

Calendar No. 108

105TH CONGRESS
1ST SESSION

S. 1005

[Report No. 105–45]

Making appropriations for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 10, 1997

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

A BILL

Making appropriations for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the
5 fiscal year ending September 30, 1998, for military func-
6 tions administered by the Department of Defense, and for
7 other purposes, namely:

1 TITLE I

2 MILITARY PERSONNEL

3 MILITARY PERSONNEL, ARMY

4 For pay, allowances, individual clothing, subsistence,
5 interest on deposits, gratuities, permanent change of sta-
6 tion travel (including all expenses thereof for organiza-
7 tional movements), and expenses of temporary duty travel
8 between permanent duty stations, for members of the
9 Army on active duty (except members of reserve compo-
10 nents provided for elsewhere), cadets, and aviation cadets;
11 and for payments pursuant to section 156 of Public Law
12 97–377, as amended (42 U.S.C. 402 note), to section
13 229(b) of the Social Security Act (42 U.S.C. 429(b)), and
14 to the Department of Defense Military Retirement Fund;
15 \$20,426,457,000.

16 MILITARY PERSONNEL, NAVY

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

1 of the Social Security Act (42 U.S.C. 429(b)), and to the
 2 Department of Defense Military Retirement Fund;
 3 \$16,508,218,000.

4 MILITARY PERSONNEL, MARINE CORPS

5 For pay, allowances, individual clothing, subsistence,
 6 interest on deposits, gratuities, permanent change of sta-
 7 tion travel (including all expenses thereof for organiza-
 8 tional movements), and expenses of temporary duty travel
 9 between permanent duty stations, for members of the Ma-
 10 rine Corps on active duty (except members of the Reserve
 11 provided for elsewhere); and for payments pursuant to sec-
 12 tion 156 of Public Law 97-377, as amended (42 U.S.C.
 13 402 note), to section 229(b) of the Social Security Act
 14 (42 U.S.C. 429(b)), and to the Department of Defense
 15 Military Retirement Fund; \$6,148,899,000.

16 MILITARY PERSONNEL, AIR FORCE

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

1 229(b) of the Social Security Act (42 U.S.C. 429(b)), and
 2 to the Department of Defense Military Retirement Fund;
 3 \$17,206,056,000.

4 RESERVE PERSONNEL, ARMY

5 For pay, allowances, clothing, subsistence, gratuities,
 6 travel, and related expenses for personnel of the Army Re-
 7 serve on active duty under sections 10211, 10302, and
 8 3038 of title 10, United States Code, or while serving on
 9 active duty under section 12301(d) of title 10, United
 10 States Code, in connection with performing duty specified
 11 in section 12310(a) of title 10, United States Code, or
 12 while undergoing reserve training, or while performing
 13 drills or equivalent duty or other duty, and for members
 14 of the Reserve Officers' Training Corps, and expenses au-
 15 thorized by section 16131 of title 10, United States Code;
 16 and for payments to the Department of Defense Military
 17 Retirement Fund; \$2,037,046,000.

18 RESERVE PERSONNEL, NAVY

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

1 serve training, or while performing drills or equivalent
2 duty, and for members of the Reserve Officers' Training
3 Corps, and expenses authorized by section 16131 of title
4 10, United States Code; and for payments to the Depart-
5 ment of Defense Military Retirement Fund;
6 \$1,374,901,000.

7 RESERVE PERSONNEL, MARINE CORPS

8 For pay, allowances, clothing, subsistence, gratuities,
9 travel, and related expenses for personnel of the Marine
10 Corps Reserve on active duty under section 10211 of title
11 10, United States Code, or while serving on active duty
12 under section 12301(d) of title 10, United States Code,
13 in connection with performing duty specified in section
14 12310(a) of title 10, United States Code, or while under-
15 going reserve training, or while performing drills or equiv-
16 alent duty, and for members of the Marine Corps platoon
17 leaders class, and expenses authorized by section 16131
18 of title 10, United States Code; and for payments to the
19 Department of Defense Military Retirement Fund;
20 \$384,770,000.

21 RESERVE PERSONNEL, AIR FORCE

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

1 active duty under section 12301(d) of title 10, United
2 States Code, in connection with performing duty specified
3 in section 12310(a) of title 10, United States Code, or
4 while undergoing reserve training, or while performing
5 drills or equivalent duty or other duty, and for members
6 of the Air Reserve Officers' Training Corps, and expenses
7 authorized by section 16131 of title 10, United States
8 Code; and for payments to the Department of Defense
9 Military Retirement Fund; \$815,745,000.

10 NATIONAL GUARD PERSONNEL, ARMY

11 For pay, allowances, clothing, subsistence, gratuities,
12 travel, and related expenses for personnel of the Army Na-
13 tional Guard while on duty under section 10211, 10302,
14 or 12402 of title 10 or section 708 of title 32, United
15 States Code, or while serving on duty under section
16 12301(d) of title 10 or section 502(f) of title 32, United
17 States Code, in connection with performing duty specified
18 in section 12310(a) of title 10, United States Code, or
19 while undergoing training, or while performing drills or
20 equivalent duty or other duty, and expenses authorized by
21 section 16131 of title 10, United States Code; and for pay-
22 ments to the Department of Defense Military Retirement
23 Fund; \$3,446,867,000.

1 NATIONAL GUARD PERSONNEL, AIR FORCE

2 For pay, allowances, clothing, subsistence, gratuities,
3 travel, and related expenses for personnel of the Air Na-
4 tional Guard on duty under section 10211, 10305, or
5 12402 of title 10 or section 708 of title 32, United States
6 Code, or while serving on duty under section 12301(d) of
7 title 10 or section 502(f) of title 32, United States Code,
8 in connection with performing duty specified in section
9 12310(a) of title 10, United States Code, or while under-
10 going training, or while performing drills or equivalent
11 duty or other duty, and expenses authorized by section
12 16131 of title 10, United States Code; and for payments
13 to the Department of Defense Military Retirement Fund;
14 \$1,334,712,000.

15 TITLE II

16 OPERATION AND MAINTENANCE

17 OPERATION AND MAINTENANCE, ARMY

18 (INCLUDING TRANSFER OF FUNDS)

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

1 Budget Activity 1, Operating Forces,
 2 \$8,394,122,000;
 3 Budget Activity 2, Mobilization, \$566,444,000;
 4 Budget Activity 3, Training and Recruiting,
 5 \$3,280,148,000; and
 6 Budget Activity 4, Administration and
 7 Servicewide Activities, \$5,029,759,000:
 8 *Provided*, That a reduction of \$357,000,000 shall be made
 9 to the total of these budget activities; in all;
 10 \$16,913,473,000 and, in addition, \$50,000,000 shall be
 11 derived by transfer from the National Defense Stockpile
 12 Transaction Fund.

13 OPERATION AND MAINTENANCE, NAVY
 14 (INCLUDING TRANSFER OF FUNDS)

15 For expenses, not otherwise provided for, necessary
 16 for the operation and maintenance of the Navy and the
 17 Marine Corps, as authorized by law; and not to exceed
 18 \$5,500,000, can be used for emergencies and extraor-
 19 dinary expenses, to be expended on the approval or author-
 20 ity of the Secretary of the Navy, and payments may be
 21 made on his certificate of necessity for confidential mili-
 22 tary purposes, as follows:

23 Budget Activity 1, Operating Forces,
 24 \$15,345,257,000, of which not less than

1 \$2,040,690,000 shall be obligated for ship depot
2 maintenance;

3 Budget Activity 2, Mobilization,
4 \$1,226,985,000;

5 Budget Activity 3, Training and Recruiting,
6 \$1,681,931,000; and

7 Budget Activity 4, Administration and
8 Servicewide Activities, \$3,568,246,000:

9 *Provided*, That a reduction of \$246,000,000 shall be made
10 to the total of these budget activities; in all;
11 \$21,576,419,000 and, in addition, \$50,000,000 shall be
12 derived by transfer from the National Defense Stockpile
13 Transaction Fund.

14 OPERATION AND MAINTENANCE, MARINE CORPS

15 For expenses, not otherwise provided for, necessary
16 for the operation and maintenance of the Marine Corps,
17 as authorized by law, as follows:

18 Budget Activity 1, Operating Forces,
19 \$1,670,747,000;

20 Budget Activity 3, Training and Recruiting,
21 \$388,282,000; and

22 Budget Activity 4, Administration and
23 Servicewide Activities, \$278,506,000:

1 *Provided*, That a reduction of \$9,000,000 shall be made
 2 to the total of these budget activities; in all;
 3 \$2,328,535,000.

4 OPERATION AND MAINTENANCE, AIR FORCE
 5 (INCLUDING TRANSFER OF FUNDS)

6 For expenses, not otherwise provided for, necessary
 7 for the operation and maintenance of the Air Force, as
 8 authorized by law; and not to exceed \$8,362,000 can be
 9 used for emergencies and extraordinary expenses, to be ex-
 10 pended on the approval or authority of the Secretary of
 11 the Air Force, and payments may be made on her certifi-
 12 cate of necessity for confidential military purposes, as fol-
 13 lows:

14 Budget Activity 1, Operating Forces,
 15 \$9,877,438,000;

16 Budget Activity 2, Mobilization,
 17 \$3,122,848,000;

18 Budget Activity 3, Training and Recruiting,
 19 \$1,613,047,000; and

20 Budget Activity 4, Administration and
 21 Servicewide Activities, \$4,210,052,000:

22 *Provided*, That a reduction of \$231,000,000 shall be made
 23 to the total of these budget activities; in all;
 24 \$18,592,385,000 and, in addition, \$50,000,000 shall be

1 derived by transfer from the National Defense Stockpile
 2 Transaction Fund.

3 OPERATION AND MAINTENANCE, DEFENSE-WIDE
 4 (INCLUDING TRANSFER OF FUNDS)

5 For expenses, not otherwise provided for, necessary
 6 for the operation and maintenance of activities and agen-
 7 cies of the Department of Defense (other than the military
 8 departments), as authorized by law; and not to exceed
 9 \$28,850,000 can be used for emergencies and extraor-
 10 dinary expenses, to be expended on the approval or author-
 11 ity of the Secretary of Defense, and payments may be
 12 made on his certificate of necessity for confidential mili-
 13 tary purposes, as follows:

14 Budget Activity 1, Operating Forces,
 15 \$454,007,000, of which not to exceed \$25,000,000
 16 may be available for the CINC initiative fund ac-
 17 count;

18 Budget Activity 2, Mobilization, \$27,260,000;

19 Budget Activity 3, Training and Recruiting,
 20 \$159,155,000;

21 Budget Activity 4, Administration and
 22 Servicewide Activities, \$8,716,689,000; and

23 Budget Activity 5, Special Operations,
 24 \$1,123,527,000:

1 *Provided*, That a reduction of \$81,000,000 shall be made
2 to the total of these budget activities; in all;
3 \$10,399,638,000.

4 OPERATION AND MAINTENANCE, ARMY RESERVE

5 For expenses, not otherwise provided for, necessary
6 for the operation and maintenance, including training, or-
7 ganization, and administration, of the Army Reserve; re-
8 pair of facilities and equipment; hire of passenger motor
9 vehicles; travel and transportation; care of the dead; re-
10 cruiting; procurement of services, supplies, and equip-
11 ment; and communications; \$1,212,891,000.

12 OPERATION AND MAINTENANCE, NAVY RESERVE

13 For expenses, not otherwise provided for, necessary
14 for the operation and maintenance, including training, or-
15 ganization, and administration, of the Navy Reserve; re-
16 pair of facilities and equipment; hire of passenger motor
17 vehicles; travel and transportation; care of the dead; re-
18 cruiting; procurement of services, supplies, and equip-
19 ment; and communications; \$834,211,000.

20 OPERATION AND MAINTENANCE, MARINE CORPS

21 RESERVE

22 For expenses, not otherwise provided for, necessary
23 for the operation and maintenance, including training, or-
24 ganization, and administration, of the Marine Corps Re-
25 serve; repair of facilities and equipment; hire of passenger

1 motor vehicles; travel and transportation; care of the dead;
2 recruiting; procurement of services, supplies, and equip-
3 ment; and communications; \$110,366,000.

4 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

5 For expenses, not otherwise provided for, necessary
6 for the operation and maintenance, including training, or-
7 ganization, and administration, of the Air Force Reserve;
8 repair of facilities and equipment; hire of passenger motor
9 vehicles; travel and transportation; care of the dead; re-
10 cruiting; procurement of services, supplies, and equip-
11 ment; and communications; \$1,631,200,000.

12 OPERATION AND MAINTENANCE, ARMY NATIONAL

13 GUARD

14 For expenses of training, organizing, and administer-
15 ing the Army National Guard, including medical and hos-
16 pital treatment and related expenses in non-Federal hos-
17 pitals; maintenance, operation, and repairs to structures
18 and facilities; hire of passenger motor vehicles; personnel
19 services in the National Guard Bureau; travel expenses
20 (other than mileage), as authorized by law for Army per-
21 sonnel on active duty, for Army National Guard division,
22 regimental, and battalion commanders while inspecting
23 units in compliance with National Guard Bureau regula-
24 tions when specifically authorized by the Chief, National
25 Guard Bureau; supplying and equipping the Army Na-

1 tional Guard as authorized by law; and expenses of repair,
2 modification, maintenance, and issue of supplies and
3 equipment (including aircraft); \$2,449,932,000: *Provided*,
4 That not later than March 15, 1998, the Director of the
5 Army National Guard shall provide a report to the con-
6 gressional defense committees identifying the allocation,
7 by installation and activity, of all base operations funds
8 appropriated under this heading.

9 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

10 For operation and maintenance of the Air National
11 Guard, including medical and hospital treatment and re-
12 lated expenses in non-Federal hospitals; maintenance, op-
13 eration, repair, and other necessary expenses of facilities
14 for the training and administration of the Air National
15 Guard, including repair of facilities, maintenance, oper-
16 ation, and modification of aircraft; transportation of
17 things, hire of passenger motor vehicles; supplies, mate-
18 rials, and equipment, as authorized by law for the Air Na-
19 tional Guard; and expenses incident to the maintenance
20 and use of supplies, materials, and equipment, including
21 such as may be furnished from stocks under the control
22 of agencies of the Department of Defense; travel expenses
23 (other than mileage) on the same basis as authorized by
24 law for Air National Guard personnel on active Federal
25 duty, for Air National Guard commanders while inspecting

1 units in compliance with National Guard Bureau regula-
2 tions when specifically authorized by the Chief, National
3 Guard Bureau; \$3,010,282,000.

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

6 For expenses directly relating to Overseas Contin-
7 gency Operations by United States military forces;
8 \$1,889,000,000: *Provided*, That the Secretary of Defense
9 may transfer these funds only to operation and mainte-
10 nance accounts within this title: *Provided further*, That the
11 funds transferred shall be merged with and shall be avail-
12 able for the same purposes and for the same time period,
13 as the appropriation to which transferred: *Provided fur-*
14 *ther*, That the transfer authority provided in this para-
15 graph is in addition to any other transfer authority con-
16 tained elsewhere in this Act.

17 UNITED STATES COURT OF APPEALS FOR THE ARMED
18 FORCES

19 For salaries and expenses necessary for the United
20 States Court of Appeals for the Armed Forces;
21 \$6,952,000, of which not to exceed \$2,500 can be used
22 for official representation purposes.

1 ENVIRONMENTAL RESTORATION, ARMY

2 (INCLUDING TRANSFER OF FUNDS)

3 For the Department of the Army, \$375,337,000, to
4 remain available until transferred: *Provided*, That the Sec-
5 retary of the Army shall, upon determining that such
6 funds are required for environmental restoration, reduc-
7 tion and recycling of hazardous waste, removal of unsafe
8 buildings and debris of the Department of the Army, or
9 for similar purposes, transfer the funds made available by
10 this appropriation to other appropriations made available
11 to the Department of the Army, to be merged with and
12 to be available for the same purposes and for the same
13 time period as the appropriations to which transferred:
14 *Provided further*, That upon a determination that all or
15 part of the funds transferred from this appropriation are
16 not necessary for the purposes provided herein, such
17 amounts may be transferred back to this appropriation:
18 *Provided further*, That not more than twenty-five per cen-
19 tum of funds provided under this heading may be obli-
20 gated for environmental remediation by the Corps of Engi-
21 neers under total environmental remediation contracts.

22 ENVIRONMENTAL RESTORATION, NAVY

23 (INCLUDING TRANSFER OF FUNDS)

24 For the Department of the Navy, \$275,500,000, to
25 remain available until transferred: *Provided*, That the Sec-

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

14 ENVIRONMENTAL RESTORATION, AIR FORCE

15 (INCLUDING TRANSFER OF FUNDS)

16 For the Department of the Air Force, \$376,900,000,
 17 to remain available until transferred: *Provided*, That the
 18 Secretary of the Air Force shall, upon determining that
 19 such funds are required for environmental restoration, re-
 20 duction and recycling of hazardous waste, removal of un-
 21 safe buildings and debris of the Department of the Air
 22 Force, or for similar purposes, transfer the funds made
 23 available by this appropriation to other appropriations
 24 made available to the Department of the Air Force, to be
 25 merged with and to be available for the same purposes

1 and for the same time period as the appropriations to
2 which transferred: *Provided further*, That upon a deter-
3 mination that all or part of the funds transferred from
4 this appropriation are not necessary for the purposes pro-
5 vided herein, such amounts may be transferred back to
6 this appropriation.

7 ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

8 (INCLUDING TRANSFER OF FUNDS)

9 For the Department of the Defense, \$26,900,000, to
10 remain available until transferred: *Provided*, That the Sec-
11 retary of Defense shall, upon determining that such funds
12 are required for environmental restoration, reduction and
13 recycling of hazardous waste, removal of unsafe buildings
14 and debris of the Department of Defense, or for similar
15 purposes, transfer the funds made available by this appro-
16 priation to other appropriations made available to the De-
17 partment of Defense, to be merged with and to be avail-
18 able for the same purposes and for the same time period
19 as the appropriations to which transferred: *Provided fur-*
20 *ther*, That upon a determination that all or part of the
21 funds transferred from this appropriation are not nec-
22 essary for the purposes provided herein, such amounts
23 may be transferred back to this appropriation.

1 ENVIRONMENTAL RESTORATION, FORMERLY USED
2 DEFENSE SITES
3 (INCLUDING TRANSFER OF FUNDS)

4 For the Department of the Army, \$242,300,000, to
5 remain available until transferred: *Provided*, That the Sec-
6 retary of the Army shall, upon determining that such
7 funds are required for environmental restoration, reduc-
8 tion and recycling of hazardous waste, removal of unsafe
9 buildings and debris at sites formerly used by the Depart-
10 ment of Defense, transfer the funds made available by this
11 appropriation to other appropriations made available to
12 the Department of the Army, to be merged with and to
13 be available for the same purposes and for the same time
14 period as the appropriations to which transferred: *Pro-*
15 *vided further*, That upon a determination that all or part
16 of the funds transferred from this appropriation are not
17 necessary for the purposes provided herein, such amounts
18 may be transferred back to this appropriation.

19 OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

20 For expenses relating to the Overseas Humanitarian,
21 Disaster, and Civic Aid programs of the Department of
22 Defense (consisting of the programs provided under sec-
23 tions 401, 402, 404, 2547, and 2551 of title 10, United
24 States Code); \$40,130,000, to remain available until Sep-
25 tember 30, 1999.

1 FORMER SOVIET UNION THREAT REDUCTION

2 For assistance to the republics of the former Soviet
3 Union, including assistance provided by contract or by
4 grants, for facilitating the elimination and the safe and
5 secure transportation and storage of nuclear, chemical and
6 other weapons; for establishing programs to prevent the
7 proliferation of weapons, weapons components, and weap-
8 on-related technology and expertise; for programs relating
9 to the training and support of defense and military person-
10 nel for demilitarization and protection of weapons, weap-
11 ons components and weapons technology and expertise;
12 \$322,200,000, to remain available until expended: *Pro-*
13 *vided*, That of the amounts provided under this heading,
14 \$35,000,000 shall be available only to support the disman-
15 tling and disposal of nuclear submarines and submarine
16 reactor components in the Russian Far East.

17 QUALITY OF LIFE ENHANCEMENTS, DEFENSE

18 For expenses, not otherwise provided for, resulting
19 from unfunded shortfalls in the repair and maintenance
20 of real property of the Department of Defense (including
21 military housing and barracks); \$100,000,000, for the
22 maintenance of real property of the Department of De-
23 fense (including minor construction and major mainte-
24 nance and repair), which shall remain available for obli-
25 gation until September 30, 1998, as follows:

1 Army, \$100,000,000.

2 TITLE III

3 PROCUREMENT

4 AIRCRAFT PROCUREMENT, ARMY

5 For construction, procurement, production, modifica-
6 tion, and modernization of aircraft, equipment, including
7 ordnance, ground handling equipment, spare parts, and
8 accessories therefor; specialized equipment and training
9 devices; expansion of public and private plants, including
10 the land necessary therefor, for the foregoing purposes,
11 and such lands and interests therein, may be acquired,
12 and construction prosecuted thereon prior to approval of
13 title; and procurement and installation of equipment, ap-
14 pliances, and machine tools in public and private plants;
15 reserve plant and Government and contractor-owned
16 equipment layaway; and other expenses necessary for the
17 foregoing purposes; \$1,356,959,000, to remain available
18 for obligation until September 30, 2000.

19 MISSILE PROCUREMENT, ARMY

20 For construction, procurement, production, modifica-
21 tion, and modernization of missiles, equipment, including
22 ordnance, ground handling equipment, spare parts, and
23 accessories therefor; specialized equipment and training
24 devices; expansion of public and private plants, including
25 the land necessary therefor, for the foregoing purposes,

1 and such lands and interests therein, may be acquired,
2 and construction prosecuted thereon prior to approval of
3 title; and procurement and installation of equipment, ap-
4 pliances, and machine tools in public and private plants;
5 reserve plant and Government and contractor-owned
6 equipment layaway; and other expenses necessary for the
7 foregoing purposes; \$1,173,081,000, to remain available
8 for obligation until September 30, 2000.

9 PROCUREMENT OF WEAPONS AND TRACKED COMBAT

10 VEHICLES, ARMY

11 For construction, procurement, production, and
12 modification of weapons and tracked combat vehicles,
13 equipment, including ordnance, spare parts, and acces-
14 sories therefor; specialized equipment and training devices;
15 expansion of public and private plants, including the land
16 necessary therefor, for the foregoing purposes, and such
17 lands and interests therein, may be acquired, and con-
18 struction prosecuted thereon prior to approval of title; and
19 procurement and installation of equipment, appliances,
20 and machine tools in public and private plants; reserve
21 plant and Government and contractor-owned equipment
22 layaway; and other expenses necessary for the foregoing
23 purposes; \$1,156,506,000, to remain available for obliga-
24 tion until September 30, 2000.

1 PROCUREMENT OF AMMUNITION, ARMY

2 For construction, procurement, production, and
3 modification of ammunition, and accessories therefor; spe-
4 cialized equipment and training devices; expansion of pub-
5 lic and private plants, including ammunition facilities au-
6 thorized by section 2854, title 10, United States Code, and
7 the land necessary therefor, for the foregoing purposes,
8 and such lands and interests therein, may be acquired,
9 and construction prosecuted thereon prior to approval of
10 title; and procurement and installation of equipment, ap-
11 pliances, and machine tools in public and private plants;
12 reserve plant and Government and contractor-owned
13 equipment layaway; and other expenses necessary for the
14 foregoing purposes; \$1,042,602,000, to remain available
15 for obligation until September 30, 2000.

16 OTHER PROCUREMENT, ARMY

17 For construction, procurement, production, and
18 modification of vehicles, including tactical, support, and
19 non-tracked combat vehicles; communications and elec-
20 tronic equipment; other support equipment; spare parts,
21 ordnance, and accessories therefor; specialized equipment
22 and training devices; expansion of public and private
23 plants, including the land necessary therefor, for the fore-
24 going purposes, and such lands and interests therein, may
25 be acquired, and construction prosecuted thereon prior to

1 approval of title; and procurement and installation of
 2 equipment, appliances, and machine tools in public and
 3 private plants; reserve plant and Government and contrac-
 4 tor-owned equipment layaway; and other expenses nec-
 5 essary for the foregoing purposes; \$2,783,735,000, to re-
 6 main available for obligation until September 30, 2000.

7 AIRCRAFT PROCUREMENT, NAVY

8 For construction, procurement, production, modifica-
 9 tion, and modernization of aircraft, equipment, including
 10 ordnance, spare parts, and accessories therefor; specialized
 11 equipment; expansion of public and private plants, includ-
 12 ing the land necessary therefor, and such lands and inter-
 13 ests therein, may be acquired, and construction prosecuted
 14 thereon prior to approval of title; and procurement and
 15 installation of equipment, appliances, and machine tools
 16 in public and private plants; reserve plant and Govern-
 17 ment and contractor-owned equipment layaway;
 18 \$6,312,937,000, to remain available for obligation until
 19 September 30, 2000.

20 WEAPONS PROCUREMENT, NAVY

21 For construction, procurement, production, modifica-
 22 tion, and modernization of missiles, torpedoes, other weap-
 23 ons, and related support equipment including spare parts,
 24 and accessories therefor; expansion of public and private
 25 plants, including the land necessary therefor, and such

10 For construction, procurement, production, and
11 modification of ammunition, and accessories therefor; spe-
12 cialized equipment and training devices; expansion of pub-
13 lic and private plants, including ammunition facilities au-
14 thorized by section 2854, title 10, United States Code, and
15 the land necessary therefor, for the foregoing purposes,
16 and such lands and interests therein, may be acquired,
17 and construction prosecuted thereon prior to approval of
18 title; and procurement and installation of equipment, ap-
19 pliances, and machine tools in public and private plants,
20 reserve plant and Government and contractor-owned
21 equipment layaway; and other expenses necessary for the
22 foregoing purposes; \$344,797,000, to remain available for
23 obligation until September 30, 2000.

1 SHIPBUILDING AND CONVERSION, NAVY

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

14 For continuation of the SSN-21 attack sub-
15 marine program, \$153,440,000;
16 NSSN, \$2,314,903,000;
17 NSSN (AP), \$284,859,000;
18 CVN-77 (AP), \$345,000,000;
19 CVN Refuelings, \$1,615,003,000;
20 CVN Refuelings (AP), \$92,855,000;
21 DDG-51 destroyer program, \$3,385,767,000;
22 DDG-51 destroyer program (AP),
23 \$157,806,000;
24 Oceanographic ship program, \$73,000,000;

1 LCAC landing craft air cushion program,
2 \$17,300,000; and

3 For craft, outfitting, post delivery, conversions,
4 and first destination transportation, \$83,177,000;

5 In all: \$8,510,458,000, to remain available for obligation
6 until September 30, 2004: *Provided*, That additional obli-
7 gations may be incurred after September 30, 2004, for
8 engineering services, tests, evaluations, and other such
9 budgeted work that must be performed in the final stage
10 of ship construction.

11 None of the funds provided under this heading for
12 the construction or conversion of any naval vessel to be
13 constructed in shipyards in the United States shall be ex-
14 pended in foreign facilities for the construction of major
15 components of such vessel: *Provided*, That none of the
16 funds provided under this heading shall be used for the
17 construction of any naval vessel in foreign shipyards.

18 OTHER PROCUREMENT, NAVY

19 For procurement, production, and modernization of
20 support equipment and materials not otherwise provided
21 for, Navy ordnance (except ordnance for new aircraft, new
22 ships, and ships authorized for conversion); the purchase
23 of not to exceed 194 passenger motor vehicles for replace-
24 ment only; and the purchase of one vehicle required for
25 physical security of personnel, notwithstanding price limi-

1 tations applicable to passenger vehicles but not to exceed
2 \$232,340 per vehicle; expansion of public and private
3 plants, including the land necessary therefor, and such
4 lands and interests therein, may be acquired, and con-
5 struction prosecuted thereon prior to approval of title; and
6 procurement and installation of equipment, appliances,
7 and machine tools in public and private plants; reserve
8 plant and Government and contractor-owned equipment
9 layaway; \$2,865,800,000, to remain available for obliga-
10 tion until September 30, 2000.

11 PROCUREMENT, MARINE CORPS

12 For expenses necessary for the procurement, manu-
13 facture, and modification of missiles, armament, military
14 equipment, spare parts, and accessories therefor; plant
15 equipment, appliances, and machine tools, and installation
16 thereof in public and private plants; reserve plant and
17 Government and contractor-owned equipment layaway; ve-
18 hicles for the Marine Corps, including the purchase of not
19 to exceed 40 passenger motor vehicles for replacement
20 only; and expansion of public and private plants, including
21 land necessary therefor, and such lands and interests
22 therein, may be acquired, and construction prosecuted
23 thereon prior to approval of title; \$440,106,000, to remain
24 available for obligation until September 30, 2000.

1 AIRCRAFT PROCUREMENT, AIR FORCE

2 For construction, procurement, and modification of
3 aircraft and equipment, including armor and armament,
4 specialized ground handling equipment, and training de-
5 vices, spare parts, and accessories therefor; specialized
6 equipment; expansion of public and private plants, Gov-
7 ernment-owned equipment and installation thereof in such
8 plants, erection of structures, and acquisition of land, for
9 the foregoing purposes, and such lands and interests
10 therein, may be acquired, and construction prosecuted
11 thereon prior to approval of title; reserve plant and Gov-
12 ernment and contractor-owned equipment layaway; and
13 other expenses necessary for the foregoing purposes in-
14 cluding rents and transportation of things;
15 \$6,375,847,000 to remain available for obligation until
16 September 30, 2000.

17 MISSILE PROCUREMENT, AIR FORCE

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

1 construction prosecuted thereon prior to approval of title;
2 reserve plant and Government and contractor-owned
3 equipment layaway; and other expenses necessary for the
4 foregoing purposes including rents and transportation of
5 things; \$2,431,741,000, to remain available for obligation
6 until September 30, 2000.

7 PROCUREMENT OF AMMUNITION, AIR FORCE

8 For construction, procurement, production, and
9 modification of ammunition, and accessories therefor; spe-
10 cialized equipment and training devices; expansion of pub-
11 lic and private plants, including ammunition facilities au-
12 thorized by section 2854, title 10, United States Code, and
13 the land necessary therefor, for the foregoing purposes,
14 and such lands and interests therein, may be acquired,
15 and construction prosecuted thereon prior to approval of
16 title; and procurement and installation of equipment, ap-
17 pliances, and machine tools in public and private plants;
18 reserve plant and Government and contractor-owned
19 equipment layaway; and other expenses necessary for the
20 foregoing purposes; \$400,984,000, to remain available for
21 obligation until September 30, 2000.

22 OTHER PROCUREMENT, AIR FORCE

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

1 and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed 196 passenger motor vehicles for replacement only; the purchase of one vehicle required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed \$232,340 per vehicle; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; \$6,653,053,000, to remain available for obligation until September 30, 2000.

15 PROCUREMENT, DEFENSE-WIDE

16 For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed 381 passenger motor vehicles for replacement only; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and

1 construction prosecuted thereon prior to approval of title;
 2 reserve plant and Government and contractor-owned
 3 equipment layaway; \$1,753,285,000, to remain available
 4 for obligation until September 30, 2000.

5 NATIONAL GUARD AND RESERVE EQUIPMENT

6 For procurement of aircraft, missiles, tracked combat
 7 vehicles, ammunition, other weapons, and other procure-
 8 ment for the reserve components of the Armed Forces;
 9 \$653,000,000, to remain available for obligation until Sep-
 10 tember 30, 2000: *Provided*, That the Chiefs of the Reserve
 11 and National Guard components shall, not later than 30
 12 days after the enactment of this Act, individually submit
 13 to the congressional defense committees the modernization
 14 priority assessment for their respective Reserve or Na-
 15 tional Guard component.

16 TITLE IV

17 RESEARCH, DEVELOPMENT, TEST, AND

18 EVALUATION

19 RESEARCH, DEVELOPMENT, TEST, AND EVALUATION,

20 ARMY

21 For expenses necessary for basic and applied sci-
 22 entific research, development, test and evaluation, includ-
 23 ing maintenance, rehabilitation, lease, and operation of fa-
 24 cilities and equipment; \$4,984,083,000 to remain available
 25 for obligation until September 30, 1999.

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

3 For expenses necessary for basic and applied sci-
 4 entific research, development, test and evaluation, includ-
 5 ing maintenance, rehabilitation, lease, and operation of fa-
 6 cilities and equipment; \$7,532,846,000, to remain avail-
 7 able for obligation until September 30, 1999: *Provided*,
 8 That funds appropriated in this paragraph which are
 9 available for the V-22 may be used to meet unique re-
 10 quirements of the Special Operations Forces.

11 RESEARCH, DEVELOPMENT, TEST, AND EVALUATION,
 12 AIR FORCE

13 For expenses necessary for basic and applied sci-
 14 entific research, development, test and evaluation, includ-
 15 ing maintenance, rehabilitation, lease, and operation of fa-
 16 cilities and equipment; \$14,142,873,000, to remain avail-
 17 able for obligation until September 30, 1999.

18 RESEARCH, DEVELOPMENT, TEST, AND EVALUATION,
 19 DEFENSE-WIDE

20 For expenses of activities and agencies of the Depart-
 21 ment of Defense (other than the military departments),
 22 necessary for basic and applied scientific research, devel-
 23 opment, test and evaluation; advanced research projects
 24 as may be designated and determined by the Secretary
 25 of Defense, pursuant to law; maintenance, rehabilitation,

1 lease, and operation of facilities and equipment;
2 \$9,608,689,000, to remain available for obligation until
3 September 30, 1999.

4 DEVELOPMENTAL TEST AND EVALUATION, DEFENSE

5 For expenses, not otherwise provided for, of inde-
6 pendent activities of the Director, Test and Evaluation in
7 the direction and supervision of developmental test and
8 evaluation, including performance and joint developmental
9 testing and evaluation; and administrative expenses in
10 connection therewith; \$251,183,000, to remain available
11 for obligation until September 30, 1999.

12 OPERATIONAL TEST AND EVALUATION, DEFENSE

13 For expenses, not otherwise provided for, necessary
14 for the independent activities of the Director, Operational
15 Test and Evaluation in the direction and supervision of
16 operational test and evaluation, including initial oper-
17 ational test and evaluation which is conducted prior to,
18 and in support of, production decisions; joint operational
19 testing and evaluation; and administrative expenses in
20 connection therewith; \$31,384,000, to remain available for
21 obligation until September 30, 1999.

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

4 For the Defense Working Capital Funds;
5 \$871,952,000.

6 NATIONAL DEFENSE SEALIFT FUND

7 For National Defense Sealift Fund programs,
8 projects, and activities, and for expenses of the National
9 Defense Reserve Fleet, as established by section 11 of the
10 Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744);
11 \$516,126,000, to remain available until expended: *Pro-*
12 *vided*, That none of the funds provided in this paragraph
13 shall be used to award a new contract that provides for
14 the acquisition of any of the following major components
15 unless such components are manufactured in the United
16 States: auxiliary equipment, including pumps, for all ship-
17 board services; propulsion system components (that is; en-
18 gines, reduction gears, and propellers); shipboard cranes;
19 and spreaders for shipboard cranes: *Provided further*, That
20 the exercise of an option in a contract awarded through
21 the obligation of previously appropriated funds shall not
22 be considered to be the award of a new contract: *Provided*
23 *further*, That the Secretary of the military department re-
24 sponsible for such procurement may waive these restric-
25 tions on a case-by-case basis by certifying in writing to

1 the Committees on Appropriations of the House of Rep-
2 resentatives and the Senate, that adequate domestic sup-
3 plies are not available to meet Department of Defense re-
4 quirements on a timely basis and that such an acquisition
5 must be made in order to acquire capability for national
6 security purposes.

7 TITLE VI

8 OTHER DEPARTMENT OF DEFENSE PROGRAMS

9 DEFENSE HEALTH PROGRAM

10 For expenses, not otherwise provided for, for medical
11 and health care programs of the Department of Defense,
12 as authorized by law; \$10,317,675,000, of which
13 \$10,043,607,000 shall be for Operation and maintenance,
14 of which not to exceed one per centum shall remain avail-
15 able until September 30, 1999, and of which
16 \$274,068,000, to remain available for obligation until Sep-
17 tember 30, 2000, shall be for Procurement.

18 CHEMICAL AGENTS AND MUNITIONS DESTRUCTION,

19 DEFENSE

20 For expenses, not otherwise provided for, necessary
21 for the destruction of the United States stockpile of lethal
22 chemical agents and munitions in accordance with the pro-
23 visions of section 1412 of the Department of Defense Au-
24 thorization Act, 1986 (50 U.S.C. 1521), and for the de-
25 struction of other chemical warfare materials that are not

1 in the chemical weapon stockpile, \$609,700,000, of which
 2 \$467,200,000 shall be for Operation and maintenance,
 3 \$73,200,000 shall be for Procurement to remain available
 4 until September 30, 2000, and \$69,300,000 shall be for
 5 Research, development, test and evaluation to remain
 6 available until September 30, 1999: *Provided*, That of the
 7 funds available under this heading, \$1,000,000 shall be
 8 available until expended each year only for a Johnston
 9 Atoll off-island leave program: *Provided further*, That the
 10 Secretaries concerned shall, pursuant to uniform regula-
 11 tions, prescribe travel and transportation allowances for
 12 travel by participants in the off-island leave program.

13 DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,
 14 DEFENSE

15 (INCLUDING TRANSFER OF FUNDS)

16 For drug interdiction and counter-drug activities of
 17 the Department of Defense, for transfer to appropriations
 18 available to the Department of Defense for military per-
 19 sonnel of the reserve components serving under the provi-
 20 sions of title 10 and title 32, United States Code; for Op-
 21 eration and maintenance; for Procurement; and for Re-
 22 search, development, test and evaluation; \$691,482,000:
 23 *Provided*, That the funds appropriated under this head
 24 shall be available for obligation for the same time period
 25 and for the same purpose as the appropriation to which

1 transferred: *Provided further*, That the transfer authority
 2 provided in this paragraph is in addition to any transfer
 3 authority contained elsewhere in this Act.

4 OFFICE OF THE INSPECTOR GENERAL

5 For expenses and activities of the Office of the In-
 6 spector General in carrying out the provisions of the In-
 7 spector General Act of 1978, as amended; \$135,380,000,
 8 of which \$133,380,000 shall be for Operation and mainte-
 9 nance, of which not to exceed \$500,000, is available for
 10 emergencies and extraordinary expenses to be expended on
 11 the approval or authority of the Inspector General, and
 12 payments may be made on his certificate of necessity for
 13 confidential military purposes; and of which \$2,000,000,
 14 to remain available until September 30, 2000, shall be for
 15 Procurement.

16 TITLE VII

17 RELATED AGENCIES

18 CENTRAL INTELLIGENCE AGENCY RETIREMENT AND

19 DISABILITY SYSTEM FUND

20 For payment to the Central Intelligence Agency Re-
 21 tirement and Disability System Fund, to maintain proper
 22 funding level for continuing the operation of the Central
 23 Intelligence Agency Retirement and Disability System;
 24 \$196,900,000.

1 INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

2 For necessary expenses of the Intelligence Commu-
3 nity Management Account; \$122,580,000.

4 PAYMENT TO KAHO'OLAWA ISLAND CONVEYANCE, RE-
5 MEDIATION, AND ENVIRONMENTAL RESTORATION
6 FUND

7 For payment to Kaho'olawe Island Conveyance, Re-
8 mediation, and Environmental Restoration Fund, as au-
9 thorized by law; \$35,000,000, to remain available until ex-
10 pended.

11 NATIONAL SECURITY EDUCATION TRUST FUND

12 For the purposes of title VIII of Public Law 102-
13 183, \$2,000,000, to be derived from the National Security
14 Education Trust Fund, to remain available until ex-
15 pended.

16 TITLE VIII

17 GENERAL PROVISIONS

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

21 SEC. 8002. During the current fiscal year, provisions
22 of law prohibiting the payment of compensation to, or em-
23 ployment of, any person not a citizen of the United States
24 shall not apply to personnel of the Department of Defense:
25 *Provided*, That salary increases granted to direct and indi-

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

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

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

(TRANSFER OF FUNDS)

1
2 SEC. 8005. Upon determination by the Secretary of
3 Defense that such action is necessary in the national inter-
4 est, he may, with the approval of the Office of Manage-
5 ment and Budget, transfer not to exceed \$2,000,000,000
6 of working capital funds of the Department of Defense
7 or funds made available in this Act to the Department
8 of Defense for military functions (except military con-
9 struction) between such appropriations or funds or any
10 subdivision thereof, to be merged with and to be available
11 for the same purposes, and for the same time period, as
12 the appropriation or fund to which transferred: *Provided*,
13 That such authority to transfer may not be used unless
14 for higher priority items, based on unforeseen military re-
15 quirements, than those for which originally appropriated
16 and in no case where the item for which funds are re-
17 quested has been denied by Congress: *Provided further*,
18 That the Secretary of Defense shall notify the Congress
19 promptly of all transfers made pursuant to this authority
20 or any other authority in this Act: *Provided further*, That
21 no part of the funds in this Act shall be available to pre-
22 pare or present a request to the Committees on Appropria-
23 tions for reprogramming of funds, unless for higher prior-
24 ity items, based on unforeseen military requirements, than
25 those for which originally appropriated and in no case

1 where the item for which reprogramming is requested has
2 been denied by the Congress: *Provided further*, That of
3 the authority provided under this section, not to exceed
4 \$20,000,000 shall be available to meet requirements for
5 termination of the Reserve Mobilization Insurance Pro-
6 gram, notwithstanding Chapter 1214 of Title 10 of the
7 United States Code.

8 (TRANSFER OF FUNDS)

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

1 value of war reserve material inventory, unless the Sec-
2 retary of Defense has notified the Congress prior to any
3 such obligation.

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

8 SEC. 8008. None of the funds contained in this Act
9 available for the Civilian Health and Medical Program of
10 the Uniformed Services shall be available for payments to
11 physicians and other non-institutional health care provid-
12 ers in excess of the amounts allowed in fiscal year 1996
13 for similar services, except that: (a) for services for which
14 the Secretary of Defense determines an increase is justi-
15 fied by economic circumstances, the allowable amounts
16 may be increased in accordance with appropriate economic
17 index data similar to that used pursuant to title XVIII
18 of the Social Security Act; and (b) for services the Sec-
19 retary determines are overpriced based on allowable pay-
20 ments under title XVIII of the Social Security Act, the
21 allowable amounts shall be reduced by not more than 15
22 per centum (except that the reduction may be waived if
23 the Secretary determines that it would impair adequate
24 access to health care services for beneficiaries). The Sec-
25 retary shall solicit public comment prior to promulgating

1 regulations to implement this section. Such regulations
2 shall include a limitation, similar to that used under title
3 XVIII of the Social Security Act, on the extent to which
4 a provider may bill a beneficiary an actual charge in excess
5 of the allowable amount.

6 SEC. 8009. None of the funds provided in this Act
7 shall be available to initiate (1) a multiyear contract that
8 employs economic order quantity procurement in excess of
9 \$20,000,000 in any one year of the contract or that in-
10 cludes an unfunded contingent liability in excess of
11 \$20,000,000, or (2) a contract for advance procurement
12 leading to a multiyear contract that employs economic
13 order quantity procurement in excess of \$20,000,000 in
14 any one year, unless the congressional defense committees
15 have been notified at least thirty days in advance of the
16 proposed contract award: *Provided*, That no part of any
17 appropriation contained in this Act shall be available to
18 initiate a multiyear contract for which the economic order
19 quantity advance procurement is not funded at least to
20 the limits of the Government's liability: *Provided further*,
21 That no part of any appropriation contained in this Act
22 shall be available to initiate multiyear procurement con-
23 tracts for any systems or component thereof if the value
24 of the multiyear contract would exceed \$500,000,000 un-
25 less specifically provided in this Act: *Provided further*,

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

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

9 Apache Longbow radar;
10 T-45 aircraft; and
11 AV-8B aircraft.

12 SEC. 8010. Within the funds appropriated for the op-
13 eration and maintenance of the Armed Forces, funds are
14 hereby appropriated pursuant to section 401 of title 10,
15 United States Code, for humanitarian and civic assistance
16 costs under chapter 20 of title 10, United States Code.
17 Such funds may also be obligated for humanitarian and
18 civic assistance costs incidental to authorized operations
19 and pursuant to authority granted in section 401 of chap-
20 ter 20 of title 10, United States Code, and these obliga-
21 tions shall be reported to Congress on September 30 of
22 each year: *Provided*, That funds available for operation
23 and maintenance shall be available for providing humani-
24 tarian and similar assistance by using Civic Action Teams
25 in the Trust Territories of the Pacific Islands and freely

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

13 SEC. 8011. (a) During fiscal year 1998, the civilian
14 personnel of the Department of Defense may not be man-
15 aged on the basis of any end-strength, and the manage-
16 ment of such personnel during that fiscal year shall not
17 be subject to any constraint or limitation (known as an
18 end-strength) on the number of such personnel who may
19 be employed on the last day of such fiscal year.

20 (b) The fiscal year 1999 budget request for the De-
21 partment of Defense as well as all justification material
22 and other documentation supporting the fiscal year 1999
23 Department of Defense budget request shall be prepared
24 and submitted to the Congress as if subsections (a) and

1 (b) of this provision were effective with regard to fiscal
2 year 1999.

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

5 SEC. 8012. Notwithstanding any other provision of
6 law, none of the funds made available by this Act shall
7 be used by the Department of Defense to exceed, outside
8 the fifty United States, its territories, and the District of
9 Columbia, 125,000 civilian workyears: *Provided*, That
10 workyears shall be applied as defined in the Federal Per-
11 sonnel Manual: *Provided further*, That workyears ex-
12 pended in dependent student hiring programs for dis-
13 advantaged youths shall not be included in this workyear
14 limitation.

15 SEC. 8013. None of the funds made available by this
16 Act shall be used in any way, directly or indirectly, to in-
17 fluence congressional action on any legislation or appro-
18 priation matters pending before the Congress.

19 SEC. 8014. (a) None of the funds appropriated by
20 this Act shall be used to make contributions to the Depart-
21 ment of Defense Education Benefits Fund pursuant to
22 section 2006(g) of title 10, United States Code, represent-
23 ing the normal cost for future benefits under section
24 3015(c) of title 38, United States Code, for any member

1 of the armed services who, on or after the date of enact-
2 ment of this Act—

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

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

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

23 (b) None of the funds appropriated by this Act shall
24 be available for the basic pay and allowances of any mem-
25 ber of the Army participating as a full-time student and

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

9 SEC. 8015. None of the funds appropriated by this
10 Act shall be available to convert to contractor performance
11 an activity or function of the Department of Defense that,
12 on or after the date of enactment of this Act, is performed
13 by more than ten Department of Defense civilian employ-
14 ees until a most efficient and cost-effective organization
15 analysis is completed on such activity or function and cer-
16 tification of the analysis is made to the Committees on
17 Appropriations of the House of Representatives and the
18 Senate: *Provided*, That this section shall not apply to a
19 commercial or industrial type function of the Department
20 of Defense that: (1) is included on the procurement list
21 established pursuant to section 2 of the Act of June 25,
22 1938 (41 U.S.C. 47), popularly referred to as the Javits-
23 Wagner-O'Day Act; (2) is planned to be converted to per-
24 formance by a qualified nonprofit agency for the blind or
25 by a qualified nonprofit agency for other severely handi-

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

4 (TRANSFER OF FUNDS)

5 SEC. 8016. Funds appropriated in title III of this Act
6 for the Department of Defense Pilot Mentor-Protege Pro-
7 gram may be transferred to any other appropriation con-
8 tained in this Act solely for the purpose of implementing
9 a Mentor-Protege Program developmental assistance
10 agreement pursuant to section 831 of the National De-
11 fense Authorization Act for Fiscal Year 1991 (Public Law
12 101-510; 10 U.S.C. 2301 note), as amended, under the
13 authority of this provision or any other transfer authority
14 contained in this Act.

15 SEC. 8017. None of the funds in this Act may be
16 available for the purchase by the Department of Defense
17 (and its departments and agencies) of welded shipboard
18 anchor and mooring chain 4 inches in diameter and under
19 unless the anchor and mooring chain are manufactured
20 in the United States from components which are substan-
21 tially manufactured in the United States: *Provided*, That
22 for the purpose of this section manufactured will include
23 cutting, heat treating, quality control, testing of chain and
24 welding (including the forging and shot blasting process):
25 *Provided further*, That for the purpose of this section sub-
26 stantially all of the components of anchor and mooring

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

13 SEC. 8018. None of the funds appropriated by this
14 Act available for the Civilian Health and Medical Program
15 of the Uniformed Services (CHAMPUS) shall be available
16 for the reimbursement of any health care provider for in-
17 patient mental health service for care received when a pa-
18 tient is referred to a provider of inpatient mental health
19 care or residential treatment care by a medical or health
20 care professional having an economic interest in the facil-
21 ity to which the patient is referred: *Provided*, That this
22 limitation does not apply in the case of inpatient mental
23 health services provided under the program for the handi-
24 capped under subsection (d) of section 1079 of title 10,
25 United States Code, provided as partial hospital care, or

1 provided pursuant to a waiver authorized by the Secretary
2 of Defense because of medical or psychological cir-
3 cumstances of the patient that are confirmed by a health
4 professional who is not a Federal employee after a review,
5 pursuant to rules prescribed by the Secretary, which takes
6 into account the appropriate level of care for the patient,
7 the intensity of services required by the patient, and the
8 availability of that care.

9 SEC. 8019. Funds available in this Act may be used
10 to provide transportation for the next-of-kin of individuals
11 who have been prisoners of war or missing in action from
12 the Vietnam era to an annual meeting in the United
13 States, under such regulations as the Secretary of Defense
14 may prescribe.

15 SEC. 8020. Notwithstanding any other provision of
16 law, during the current fiscal year, the Secretary of De-
17 fense may, by Executive Agreement, establish with host
18 nation governments in NATO member states a separate
19 account into which such residual value amounts negotiated
20 in the return of United States military installations in
21 NATO member states may be deposited, in the currency
22 of the host nation, in lieu of direct monetary transfers to
23 the United States Treasury: *Provided*, That such credits
24 may be utilized only for the construction of facilities to
25 support United States military forces in that host nation,

1 or such real property maintenance and base operating
2 costs that are currently executed through monetary trans-
3 fers to such host nations: *Provided further*, That the De-
4 partment of Defense's budget submission for fiscal year
5 1999 shall identify such sums anticipated in residual value
6 settlements, and identify such construction, real property
7 maintenance or base operating costs that shall be funded
8 by the host nation through such credits: *Provided further*,
9 That all military construction projects to be executed from
10 such accounts must be previously approved in a prior Act
11 of Congress: *Provided further*, That each such Executive
12 Agreement with a NATO member host nation shall be re-
13 ported to the congressional defense committees, the Com-
14 mittee on International Relations of the House of Rep-
15 resentatives and the Committee on Foreign Relations of
16 the Senate thirty days prior to the conclusion and endorse-
17 ment of any such agreement established under this provi-
18 sion.

19 SEC. 8021. None of the funds available to the De-
20 partment of Defense may be used to demilitarize or dis-
21 pose of M-1 Carbines, M-1 Garand rifles, M-14 rifles,
22 .22 caliber rifles, .30 caliber rifles, or M-1911 pistols.

23 SEC. 8022. Notwithstanding any other provision of
24 law, none of the funds appropriated by this Act shall be
25 available to pay more than 50 per centum of an amount

1 paid to any person under section 308 of title 37, United
2 States Code, in a lump sum.

3 SEC. 8023. A member of a reserve component whose
4 unit or whose residence is located in a state which is not
5 contiguous with another state is authorized to travel in
6 a space required status on aircraft of the Armed Forces
7 between home and place of inactive duty training, or place
8 of duty in lieu of unit training assembly, when there is
9 no road or railroad transportation (or combination of road
10 and railroad transportation between those locations: *Pro-*
11 *vided*, That a member traveling in that status on a mili-
12 tary aircraft pursuant to the authority provided in this
13 section is not authorized to receive travel, transportation,
14 or per diem allowances in connection with that travel.

15 SEC. 8024. In addition to funds provided elsewhere
16 in this Act, \$8,000,000 is appropriated only for incentive
17 payments authorized by section 504 of the Indian Financ-
18 ing Act of 1974, 25 U.S.C. 1544: *Provided*, That these
19 payments shall be available only to contractors which have
20 submitted subcontracting plans pursuant to 15 U.S.C.
21 637(d), and according to regulations which shall be pro-
22 mulgated by the Secretary of Defense within 90 days of
23 the passage of this Act.

24 SEC. 8025. Notwithstanding any other provision of
25 law, of the revenue collected by the Department of Defense

1 Working Capital Funds, such amounts as may be required
2 shall be made available for obligation and expenditure for
3 indemnification of the leasing entity or entities to accom-
4 plish the lease of aircraft for the VC-137 mission: *Pro-*
5 *vided*, That the funds made available pursuant to this sec-
6 tion shall remain available until expended.

7 SEC. 8026. During the current fiscal year, none of
8 the funds available to the Department of Defense may be
9 used to procure or acquire (1) defensive handguns unless
10 such handguns are the M-9 or M-11 9 mm Department
11 of Defense standard handguns, or (2) offensive handguns
12 except for the Special Operations Forces: *Provided*, That
13 the foregoing shall not apply to handguns and ammunition
14 for marksmanship competitions.

15 SEC. 8027. No more than \$500,000 of the funds ap-
16 propriated or made available in this Act shall be used dur-
17 ing a single fiscal year for any single relocation of an orga-
18 nization, unit, activity or function of the Department of
19 Defense into or within the National Capital Region: *Pro-*
20 *vided*, That the Secretary of Defense may waive this re-
21 striction on a case-by-case basis by certifying in writing
22 to the congressional defense committees that such a relo-
23 cation is required in the best interest of the Government.

24 SEC. 8028. During the current fiscal year, funds ap-
25 propriated or otherwise available for any Federal agency,

1 the Congress, the judicial branch, or the District of Co-
2 lumbia may be used for the pay, allowances, and benefits
3 of an employee as defined by section 2105 of title 5 or
4 an individual employed by the government of the District
5 of Columbia, permanent or temporary indefinite, who—

6 (1) is a member of a Reserve component of the
7 Armed Forces, as described in section 261 of title
8 10, or the National Guard, as described in section
9 101 of title 32;

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

14 (A) Federal service under sections 331,
15 332, 333, or 12406 of title 10, or other provi-
16 sion of law, as applicable, or

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

21 (3) requests and is granted—

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

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

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

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

9 SEC. 8029. None of the funds appropriated by this
10 Act shall be available to perform any cost study pursuant
11 to the provisions of OMB Circular A-76 if the study being
12 performed exceeds a period of twenty-four months after
13 initiation of such study with respect to a single function
14 activity or forty-eight months after initiation of such study
15 for a multi-function activity.

16 SEC. 8030. Funds appropriated by this Act for the
17 American Forces Information Service shall not be used for
18 any national or international political or psychological ac-
19 tivities.

20 SEC. 8031. Notwithstanding any other provision of
21 law or regulation, the Secretary of Defense may adjust
22 wage rates for civilian employees hired for certain health
23 care occupations as authorized for the Secretary of Veter-
24 ans Affairs by section 7455 of title 38, United States
25 Code.

1 SEC. 8032. None of the funds appropriated or made
2 available in this Act shall be used to reduce or disestablish
3 the operation of the 53rd Weather Reconnaissance Squad-
4 ron of the Air Force Reserve, if such action would reduce
5 the WC-130 Weather Reconnaissance mission below the
6 levels funded in this Act.

7 SEC. 8033. (a) Of the funds for the procurement of
8 supplies or services appropriated by this Act, qualified
9 nonprofit agencies for the blind or other severely handi-
10 capped shall be afforded the maximum practicable oppor-
11 tunity to participate as subcontractors and supplies in the
12 performance of contracts let by the Department of De-
13 fense.

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

22 (c) For the purpose of this section, the phrase “quali-
23 fied nonprofit agency for the blind or other severely handi-
24 capped” means a nonprofit agency for the blind or other
25 severely handicapped that has been approved by the Com-

1 mittee for the Purchase from the Blind and Other Severely
2 Handicapped under the Javits-Wagner-O'Day Act (41
3 U.S.C. 46–48).

4 SEC. 8034. During the current fiscal year, net re-
5 ceipts pursuant to collections from third party payers pur-
6 suant to section 1095 of title 10, United States Code, shall
7 be made available to the local facility of the uniformed
8 services responsible for the collections and shall be over
9 and above the facility's direct budget amount.

10 SEC. 8035. During the current fiscal year, the De-
11 partment of Defense is authorized to incur obligations of
12 not to exceed \$350,000,000 for purposes specified in sec-
13 tion 2350j(c) of title 10, United States Code, in anticipa-
14 tion of receipt of contributions, only from the Government
15 of Kuwait, under that section: *Provided*, That, upon re-
16 ceipt, such contributions from the Government of Kuwait
17 shall be credited to the appropriations or fund which in-
18 curred such obligations.

19 SEC. 8036. Of the funds made available in this Act,
20 not less than \$27,200,000 shall be available for the Civil
21 Air Patrol, of which \$22,600,000 shall be available for Op-
22 eration and maintenance.

23 SEC. 8037. (a) None of the funds appropriated in this
24 Act are available to establish a new Department of De-
25 fense (department) federally funded research and develop-

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

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

20 (c) Notwithstanding any other provision of law, none
21 of the funds available to the department from any source
22 during fiscal year 1998 may be used by a defense FFRDC,
23 through a fee or other payment mechanism, for charitable
24 contributions, for construction of new buildings, for pay-

1 ment of cost sharing for projects funded by government
2 grants, or for absorption of contract overruns.

3 (d) Notwithstanding any other provision of law, of
4 the funds available to the department during fiscal year
5 1998, not more than 6,206 staff years of technical effort
6 (staff years) may be funded for defense FFRDCs: *Pro-*
7 *vided*, That of the specific amount referred to previously
8 in this subsection, not more than 1,105 staff years may
9 be funded for the defense studies and analysis FFRDCs.

10 (e) Notwithstanding any other provision of law, the
11 Secretary of Defense shall control the total number of
12 staff years to be performed by defense FFRDCs during
13 fiscal year 1998 so as to reduce the total amounts appro-
14 priated in titles II, III, and IV of this Act by \$71,800,000:
15 *Provided*, That the total amounts appropriated in titles II,
16 III, and IV of this Act are hereby reduced by \$71,800,000
17 to reflect savings from the use of defense FFRDCs by the
18 department.

19 (f) Within 60 days after enactment of this Act, the
20 Secretary of Defense shall submit to the congressional de-
21 fense committees a report presenting the specific amounts
22 of staff years of technical effort to be allocated by the de-
23 partment for each defense FFRDC during fiscal year
24 1998: *Provided*, That, after the submission of the report
25 required by this subsection, the department may not re-

1 allocate more than five per centum of an FFRDC's staff
2 years among other defense FFRDCs until 30 days after
3 a detailed justification for any such reallocation is submit-
4 ted to the congressional defense committees.

5 (g) The Secretary of Defense shall, with the submis-
6 sion of the department's fiscal year 1999 budget request,
7 submit a report presenting the specific amounts of staff
8 years of technical effort to be allocated for each defense
9 FFRDC during that fiscal year.

10 (h) The reductions specified in subsection (e) of this
11 section shall be applied only to funds budgeted to purchase
12 defense FFRDC activities and shall be applied on a pro-
13 rata basis to each program, project and activity which in-
14 cluded budget funds for defense FFRDC activities.

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

20 SEC. 8038. None of the funds in this or any other
21 Act shall be available for the preparation of studies on—

22 (a) the cost effectiveness or feasibility of re-
23 moval and transportation of unitary chemical weap-
24 ons or agents from the eight chemical storage sites
25 within the continental United States to Johnston

1 Atoll: *Provided*, That this prohibition shall not apply
2 to General Accounting Office studies requested by a
3 Member of Congress or a Congressional Committee;
4 and

5 (b) the potential future uses of the nine chemi-
6 cal disposal facilities other than for the destruction
7 of stockpile chemical munitions and as limited by
8 section 1412(c)(2), Public Law 99–145: *Provided*,
9 That this prohibition does not apply to future use
10 studies for the CAMDS facility at Tooele, Utah.

11 SEC. 8039. None of the funds appropriated or made
12 available in this Act shall be used to procure carbon, alloy
13 or armor steel plate for use in any Government-owned fa-
14 cility or property under the control of the Department of
15 Defense which were not melted and rolled in the United
16 States or Canada: *Provided*, That these procurement re-
17 strictions shall apply to any and all Federal Supply Class
18 9515, American Society of Testing and Materials (ASTM)
19 or American Iron and Steel Institute (AISI) specifications
20 of carbon, alloy or armor steel plate: *Provided further*,
21 That the Secretary of the military department responsible
22 for the procurement may waive this restriction on a case-
23 by-case basis by certifying in writing to the Committees
24 on Appropriations of the House of Representatives and the
25 Senate that adequate domestic supplies are not available

1 to meet Department of Defense requirements on a timely
2 basis and that such an acquisition must be made in order
3 to acquire capability for national security purposes: *Pro-*
4 *vided further*, That these restrictions shall not apply to
5 contracts which are in being as of the date of enactment
6 of this Act.

7 SEC. 8040. For the purposes of this Act, the term
8 “congressional defense committees” means the National
9 Security Committee of the House of Representatives, the
10 Armed Services Committee of the Senate, the Subcommit-
11 tee on Defense of the Committee on Appropriations of the
12 Senate, and the Subcommittee on National Security of the
13 Committee on Appropriations of the House of Representa-
14 tives.

15 SEC. 8041. During the current fiscal year, the De-
16 partment of Defense may acquire the modification, depot
17 maintenance and repair of aircraft, vehicles and vessels
18 as well as the production of components and other De-
19 fense-related articles, through competition between De-
20 partment of Defense depot maintenance activities and pri-
21 vate firms: *Provided*, That the Senior Acquisition Execu-
22 tive of the military department or defense agency con-
23 cerned, with power of delegation, shall certify that success-
24 ful bids include comparable estimates of all direct and in-
25 direct costs for both public and private bids: *Provided fur-*

1 *ther*, That Office of Management and Budget Circular A–
2 76 shall not apply to competitions conducted under this
3 section.

4 SEC. 8042. The total amounts appropriated in titles
5 II, III, and IV of this Act are hereby reduced by
6 \$300,000,000 to reflect savings from the use of advisory
7 and assistance services by the Department of Defense:
8 *Provided*, That the savings shall be applied to the follow-
9 ing titles in the following amounts:

10 Title II, Operation and Maintenance,
11 \$112,000,000;

12 Title III, Procurement, \$62,000,000; and

13 Title IV, Research, Development, Test and
14 Evaluation, \$126,000,000:

15 *Provided further*, That the savings specified shall be ap-
16 plied only to funds budgeted to purchase advisory and as-
17 sistance services: *Provided further*, That the savings shall
18 be applied on a pro-rata basis to each program, project
19 and activity which included budget funds for advisory and
20 assistance services.

21 SEC. 8043. Appropriations contained in this Act that
22 remain available at the end of the current fiscal year as
23 a result of energy cost savings realized by the Department
24 of Defense shall remain available for obligation for the

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

3 SEC. 8044. To provide funds for additional required
4 aviation depot level repairables in the Air Force Operation
5 and Maintenance account, the amounts appropriated else-
6 where in this Act for the following appropriation accounts
7 are reduced by 1.0 per centum: Aircraft Procurement, Air
8 Force; Missile Procurement, Air Force; Procurement of
9 Ammunition, Air Force; Other Procurement, Air Force;
10 and Research, Development, Test and Evaluation, Air
11 Force. These reductions shall be applied on a pro-rata
12 basis to each line item, program element, program,
13 project, subproject, and activity within each appropriation
14 account.

15 (INCLUDING TRANSFER OF FUNDS)

16 SEC. 8045. Amounts deposited during the current fis-
17 cal year to the special account established under 40 U.S.C.
18 485(h)(2) and to the special account established under 10
19 U.S.C. 2667(d)(1) are appropriated and shall be available
20 until transferred by the Secretary of Defense to current
21 applicable appropriations or funds of the Department of
22 Defense under the terms and conditions specified by 40
23 U.S.C. 485(h)(2) (A) and (B) and 10 U.S.C.
24 2667(d)(1)(B), to be merged with and to be available for
25 the same time period and the same purposes as the appro-
26 priation to which transferred.

1 SEC. 8046. During the current fiscal year, appropria-
2 tions available to the Department of Defense may be used
3 to reimburse a member of a reserve component of the
4 Armed Forces who is not otherwise entitled to travel and
5 transportation allowances and who occupies transient gov-
6 ernment housing while performing active duty for training
7 or inactive duty training: *Provided*, That such members
8 may be provided lodging in kind if transient government
9 quarters are unavailable as if the member was entitled to
10 such allowances under subsection (a) of section 404 of title
11 37, United States Code: *Provided further*, That if lodging
12 in kind is provided, any authorized service charge or cost
13 of such lodging may be paid directly from funds appro-
14 priated for operation and maintenance of the reserve com-
15 ponent of the member concerned.

16 SEC. 8047. The President shall include with each
17 budget for a fiscal year submitted to the Congress under
18 section 1105 of title 31, United States Code, materials
19 that shall identify clearly and separately the amounts re-
20 quested in the budget for appropriation for that fiscal year
21 for salaries and expenses related to administrative activi-
22 ties of the Department of Defense, the military depart-
23 ments, and the Defense Agencies.

24 SEC. 8048. To provide funds for additional required
25 aviation depot level repairables in the Navy Operation and

1 Maintenance account, the amounts appropriated elsewhere
2 in this Act for the following appropriation accounts are
3 reduced by 1.1 per centum: Aircraft Procurement, Navy;
4 Weapons Procurement, Navy; Procurement of Ammuni-
5 tion, Navy and Marine Corps; Shipbuilding and Conver-
6 sion, Navy; Other Procurement, Navy; Procurement, Ma-
7 rine Corps; and Research, Development, Test and Evalua-
8 tion, Navy. These reductions shall be applied on a pro-
9 rata basis to each line item, program element, program,
10 project, subproject, and activity within each appropriation
11 account.

12 SEC. 8049. During the current fiscal year, amounts
13 contained in the Department of Defense Overseas Military
14 Facility Investment Recovery Account established by sec-
15 tion 2921(c)(1) of the National Defense Authorization Act
16 of 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall
17 be available until expended for the payments specified by
18 section 2921(c)(2) of that Act.

19 SEC. 8050. Of the funds appropriated or otherwise
20 made available by this Act, not more than \$119,200,000
21 shall be available for payment of the operating costs of
22 NATO Headquarters: *Provided*, That the Secretary of De-
23 fense may waive this section for Department of Defense
24 support provided to NATO forces in and around the
25 former Yugoslavia.

1 SEC. 8051. During the current fiscal year, appropria-
2 tions which are available to the Department of Defense
3 for operation and maintenance may be used to purchase
4 items having an investment item unit cost of not more
5 than \$100,000.

6 SEC. 8052. (a) During the current fiscal year, none
7 of the appropriations or funds available to the Department
8 of Defense Working Capital Funds shall be used for the
9 purchase of an investment item for the purpose of acquir-
10 ing a new inventory item for sale or anticipated sale dur-
11 ing the current fiscal year or a subsequent fiscal year to
12 customers of the Department of Defense Working Capital
13 Funds if such an item would not have been chargeable
14 to the Department of Defense Working Capital Funds
15 during fiscal year 1994 and if the purchase of such an
16 investment item would be chargeable during the current
17 fiscal year to appropriations made to the Department of
18 Defense for procurement.

19 (b) The fiscal year 1999 budget request for the De-
20 partment of Defense as well as all justification material
21 and other documentation supporting the fiscal year 1999
22 Department of Defense budget shall be prepared and sub-
23 mitted to the Congress on the basis that any equipment
24 which was classified as an end item and funded in a pro-
25 curement appropriation contained in this Act shall be

1 budgeted for in a proposed fiscal year 1999 procurement
2 appropriation and not in the supply management business
3 area or any other area or category of the Department of
4 Defense Working Capital Funds.

5 SEC. 8053. None of the funds provided in this Act
6 shall be available for use by a Military Department to
7 modify an aircraft, weapon, ship or other item of equip-
8 ment, that the Military Department concerned plans to
9 retire or otherwise dispose of within five years after com-
10 pletion of the modification: *Provided*, That this prohibition
11 shall not apply to safety modifications: *Provided further*,
12 That this prohibition may be waived by the Secretary of
13 a Military Department if the Secretary determines it is
14 in the best national security interest of the United States
15 to provide such waiver and so notifies the congressional
16 defense committees in writing.

17 SEC. 8054. None of the funds appropriated by this
18 Act for programs of the Central Intelligence Agency shall
19 remain available for obligation beyond the current fiscal
20 year, except for funds appropriated for the Reserve for
21 Contingencies, which shall remain available until Septem-
22 ber 30, 1999.

23 SEC. 8055. Notwithstanding any other provision of
24 law, funds made available in this Act for the Defense In-
25 telligence Agency may be used for the design, develop-

1 ment, and deployment of General Defense Intelligence
2 Program intelligence communications and intelligence in-
3 formation systems for the Services, the Unified and Speci-
4 fied Commands, and the component commands.

5 SEC. 8056. Of the funds appropriated by the Depart-
6 ment of Defense under the heading “Operation and Main-
7 tenance, Defense-Wide”, not less than \$8,000,000 shall be
8 made available only for the mitigation of environmental
9 impacts, including training and technical assistance to
10 tribes, related administrative support, the gathering of in-
11 formation, documenting of environmental damage, and de-
12 veloping a system for prioritization of mitigation, on In-
13 dian lands resulting from Department of Defense activi-
14 ties.

15 SEC. 8057. Amounts collected for the use of the fa-
16 cilities of the National Science Center for Communications
17 and Electronics during the current fiscal year pursuant
18 to section 1459(g) of the Department of Defense Author-
19 ization Act, 1986, and deposited to the special account es-
20 tablished under subsection 1459(g)(2) of that Act are ap-
21 propriated and shall be available until expended for the
22 operation and maintenance of the Center as provided for
23 in subsection 1459(g)(2).

24 SEC. 8058. None of the funds appropriated in this
25 Act may be used to fill the commander’s position at any

1 military medical facility with a health care professional
2 unless the prospective candidate can demonstrate profes-
3 sional administrative skills.

4 SEC. 8059. (a) None of the funds appropriated in this
5 Act may be expended by an entity of the Department of
6 Defense unless the entity, in expending the funds, com-
7 plies with the Buy American Act. For purposes of this
8 subsection, the term “Buy American Act” means title III
9 of the Act entitled “An Act making appropriations for the
10 Treasury and Post Office Departments for the fiscal year
11 ending June 30, 1934, and for other purposes”, approved
12 March 3, 1933 (41 U.S.C. 10a et seq.).

13 (b) If the Secretary of Defense determines that a per-
14 son has been convicted of intentionally affixing a label
15 bearing a “Made in America” inscription to any product
16 sold in or shipped to the United States that is not made
17 in America, the Secretary shall determine, in accordance
18 with section 2410f of title 10, United States Code, wheth-
19 er the person should be debarred from contracting with
20 the Department of Defense.

21 (c) In the case of any equipment or products pur-
22 chased with appropriations provided under this Act, it is
23 the sense of the Congress that any entity of the Depart-
24 ment of Defense, in expending the appropriation, purchase
25 only American-made equipment and products, provided

1 that American-made equipment and products are cost-
2 competitive, quality-competitive, and available in a timely
3 fashion.

4 SEC. 8060. None of the funds appropriated by this
5 Act shall be available for a contract for studies, analysis,
6 or consulting services entered into without competition on
7 the basis of an unsolicited proposal unless the head of the
8 activity responsible for the procurement determines—

9 (1) as a result of thorough technical evaluation,
10 only one source is found fully qualified to perform
11 the proposed work, or

12 (2) the purpose of the contract is to explore an
13 unsolicited proposal which offers significant sci-
14 entific or technological promise, represents the prod-
15 uct of original thinking, and was submitted in con-
16 fidence by one source, or

17 (3) the purpose of the contract is to take ad-
18 vantage of unique and significant industrial accom-
19 plishment by a specific concern, or to insure that a
20 new product or idea of a specific concern is given fi-
21 nancial support:

22 *Provided*, That this limitation shall not apply to contracts
23 in an amount of less than \$25,000, contracts related to
24 improvements of equipment that is in development or pro-
25 duction, or contracts as to which a civilian official of the

1 Department of Defense, who has been confirmed by the
2 Senate, determines that the award of such contract is in
3 the interest of the national defense.

4 SEC. 8061. Funds appropriated by this Act for intel-
5 ligence activities are deemed to be specifically authorized
6 by the Congress for purposes of section 504 of the Na-
7 tional Security Act of 1947 (50 U.S.C. 414).

8 SEC. 8062. None of the funds available to the De-
9 partment of Defense in this Act may be used to establish
10 additional field operating agencies of any element of the
11 Department during fiscal year 1998, except for field oper-
12 ating agencies funded within the National Foreign Intel-
13 ligence Program: *Provided*, That the Secretary of Defense
14 may waive this section by certifying to the House and Sen-
15 ate Committees on Appropriations that the creation of
16 such field operating agencies will reduce either the person-
17 nel and/or financial requirements of the Department of
18 Defense.

19 SEC. 8063. Notwithstanding section 303 of Public
20 Law 96–487 or any other provision of law, the Secretary
21 of the Navy is authorized to lease real and personal prop-
22 erty at Naval Air Facility, Adak, Alaska, pursuant to 10
23 U.S.C. 2667(f), for commercial, industrial or other pur-
24 poses.

(RESCISSIONS)

1
2 SEC. 8064. Of the funds provided in Department of
3 Defense Appropriations Acts, the following funds are here-
4 by rescinded from the following accounts in the specified
5 amounts:

6 “Aircraft Procurement, Navy, 1997/1999”,
7 \$40,000,000;

8 “Research, Development, Test and Evaluation,
9 Defense-Wide, 1997/1998”, \$29,700,000;

10 “Research, Development, Test and Evaluation,
11 Air Force, 1997/1998”, \$25,000,000.

12 SEC. 8065. None of the funds available in this Act
13 may be used to reduce the authorized positions for mili-
14 tary (civilian) technicians of the Army National Guard,
15 the Air National Guard, Army Reserve and Air Force Re-
16 serve for the purpose of applying any administratively im-
17 posed civilian personnel ceiling, freeze, or reduction on
18 military (civilian) technicians, unless such reductions are
19 a direct result of a reduction in military force structure.

20 SEC. 8066. None of the funds appropriated or other-
21 wise made available in this Act may be obligated or ex-
22 pended for assistance to the Democratic People’s Republic
23 of North Korea unless specifically appropriated for that
24 purpose.

1 SEC. 8067. During the current fiscal year, funds ap-
2 propriated in this Act are available to compensate mem-
3 bers of the National Guard for duty performed pursuant
4 to a plan submitted by a Governor of a State and approved
5 by the Secretary of Defense under section 112 of title 32,
6 United States Code: *Provided*, That during the perform-
7 ance of such duty, the members of the National Guard
8 shall be under State command and control: *Provided fur-*
9 *ther*, That such duty shall be treated as full-time National
10 Guard duty for purposes of sections 12602 (a)(2) and
11 (b)(2) of title 10, United States Code.

12 SEC. 8068. Funds appropriated in this Act for oper-
13 ation and maintenance of the Military Departments, Uni-
14 fied and Specified Commands and Defense Agencies shall
15 be available for reimbursement of pay, allowances and
16 other expenses which would otherwise be incurred against
17 appropriations for the National Guard and Reserve when
18 members of the National Guard and Reserve provide intel-
19 ligence support to Unified Commands, Defense Agencies
20 and Joint Intelligence Activities, including the activities
21 and programs included within the General Defense Intel-
22 ligence Program and the Consolidated Cryptologic Pro-
23 gram: *Provided*, That nothing in this section authorizes
24 deviation from established Reserve and National Guard
25 personnel and training procedures.

1 SEC. 8069. During the current fiscal year, none of
2 the funds appropriated in this Act may be used to reduce
3 the civilian medical and medical support personnel as-
4 signed to military treatment facilities below the September
5 30, 1996 level: *Provided*, That the Service Surgeons Gen-
6 eral may waive this section by certifying to the congres-
7 sional defense committees that the beneficiary population
8 is declining in some catchment areas and civilian strength
9 reductions may be consistent with responsible resource
10 stewardship and capitation-based budgeting.

11 SEC. 8070. All refunds or other amounts collected in
12 the administration of the Civilian Health and Medical Pro-
13 gram of the Uniformed Services (CHAMPUS) shall be
14 credited to current year appropriations.

15 (INCLUDING TRANSFER OF FUNDS)

16 SEC. 8071. None of the funds appropriated in this
17 Act may be transferred to or obligated from the Pentagon
18 Reservation Maintenance Revolving Fund, unless the Sec-
19 retary of Defense certifies that the total cost for the plan-
20 ning, design, construction and installation of equipment
21 for the renovation of the Pentagon Reservation will not
22 exceed \$1,118,000,000.

23 (TRANSFER OF FUNDS)

24 SEC. 8072. Appropriations available in this Act under
25 the heading “Operation and Maintenance, Defense-Wide”
26 for increasing energy and water efficiency in Federal

1 buildings may, during their period of availability, be trans-
2 ferred to other appropriations or funds of the Department
3 of Defense for projects related to increasing energy and
4 water efficiency, to be merged with and to be available
5 for the same general purposes, and for the same time pe-
6 riod, as the appropriation or fund to which transferred.

7 SEC. 8073. None of the funds appropriated by this
8 Act may be used for the procurement of ball and roller
9 bearings other than those produced by a domestic source
10 and of domestic origin: *Provided*, That the Secretary of
11 the military department responsible for such procurement
12 may waive this restriction on a case-by-case basis by cer-
13 tifying in writing to the Committees on Appropriations of
14 the House of Representatives and the Senate, that ade-
15 quate domestic supplies are not available to meet Depart-
16 ment of Defense requirements on a timely basis and that
17 such an acquisition must be made in order to acquire ca-
18 pability for national security purposes.

19 SEC. 8074. Notwithstanding any other provision of
20 law, funds available to the Department of Defense shall
21 be made available to provide transportation of medical
22 supplies and equipment, on a nonreimbursable basis, to
23 American Samoa: *Provided*, That notwithstanding any
24 other provision of law, funds available to the Department
25 of Defense shall be made available to provide transpor-

1 tation of medical supplies and equipment, on a non-
2 reimbursable basis, to the Indian Health Service when it
3 is in conjunction with a civil-military project.

4 SEC. 8075. None of the funds in this Act may be
5 used to purchase any supercomputer which is not manu-
6 factured in the United States, unless the Secretary of De-
7 fense certifies to the congressional defense committees
8 that such an acquisition must be made in order to acquire
9 capability for national security purposes that is not avail-
10 able from United States manufacturers.

11 (TRANSFER OF FUNDS)

12 SEC. 8076. In addition to amounts appropriated or
13 otherwise made available by this Act, \$300,000,000 is
14 hereby appropriated to the Department of Defense and
15 shall be available only for transfer to the United States
16 Coast Guard.

17 SEC. 8077. Notwithstanding any other provision of
18 law, each contract awarded by the Department of Defense
19 during the current fiscal year for construction or service
20 performed in whole or in part in a State which is not con-
21 tiguous with another State and has an unemployment rate
22 in excess of the national average rate of unemployment
23 as determined by the Secretary of Labor, shall include a
24 provision requiring the contractor to employ, for the pur-
25 pose of performing that portion of the contract in such
26 State that is not contiguous with another State, individ-

1 uals who are residents of such State and who, in the case
2 of any craft or trade, possess or would be able to acquire
3 promptly the necessary skills: *Provided*, That the Sec-
4 retary of Defense may waive the requirements of this sec-
5 tion, on a case-by-case basis, in the interest of national
6 security.

7 SEC. 8078. (a) The Secretary of Defense shall sub-
8 mit, on a quarterly basis, a report to the congressional
9 defense committees, the Committee on International Rela-
10 tions of the House of Representatives and the Committee
11 on Foreign Relations of the Senate setting forth all costs
12 (including incremental costs) incurred by the Department
13 of Defense during the preceding quarter in implementing
14 or supporting resolutions of the United Nations Security
15 Council, including any such resolution calling for inter-
16 national sanctions, international peacekeeping operations,
17 and humanitarian missions undertaken by the Depart-
18 ment of Defense. The quarterly report shall include an ag-
19 gregate of all such Department of Defense costs by oper-
20 ation or mission.

21 (b) The Secretary of Defense shall detail in the quar-
22 terly reports all efforts made to seek credit against past
23 United Nations expenditures and all efforts made to seek
24 compensation from the United Nations for costs incurred

1 by the Department of Defense in implementing and sup-
2 porting United Nations activities.

3 SEC. 8079. (a) LIMITATION ON TRANSFER OF DE-
4 FENSE ARTICLES AND SERVICES.—Notwithstanding any
5 other provision of law, none of the funds available to the
6 Department of Defense for the current fiscal year may be
7 obligated or expended to transfer to another nation or an
8 international organization any defense articles or services
9 (other than intelligence services) for use in the activities
10 described in subsection (b) unless the congressional de-
11 fense committees, the Committee on International Rela-
12 tions of the House of Representatives, and the Committee
13 on Foreign Relations of the Senate are notified 15 days
14 in advance of such transfer.

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

17 (A) any international peacekeeping or peace-en-
18 forcement operation under the authority of chapter
19 VI or chapter VII of the United Nations Charter
20 under the authority of a United Nations Security
21 Council resolution; and

22 (B) any other international peacekeeping,
23 peace-enforcement, or humanitarian assistance oper-
24 ation.

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

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

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

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

9 (A) a statement of whether the inventory
10 requirements of all elements of the Armed
11 Forces (including the reserve components) for
12 the type of equipment or supplies to be trans-
13 ferred have been met; and

14 (B) a statement of whether the items pro-
15 posed to be transferred will have to be replaced
16 and, if so, how the President proposes to pro-
17 vide funds for such replacement.

18 SEC. 8080. To the extent authorized by subchapter
19 VI of Chapter 148 of title 10, United States Code, the
20 Secretary of Defense shall issue loan guarantees in sup-
21 port of U.S. defense exports not otherwise provided for:
22 *Provided*, That the total contingent liability of the United
23 States for guarantees issued under the authority of this
24 section may not exceed \$15,000,000,000: *Provided further*,
25 That the exposure fees charged and collected by the Sec-

1 retary for each guarantee, shall be paid by the country
2 involved and shall not be financed as part of a loan guar-
3 anteed by the United States: *Provided further*, That the
4 Secretary shall provide quarterly reports to the Commit-
5 tees on Appropriations, Armed Services and Foreign Rela-
6 tions of the Senate and the Committees on Appropria-
7 tions, National Security and International Relations in the
8 House of Representatives on the implementation of this
9 program: *Provided further*, That amounts charged for ad-
10 ministrative fees and deposited to the special account pro-
11 vided for under section 2540c(d) of title 10, shall be avail-
12 able for paying the costs of administrative expenses of the
13 Department of Defense that are attributable to the loan
14 guarantee program under subchapter VI of Chapter 148
15 of title 10.

16 SEC. 8081. None of the funds available to the De-
17 partment of Defense shall be obligated or expended to
18 make a financial contribution to the United Nations for
19 the cost of an United Nations peacekeeping activity
20 (whether pursuant to assessment or a voluntary contribu-
21 tion) or for payment of any United States arrearage to
22 the United Nations.

23 SEC. 8082. None of the funds available to the De-
24 partment of Defense under this Act shall be obligated or
25 expended to pay a contractor under a contract with the

1 Department of Defense for costs of any amount paid by
2 the contractor to an employee when—

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

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

8 SEC. 8083. (a) None of the funds appropriated or
9 otherwise made available in this Act may be used to trans-
10 port or provide for the transportation of chemical muni-
11 tions or agents to the Johnston Atoll for the purpose of
12 storing or demilitarizing such munitions or agents.

13 (b) The prohibition in subsection (a) shall not apply
14 to any obsolete World War II chemical munition or agent
15 of the United States found in the World War II Pacific
16 Theater of Operations.

17 (c) The President may suspend the application of
18 subsection (a) during a period of war in which the United
19 States is a party.

20 SEC. 8084. None of the funds provided in title II of
21 this Act for “Former Soviet Union Threat Reduction”
22 may be obligated or expended to finance housing for any
23 individual who was a member of the military forces of the
24 Soviet Union or for any individual who is or was a member
25 of the military forces of the Russian Federation.

1 SEC. 8085. During the current fiscal year, no more
2 than \$15,000,000 of appropriations made in this Act
3 under the heading “Operation and Maintenance, Defense-
4 Wide” may be transferred to appropriations available for
5 the pay of military personnel, to be merged with, and to
6 be available for the same time period as the appropriations
7 to which transferred, to be used in support of such person-
8 nel in connection with support and services for eligible or-
9 ganizations and activities outside the Department of De-
10 fense pursuant to section 2012 of title 10, United States
11 Code.

12 SEC. 8086. For purposes of section 1553(b) of title
13 31, United States Code, any subdivision of appropriations
14 made in this Act under the heading “Shipbuilding and
15 Conversion, Navy” shall be considered to be for the same
16 purpose as any subdivision under the heading “Shipbuild-
17 ing and Conversion, Navy” appropriations in any prior
18 year, and the one per centum limitation shall apply to the
19 total amount of the appropriation.

20 SEC. 8087. Notwithstanding 31 U.S.C. 1552(a), not
21 more than \$14,000,000 appropriated under the heading
22 “Aircraft Procurement, Air Force” in Public Law 102-
23 396 which was available and obligated for the B-2 Air-
24 craft Program shall remain available for expenditure and

1 for adjusting obligations for such program until Septem-
2 ber 30, 2003.

3 SEC. 8088. During the current fiscal year, in the case
4 of an appropriation account of the Department of Defense
5 for which the period of availability for obligation has ex-
6 pired or which has closed under the provisions of section
7 1552 of title 31, United States Code, and which has a
8 negative unliquidated or unexpended balance, an obliga-
9 tion or an adjustment of an obligation may be charged
10 to any current appropriation account for the same purpose
11 as the expired or closed account if—

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

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

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

11 SEC. 8089. Upon enactment of this Act, the Sec-
12 retary of Defense shall make the following transfers of
13 funds: *Provided*, That the amounts transferred shall be
14 available for the same purposes as the appropriations to
15 which transferred, and for the same time period as the
16 appropriation from which transferred: *Provided further*,
17 That the amounts shall be transferred between the follow-
18 ing appropriations in the amount specified:

20 Under the heading, “Shipbuilding and
21 Conversion, Navy 1989/2000”:

SSN-688 attack submarine program,
\$3,000,000;
DDG-51 destroyer program,
\$1,500,000;

1 LHD-1 amphibious assault ship pro-
 2 gram, \$8,000,000;

3 T-AO fleet oiler program,
 4 \$3,453,000;

5 AOE combat support ship program,
 6 \$3,600,000;

7 For craft, outfitting, and post deliv-
 8 ery, \$2,019,000;

9 To:

10 Under the heading, “Shipbuilding and
 11 Conversion, Navy 1989/2000”:

12 SSN-21 attack submarine program,
 13 \$21,572;

14 From:

15 Under the heading, “Shipbuilding and
 16 Conversion, Navy 1991/2001”:

17 DDG-51 destroyer program,
 18 \$1,060,000;

19 LHD-1 amphibious assault ship pro-
 20 gram, \$1,600,000;

21 LSD-41 cargo variant ship program,
 22 \$2,666,000;

23 AOE combat support ship program,
 24 \$7,307,000;

1 For craft, outfitting, and post deliv-
2 ery, \$12,000,000;

3 To:

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

6 SSN-21 attack submarine program,
7 \$24,633,000;

8 From:

9 Under the heading, “Shipbuilding and
10 Conversion, Navy 1996/2000”:

11 LHD-1 amphibious assault ship pro-
12 gram, \$10,654,000;

13 To:

14 Under the heading, “Shipbuilding and
15 Conversion, Navy 1996/2000”:

16 SSN-21 attack submarine program,
17 \$6,907,000;

18 DDG-51 destroyer program,
19 \$3,747,000;

20 From:

21 Under the heading, “Shipbuilding and
22 Conversion, Navy 1994/1998”:

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

1 DDG-51 destroyer program,
2 \$1,054,000;

3 From:

4 Under the heading, “Shipbuilding and
5 Conversion, Navy 1995/1999”:

6 For craft, outfitting, and post deliv-
7 ery, conversions, and first destination
8 transportation, \$715,000;

9 From:

10 Under the heading, “Shipbuilding and
11 Conversion, Navy 1996/2000”:

12 LHD-1 amphibious assault ship pro-
13 gram, \$12,451,000;

14 LPD amphibious transport dock ship
15 program, \$5,062,000;

16 For craft, outfitting, and post deliv-
17 ery, conversions, and first destination
18 transportation, \$878,000;

19 From:

20 Under the heading, “Shipbuilding and Conversion,
21 Navy 1997/2001”:

22 For craft, outfitting, and post deliv-
23 ery, conversions, and first destination
24 transportation, \$3,600,000;

25 To:

1 Under the heading, “Shipbuilding and
2 Conversion, Navy 1997/2001”:

3 DDG-51 destroyer program,
4 \$24,160,000.

5 SEC. 8090. None of the funds available to the De-
6 partment of Defense under this Act may be obligated or
7 expended to reimburse a defense contractor for restructur-
8 ing costs associated with a business combination of the
9 defense contractor that occurs after the date of enactment
10 of this Act unless:

11 (1) the auditable savings for the Department of
12 Defense resulting from the restructuring will exceed
13 the costs allowed by a factor of at least two to one,
14 or

15 (2) the savings for the Department of Defense
16 resulting from the restructuring will exceed the costs
17 allowed and the Secretary of Defense determines
18 that the business combination will result in the pres-
19 ervation of a critical capability that might otherwise
20 be lost to the Department, and

21 (3) the report required by Section 818(e) of
22 Public Law 103-337 to be submitted to Congress in
23 1996 is submitted.

24 SEC. 8091. Notwithstanding any other provision of
25 law, none of the funds appropriated in this Act may be

1 used to purchase, install, replace, or otherwise repair any
2 lock on a safe or security container which protects infor-
3 mation critical to national security or any other classified
4 materials and which has not been certified as passing the
5 security lock specifications contained in regulation FF-L-
6 2740 dated October 12, 1989, and has not passed all test-
7 ing criteria and procedures established through February
8 28, 1992: *Provided*, That the Director of Central Intel-
9 ligence may waive this provision, on a case-by-case basis
10 only, upon certification that the above cited locks are not
11 adequate for the protection of sensitive intelligence infor-
12 mation.

13 SEC. 8092. Funds appropriated in title II of this Act
14 for supervision and administration costs for facilities
15 maintenance and repair, minor construction, or design
16 projects may be obligated at the time the reimbursable
17 order is accepted by the performing activity: *Provided*,
18 That for the purpose of this section, supervision and ad-
19 ministration costs includes all in-house Government cost.

20 SEC. 8093. The Secretary of Defense may waive re-
21 imbursement of the cost of conferences, seminars, courses
22 of instruction, or similar educational activities of the Asia-
23 Pacific Center for Security Studies for military officers
24 and civilian officials of foreign nations if the Secretary de-
25 termines that attendance by such personnel, without reim-

1 bursement, is in the national security interest of the Unit-
2 ed States: *Provided*, That costs for which reimbursement
3 is waived pursuant to this subsection shall be paid from
4 appropriations available for the Asia-Pacific Center.

5 SEC. 8094. (a) Notwithstanding any other provision
6 of law, the Chief of the National Guard Bureau may per-
7 mit the use of equipment of the National Guard Distance
8 Learning Project by any person or entity on a space-avail-
9 able, reimbursable basis. The Chief of the National Guard
10 Bureau shall establish the amount of reimbursement for
11 such use on a case-by-case basis.

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

18 SEC. 8095. Notwithstanding 31 U.S.C. 3902, during
19 the current fiscal year, interest penalties may be paid by
20 the Department of Defense from funds financing the oper-
21 ation of the military department or defense agency with
22 which the invoice or contract payment is associated.

23 SEC. 8096. The Secretary of the Army may exchange
24 or sell one Army C-20 aircraft and may apply the ex-
25 change allowance or sale proceeds in whole or in part pay-

1 ment for the acquisition of one C-37 aircraft: *Provided*,
2 That in addition to such exchange allowance or sale pro-
3 ceeds, of the amount appropriated for fiscal year 1998 for
4 Aircraft Procurement, Air Force, not more than
5 \$6,000,000 shall be made available for acquisition of the
6 C-37 for the United States Army: *Provided further*, That
7 in addition to such exchange allowance or sale proceeds,
8 of the amount appropriated for fiscal year 1997 for Air-
9 craft Procurement, Air Force, not more than \$27,100,000
10 shall be made available for acquisition of the C-37 for the
11 United States Army.

12 SEC. 8097. From funds made available by this Act
13 for the Maritime Technology Program up to \$250,000
14 shall be made available to assist with a pilot project that
15 will facilitate the transfer of commercial cruise ship ship-
16 building technology and expertise to U.S. yards, utilize the
17 experience and expertise of existing U.S.-flag cruise ship
18 operators, and enable the operation of a U.S.-flag foreign-
19 built cruise ship, and two newly-constructed U.S.-flag
20 cruise ships: *Provided*, That a person (including a related
21 person with respect to that person) who, within 18 months
22 after the date of enactment, enters into a binding contract
23 for construction in the United States of two cruise ships,
24 which contract shall provide for the construction of two
25 cruise ships of equal or greater size than the cruise ship

1 being operated by such person on the date of enactment
2 and shall require the delivery of the first cruise ship no
3 later than January 1, 2005 and the second cruise ship
4 no later than January 1, 2008, may document with a
5 coastwise endorsement a foreign-built cruise ship other-
6 wise in compliance with 46 U.S.C. Sections 289, 883 and
7 12106 until such date which is twenty-four (24) months
8 after the delivery of the second cruise ship or any subse-
9 quently delivered cruise ship: *Provided further*, That a per-
10 son (including a related person with respect to that per-
11 son) within the meaning of 46 U.S.C. Section 801 may
12 not operate a U.S.-flag foreign-built cruise ship, or any
13 other cruise ship, in coastwise trade between or among the
14 islands of Hawaii, upon execution of the contract referred
15 to in this section and continuing throughout the life ex-
16 pectancy (as that term is used in 46 U.S.C. App 1125)
17 of a newly constructed U.S. flag cruise ship referred to
18 in this section, unless the cruise ship is operated by a per-
19 son (including a related person with respect to that per-
20 son) that is operating a cruise ship in coastwise trade be-
21 tween or among the islands of Hawaii on the date of en-
22 actment, except if any cruise ship constructed pursuant
23 to this section operates in regular service other than be-
24 tween or among the islands of Hawaii: *Provided further*,
25 That for purposes of this section the term “cruise ship”

1 means a vessel that is at least 10,000 gross tons (as meas-
2 ured under Chapter 143 of Title 46, United States Code)
3 and has berth or stateroom accommodations for at least
4 275 passengers: *Provided further*, That for purposes of
5 this section, unless otherwise defined in this section, the
6 term “person” means a corporation, partnership or asso-
7 ciation the controlling interest of which is owned by citi-
8 zens of the United States within the meaning of 46 U.S.C.
9 Section 802(b): *Provided further*, That for purposes of this
10 section the term “related person” means with respect to
11 a person (i) a holding company, subsidiary, affiliate or as-
12 sociation of the person and (ii) an officer, director, or
13 agent of the person or of an entity referred to in (i).

14 SEC. 8098. Notwithstanding any other provision of
15 law, the Secretary of Defense shall obligate the funds pro-
16 vided for University Research Initiatives in the Depart-
17 ment of Defense Appropriations Act, 1997 (titles I
18 through VIII under section 101(b) of Public Law 104–
19 208) for the projects and in the amounts provided for in
20 House Report 104–863 of the House of Representatives,
21 104th Congress, second session.

22 This Act may be cited as the “Department of Defense
23 Appropriations Act, 1998”.

Calendar No. 108

105TH CONGRESS
1ST Session

S. 1005

[Report No. 105-45]

A BILL

Making appropriations for the Department of Defense for the fiscal year ending September 30, 1998, and for other purposes.

JULY 10, 1997

Read twice and placed on the calendar