance with the war powers clause  
11 of the Constitution (article 1, section 8), which vests in  
12 Congress the power to declare and authorize war and to  
13 take certain specified, related decisions.

14       SEC. 8107. (a) ENSURING YEAR 2000 COMPLIANCE  
15 OF INFORMATION TECHNOLOGY AND NATIONAL SECU-  
16 RITY SYSTEMS.—(1) None of the funds appropriated or  
17 otherwise made available by this Act may (except as pro-  
18 vided in paragraph (2)) be obligated or expended on the  
19 development or modernization of any information tech-  
20 nology or national security system of the Department of  
21 Defense in use by the Department of Defense (whether  
22 or not the system is a mission critical system) if that sys-  
23 tem does not meet certification level 1a, 1b, or 2 (as pre-  
24 scribed in the April 1997 publication of the Department  
25 of Defense entitled “Year 2000 Management Plan”).

1       (2) The limitation in paragraph (1) does not apply  
2 to an obligation or expenditure—

3           (A) that is directly related to ensuring that a  
4 system achieves year 2000 compliance;

5           (B) for a system that is being developed and  
6 fielded to replace before January 1, 2000, a non-  
7 compliant system or a system to be terminated in  
8 accordance with the May 1998 Department of De-  
9 fense quarterly report on the status of year 2000  
10 compliance; or

11          (C) for a particular change that is specifically  
12 required by law or that is specifically directed by the  
13 Secretary of Defense.

14       (b) UNALLOCATED REDUCTIONS OF FUNDS NOT TO  
15 APPLY TO MISSION CRITICAL SYSTEMS.—Funds appro-  
16 priated or otherwise made available by this Act for mission  
17 critical systems are not subject to any unallocated reduc-  
18 tion of funds made by or otherwise applicable to funds  
19 provided in this Act.

20       (c) CURRENT SERVICES OPERATIONS NOT AF-  
21 FECTED.—Subsection (a) does not prohibit the obligation  
22 or expenditure of funds for current services operations of  
23 information technology and national security systems.

24       (d) WAIVER AUTHORITY.—The Secretary of Defense  
25 may waive subsection (a) on a case-by-case basis with re-

1 spect to an information technology or national security  
2 system if the Secretary provides the congressional defense  
3 committees with written notice of the waiver, including the  
4 reasons for the waiver and a timeline for the testing and  
5 certification of the system as year 2000 compliant.

6 (e) REQUIRED REPORT.—(1) Not later than Decem-  
7 ber 1, 1998, the Secretary of Defense shall submit to the  
8 congressional defense committees a report describing—

9 (A) an executable strategy to be used through-  
10 out the Department of Defense to test information  
11 technology and national security systems for year  
12 2000 compliance (to include functional capability  
13 tests and military exercises);

14 (B) the plans of the Department of Defense for  
15 ensuring that adequate resources (such as testing fa-  
16 cilities, tools, and personnel) are available to ensure  
17 that all mission critical systems achieve year 2000  
18 compliance; and

19 (C) the criteria and process to be used to cer-  
20 tify a system as year 2000 compliant.

21 (2) The report shall also include—

22 (A) an updated list of all mission critical sys-  
23 tems; and

24 (B) guidelines for developing contingency plans  
25 for the functioning of each information technology or

1 national security system in the event of a year 2000  
2 problem in any such system.

3 (f) CAPABILITY CONTINGENCY PLANS.—Not later  
4 than December 30, 1998, the Secretary of Defense shall  
5 have in place contingency plans to ensure continuity of  
6 operations for every critical mission or function of the De-  
7 partment of Defense that is dependent on an information  
8 technology or national security system.

9 (g) INSPECTOR GENERAL EVALUATION.—The In-  
10 spector General of the Department of Defense shall selec-  
11 tively audit information technology and national security  
12 systems certified as year 2000 compliant to evaluate the  
13 ability of systems to successfully operate during the actual  
14 year 2000, including the ability of the systems to access  
15 and transmit information from point of origin to point of  
16 termination.

17 (h) DEFINITIONS.—For purposes of this section:

18 (1) The term “information technology” has the  
19 meaning given that term in section 5002 of the  
20 Clinger-Cohen Act of 1996 (40 U.S.C. 1401).

21 (2) The term “national security system” has  
22 the meaning given that term in section 5142 of such  
23 Act (40 U.S.C. 1452).

24 (3) The term “development or modernization”  
25 has the meaning given that term in paragraph E of

1 section 180203 of the Department of Defense Fi-  
2 nancial Management Regulation (DOD 7000.14–R),  
3 but does not include any matter covered by subpara-  
4 graph 3 of that paragraph.

5 (4) The term “current services” has the mean-  
6 ing given that term in paragraph C of section  
7 180203 of the Department of Defense Financial  
8 Management Regulation (DOD 7000.14–R).

9 (5) The term “mission critical system” means  
10 an information technology or national security sys-  
11 tem that is designated as mission critical in the May  
12 1998 Department of Defense quarterly report on the  
13 status of year 2000 compliance.

14 SEC. 8108. (a) PLAN FOR SIMULATION OF YEAR  
15 2000 IN MILITARY EXERCISES.—Not later than Decem-  
16 ber 15, 1998, the Secretary of Defense shall submit to  
17 Congress a plan for the execution of a simulated year  
18 2000 as part of military exercises described in subsection  
19 (c) in order to evaluate, in an operational environment,  
20 the extent to which information technology and national  
21 security systems involved in those exercises will success-  
22 fully operate during the actual year 2000, including the  
23 ability of those systems to access and transmit information  
24 from point of origin to point of termination.



1           (b) EVALUATION OF COMPLIANCE IN SELECTED EX-  
2     ERCISES.—In conducting the military exercises described  
3     in subsection (c), the Secretary of Defense shall ensure  
4     that at least 25 of those exercises (referred to in this sec-  
5     tion as “Year 2000 simulation exercises”) are conducted  
6     so as to include a simulated year 2000 in accordance with  
7     the plan submitted under subsection (a). The Secretary  
8     of Defense shall ensure that at least two of those exercises  
9     are conducted by the commander of each unified or speci-  
10    fied combatant command.

11          (c) COVERED MILITARY EXERCISES.—A military ex-  
12    ercise referred to in subsections (a) and (b) is a military  
13    exercise conducted by the Department of Defense, during  
14    the period beginning on January 1, 1999, and ending on  
15    September 30, 1999—

16           (1) under the training exercises program known  
17    as the “CJCS Exercise Program”;

18           (2) at the Naval Strike and Air Warfare Cen-  
19    ter, the Army National Training Center, or the Air  
20    Force Air Warfare Center; or

21           (3) as part of Naval Carrier Group fleet train-  
22    ing or Marine Corps Expeditionary Unit training.

23          (d) AUTHORITY FOR EXCLUSION OF SYSTEMS NOT  
24    CAPABLE OF PERFORMING RELIABLY IN YEAR 2000 SIM-  
25    ULATION.—(1) In carrying out a Year 2000 simulation ex-

1 exercise, the Secretary of Defense may exclude a particular  
2 information technology or national security system from  
3 the year 2000 simulation phase of the exercise if the Sec-  
4 retary determines that the system would be incapable of  
5 performing reliably during the year 2000 simulation phase  
6 of the exercise. In such a case, the system excluded shall  
7 be replaced in accordance with the year 2000 contingency  
8 plan for the system.

9       (2) If the Secretary of Defense excludes an informa-  
10 tion technology or national security system from the year  
11 2000 simulation phase of an exercise as provided in para-  
12 graph (1), the Secretary shall notify Congress of that ex-  
13 clusion not later than two weeks before commencing that  
14 exercise. The notice shall include a list of each information  
15 technology or national security system excluded from the  
16 exercise, a description of how the exercise will use the year  
17 2000 contingency plan for each such system, and a de-  
18 scription of the effect that continued year 2000 non-  
19 compliance of each such system would have on military  
20 readiness.

21       (3) An information technology or national security  
22 system with cryptological applications that is not capable  
23 of having its internal clock adjusted forward to a simu-  
24 lated later time is exempt from the year 2000 simulation  
25 phase of an exercise under this section.

1 (e) DEFINITIONS.—For the purposes of this section:

2 (1) The term “information technology” has the  
3 meaning given that term in section 5002 of the  
4 Clinger-Cohen Act of 1996 (40 U.S.C. 1401).

5 (2) The term “national security system” has  
6 the meaning given that term in section 5142 of such  
7 Act (40 U.S.C. 1452).

8 SEC. 8109. During the current fiscal year and here-  
9 after, no funds appropriated or otherwise available to the  
10 Department of Defense may be used to award a contract  
11 to, extend a contract with, or approve the award of a sub-  
12 contract to any person who within the preceding 15 years  
13 has been convicted under section 704 of title 18, United  
14 States Code, of the unlawful manufacture or sale of the  
15 Congressional Medal of Honor.

16 SEC. 8110. None of the funds appropriated or other-  
17 wise made available by this Act may be used for the trans-  
18 portation into the United States of polychlorinated  
19 biphenyls manufactured outside the United States and  
20 owned by the Department of Defense except as provided  
21 for in section 6(e) of the Toxic Substances Control Act  
22 (15 U.S.C. 2605(e)).

23 SEC. 8111. None of the funds appropriated or other-  
24 wise made available by this Act may be used to enter into  
25 or renew a contract with any company owned, or partially

1 owned, by the People's Republic of China or the People's  
2 Liberation Army of the People's Republic of China.

3 This Act may be cited as the "Department of Defense  
4 Appropriations Act, 1999".

Passed the House of Representatives June 24, 1998.

Attest: ROBIN H. CARLE,  
*Clerk.*