

Healthcare to the Cancer Center's Bone Marrow Transplant Program.

The Abramson Family Cancer Research Institute has created a revolutionary framework for facilitating innovation in cancer research, enabling the Penn Cancer Center to bring together the best scientists, physicians, and staff and to develop new approaches in an effort to make current treatments for cancer obsolete. John H. Glick, M.D., the Leonard and Madlyn Abramson Professor of Clinical Oncology and Director of Penn's Cancer Center for more than a decade, serves as Director and President of the Abramson Family Cancer Research Institute.

The gift of The Abramson Family Foundation will significantly increase our opportunities to break new ground in the war on cancer—especially in the areas of cancer genetics and molecular diagnosis, from which future research and patient care advances will occur.

The Institute supports leading-edge cancer research through the recruitment of outstanding scientists and physicians from around the world and the design of innovative patient care paradigms. The Abramson pledge propels the University of Pennsylvania Cancer Center—already one of the nation's top cancer centers—to the next level of research and patient-focused care.●

NEW BUDGET MATH

● Mr. KOHL. Mr. President, I rise today to recommend an article that appeared this week on *National Journal's* website. It is "More New Budget Math" by Stan Collender and discusses in a very readable way why gross federal debt continues to rise even when the government is running a surplus. The concepts of deficit, surplus, debt, and trust funds lie at the heart of many of our fiercest budget battles, and everyone has an opinion, or a one-liner, about all of them. But these concepts are as technical and difficult to understand as they are controversial, and I always appreciate it when they are explained in a clear manner, as they are in this article.

Mr. President, I ask that the article "More New Budget Math" be printed in the RECORD.

The article follows.

[From the National Journal's Cloakroom, June 8, 1999]

BUDGET BATTLES—MORE NEW BUDGET MATH (By Stan Collender)

This column pointed out a year ago (*June 2, 1998*) that, in light of the surplus, the old mathematics of the federal budget were no longer adequate to explain what was happening. A variety of new calculations would have to become as commonplace as the old measures to move the debate along. Now we have yet another example.

One of the questions I get most these days is, how is it possible for total federal debt to be increasing if there is a surplus? That inevitably leads to someone insisting that there really isn't a surplus at all, and that all the talk about it coming from Wash-

ington is just an accounting trick or an X-Files-style government conspiracy.

Here, however, is the new math to explain things:

A federal surplus or deficit is the amount of revenues the government collects compared to the amount it spends during a fiscal year. Whenever spending exceeds revenues the government runs a deficit, and has to find a way to make up the difference. It can sell assets (like gold from Fort Knox, timber from national forests or an aircraft carrier) or borrow from financial markets to raise the cash it needs to cover a shortfall.

But the revenues vs. spending calculation is not as straightforward as it seems. Because of rules enacted in 1990 as part of the Budget Enforcement Act, the federal budget does not show the actual amount of cash the government uses to make loans (i.e., to students or to farmers). Instead, the budget shows only the amount needed to cover the net costs to the government of lending that money.

But because the government lends real money rather than this calculation, its actual cash needs are greater than what is in the budget. This is not an insignificant amount. OMB is projecting that the fiscal 1999 net cash requirements for all federal direct loans will be \$25 billion, which must be financed either by reducing the surplus or, when there is a deficit, by additional federal borrowing. As a result, the actual surplus is a bit lower, and the amount available to reduce debt is lower than is immediately apparent.

Then there are the loans made to the government. When ever it borrows to finance a deficit, the government incurs debt. Conversely, whenever it runs a surplus, debt is reduced. As might be expected given the surpluses that are projected over the next 10 years, this debt, formally known as "debt held by the public," was projected in January by the Congressional Budget Office to fall from its current level of about \$3.6 trillion to \$1.2 trillion by the end of fiscal 2009.

However, financing the deficit is not the only reason the federal government borrows. Whenever any federal trust fund takes in more than it spends in a particular year, that surplus must be invested in federal government securities. In effect, a trust fund's surplus is lent to the government, so federal debt increases.

CBO's January forecast showed this separate category of debt—"debt held by the government"—increasing from almost \$2.0 trillion in fiscal 1999 to \$4.4 trillion by the end of 2009.

The combination of debt held by the public and debt held by the government—"gross federal debt"—is increasing, according to CBO, from \$5.57 trillion in 1999 to \$5.67 trillion in 2000 and \$5.84 trillion in 2005.

The bottom line, therefore, is that the measurement of what the government borrows to finance its debt is projected to decline because of the surplus. However, overall federal debt will be increasing because of the growing surpluses in the Social Security and other federal trust funds.

This shows that the situation is neither the budget sophistry nor government conspiracy that some talk show hosts and conservative columnists often make it out to be. It is also hardly unique. Try to imagine the following situation:

Your personal budget is not just in balance, but you are actually running a small surplus each month. Because of that, you are also slowly paying down your credit cards.

The next month, you buy a bigger and more expensive home. Because of lower interest rates and other financing options, your monthly payments actually go down from their current levels so your surplus

goes up. As a result, you increase the payments you make each month on your credit cards, so that portion or your debt decreases faster.

However, the bigger and more expensive house you just bought increases the overall amount you have borrowed by, say, \$200,000. Your budget is still in surplus, and some of your debt is decreasing, but your overall debt is actually growing substantially.

This is roughly the same situation now facing the federal government, given the new budget math of the surplus.

One more thought: The debt ceiling was raised in the 1997 budget deal to accommodate the deficits that had been projected to require additional federal borrowing through fiscal 2002. But if the limit had not been raised that high in 1997, this new budget math could have meant that Congress would be in the anomalous, ironic, and certainly frustrating situation of having to pass an increase in the debt ceiling at the same time the budget was in surplus. Try to imagine explaining *that* to constituents.

Budget Battles Fiscal Y2K Countdown: As of today there are 54 days potential legislative days left before the start of fiscal 2000. If Mondays and Fridays, when Congress does not typically conduct legislative business are excluded, there are only 33 legislative days left before the start of the fiscal year.

The House and Senate have not yet passed even their own versions of any of the regular fiscal 2000 appropriations bills, much less sent legislation on to the president.

Question Of The Week; Last Week's Question. The statutory deadline for reconciliation is established by Section 300 of the Congressional Budget Act, which shows that Congress is required to complete action by June 15 each year. This year's congressional budget resolution conference report established the deadline as July 16 for the House Ways and Means Committee and July 23 for the Senate Finance Committee to report their proposed changes to their respective houses. But, as a concurrent resolution, the budget resolution did not amend the Congressional Budget Act so the dates are not statutory requirements.

Congratulations and an "I Won A Budget Battle" T-shirt to Stephanie Giesecke, director for budget and appropriations of the National Association of Independent Colleges and Universities, who was selected at random from the many correct answers.

This Week's Question. A T-shirt also goes to Amy Abraham of the Democratic staff of the Senate Budget Committee, who suggested this week's question as a follow-up to last week's. If June 15 is the statutory date for Congress to complete reconciliation, what is the official sanction for failing to comply with that deadline? Send your response to scollender@njdc.com and you might win an "I Won A Budget Battle" T-shirt to wear while watching the July 4th fireworks.●

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2000

On June 8, 1999, the Senate passed S. 1122, Department of Defense Appropriations Act, 2000. The text of S. 1122 follows:

S. 1122

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2000, for military functions administered by the Department of Defense, and for other purposes, namely:

TITLE I

MILITARY PERSONNEL
MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; \$22,041,094,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; \$17,236,001,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; \$6,562,336,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; \$17,873,759,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; \$2,278,696,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for

personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; \$1,450,788,000.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; \$410,650,000.

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 10211, 10305, and 8038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Air Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; \$884,794,000.

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 10211, 10302, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; \$3,622,479,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 10211, 10305, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; \$1,494,496,000.

TITLE II

OPERATION AND MAINTENANCE
OPERATION AND MAINTENANCE, ARMY
(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed \$10,624,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes; \$19,161,852,000 and, in addition, \$50,000,000 shall be derived by transfer from the National Defense Stockpile Transaction Fund: *Provided*, That of the funds appropriated in this paragraph, not less than \$355,000,000 shall be made available only for conventional ammunition care and maintenance.

OPERATION AND MAINTENANCE, NAVY
(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed \$5,155,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes; \$22,841,510,000 and, in addition, \$50,000,000 shall be derived by transfer from the National Defense Stockpile Transaction Fund.

OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law; \$2,758,139,000.

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

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed \$7,882,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes; \$20,760,429,000 and, in addition, \$50,000,000 shall be derived by transfer from the National Defense Stockpile Transaction Fund.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law; \$11,537,333,000, of which not to exceed \$25,000,000 may be available for the CINC initiative fund account; and of which not to exceed \$32,300,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes.

OPERATION AND MAINTENANCE, ARMY
RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; \$1,438,776,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and

administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; \$946,478,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; \$126,711,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; \$1,760,591,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft); \$3,156,378,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For operation and maintenance of the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, repair, and other necessary expenses of facilities for the training and administration of the Air National Guard, including repair of facilities, maintenance, operation, and modification of aircraft; transportation of things, hire of passenger motor vehicles; supplies, materials, and equipment, as authorized by law for the Air National Guard; and expenses incident to the maintenance and use of supplies, materials, and equipment, including such as may be furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; \$3,229,638,000.

OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND

(INCLUDING TRANSFER OF FUNDS)

For expenses directly relating to Overseas Contingency Operations by United States military forces; \$2,087,600,000, to remain available until expended: *Provided*, That the Secretary of Defense may transfer these

funds only to operation and maintenance accounts, within this title, the Defense Health Program appropriation, and to working capital funds: *Provided further*, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period, as the appropriation to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided in this paragraph is in addition to any other transfer authority contained elsewhere in this Act.

UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES

For salaries and expenses necessary for the United States Court of Appeals for the Armed Forces; \$7,621,000, of which not to exceed \$2,500 can be used for official representation purposes.

ENVIRONMENTAL RESTORATION, ARMY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, \$378,170,000, to remain available until transferred: *Provided*, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Army, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, NAVY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Navy, \$284,000,000, to remain available until transferred: *Provided*, That the Secretary of the Navy shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Navy, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Navy, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Air Force, \$376,800,000, to remain available until transferred: *Provided*, That the Secretary of the Air Force shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Air Force, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Air Force, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all

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

ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For the Department of Defense, \$25,370,000, to remain available until transferred: *Provided*, That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, \$239,214,000, to remain available until transferred: *Provided*, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris at sites formerly used by the Department of Defense, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 2547, and 2551 of title 10, United States Code); \$55,800,000, to remain available until September 30, 2001.

FORMER SOVIET UNION THREAT REDUCTION

For assistance to the republics of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for establishing programs to prevent the proliferation of weapons, weapons components, and weapon-related technology and expertise; for programs relating to the training and support of defense and military personnel for demilitarization and protection of weapons, weapons components and weapons technology and expertise; \$475,500,000, to remain available until September 30, 2002: *Provided*, That of the amounts provided under this heading, \$25,000,000 shall be available only to support the dismantling and disposal of nuclear submarines and submarine reactor components in the Russian Far East.

PENTAGON RENOVATION TRANSFER FUND

For expenses, not otherwise provided for, resulting from the Department of Defense renovation of the Pentagon Reservation; \$246,439,000, for the renovation of the Pentagon Reservation, which shall remain available for obligation until September 30, 2001.

TITLE III PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; \$1,440,788,000, to remain available for obligation until September 30, 2002.

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; \$1,267,698,000, to remain available for obligation until September 30, 2002.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; \$1,526,265,000, to remain available for obligation until September 30, 2002.

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; \$1,145,566,000, to remain available for obligation until September 30, 2002.

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; the purchase of not to exceed 36 passenger motor vehicles for replacement

only; and the purchase of 3 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed \$200,000 per vehicle; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; \$3,658,070,000, to remain available for obligation until September 30, 2002.

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; \$8,608,684,000, to remain available for obligation until September 30, 2002.

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; \$1,423,713,000, to remain available for obligation until September 30, 2002.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; \$510,300,000, to remain available for obligation until September 30, 2002.

SHIPBUILDING AND CONVERSION, NAVY

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long leadtime components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor,

and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, as follows:

NSSN (AP), \$748,497,000;
CVN-77 (AP), \$751,540,000;
CVN Refuelings (AP), \$345,565,000;
DDG-51 destroyer program, \$2,681,653,000;
LPD-17 amphibious transport dock ship, \$1,508,338,000;
LHD-8 (AP), \$500,000,000;
ADC(X), \$439,966,000;
LCAC landing craft air cushion program, \$31,776,000; and

For craft, outfitting, post delivery, conversions, and first destination transportation, \$171,119,000.

In all: \$7,178,454,000, to remain available for obligation until September 30, 2006: *Provided*, That additional obligations may be incurred after September 30, 2006, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: *Provided further*, That none of the funds provided under this heading for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: *Provided further*, That none of the funds provided under this heading shall be used for the construction of any naval vessel in foreign shipyards: *Provided further*, That the Secretary of the Navy is hereby granted the authority to enter into a contract for an LHD-1 Amphibious Assault Ship which shall be funded on an incremental basis.

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of not to exceed 25 passenger motor vehicles for replacement only; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; \$4,184,891,000, to remain available for obligation until September 30, 2002.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of not to exceed 43 passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; \$1,236,620,000, to remain available for obligation until September 30, 2002.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, lease, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; 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; and other expenses necessary for the foregoing purposes including rents and transportation of things; \$9,758,333,000, to remain available for obligation until September 30, 2002.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; 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; and other expenses necessary for the foregoing purposes including rents and transportation of things; \$2,338,505,000, to remain available for obligation until September 30, 2002.

PROCUREMENT OF AMMUNITION, AIR FORCE

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; \$427,537,000, to remain available for obligation until September 30, 2002.

OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed 53 passenger motor vehicles for replacement only; lease of passenger motor vehicles; 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; \$7,198,627,000, to remain available for obligation until September 30, 2002.

PROCUREMENT, DEFENSE-WIDE

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 103 passenger motor vehicles for replacement only; the purchase of 7 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed \$200,000 per vehicle; 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 construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway;

\$2,327,965,000, to remain available for obligation until September 30, 2002.

NATIONAL GUARD AND RESERVE EQUIPMENT

For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons, and other procurement for the reserve components of the Armed Forces; \$300,000,000, to remain available for obligation until September 30, 2002: *Provided*, That the Chiefs of the Reserve and National Guard components shall, not later than 30 days after the enactment of this Act, individually submit to the congressional defense committees the modernization priority assessment for their respective Reserve or National Guard component.

TITLE IV

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment; \$4,905,294,000, to remain available for obligation until September 30, 2001.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment; \$8,448,816,000, to remain available for obligation until September 30, 2001.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment; \$13,489,909,000, to remain available for obligation until September 30, 2001.

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

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment; \$9,325,315,000, to remain available for obligation until September 30, 2001.

DEVELOPMENTAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, of independent activities of the Director, Test and Evaluation in the direction and supervision of developmental test and evaluation, including performance and joint developmental testing and evaluation; and administrative expenses in connection therewith; \$251,957,000, to remain available for obligation until September 30, 2001.

OPERATIONAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith; \$34,434,000, to remain available for obligation until September 30, 2001.

TITLE V

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For the Defense Working Capital Funds; \$90,344,000.

NATIONAL DEFENSE SEALIFT FUND

(INCLUDING TRANSFER OF FUNDS)

For National Defense Sealift Fund programs, projects, and activities, and for expenses of the National Defense Reserve Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744); \$354,700,000, to remain available until expended: *Provided*, That none of the funds provided in this paragraph shall be used to award a new contract that provides for the acquisition of any of the following major components unless such components are manufactured in the United States: auxiliary equipment, including pumps, for all shipboard services; propulsion system components (that is; engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes: *Provided further*, That the exercise of an option in a contract awarded through the obligation of previously appropriated funds shall not be considered to be the award of a new contract: *Provided further*, That the Secretary of the military department responsible for such procurement may waive the restrictions in the first proviso on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

TITLE VI

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense, as authorized by law; \$11,184,857,000, of which \$10,527,887,000 shall be for Operation and maintenance, of which not to exceed 2 per centum shall remain available until September 30, 2001, of which \$356,970,000, to remain available for obligation until September 30, 2002, shall be for Procurement; and of which \$300,000,000, to remain available for obligation until September 30, 2001, shall be for Research, development, test and evaluation.

ARMED FORCES RETIREMENT HOME

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the United States Soldiers' and Airmen's Home and the United States Naval Home, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, \$68,295,000, of which \$12,696,000 shall remain available until expended for construction and renovation of the physical plants at the United States Soldiers' and Airmen's Home and the United States Naval Home: *Provided*, That, notwithstanding any other provision of law, a single contract or related contracts for the development and construction, to include construction of a long-term care facility at the United States Naval Home, may be employed which collectively include the full scope of the project: *Provided further*, That the solicitation and contract shall contain the clause "availability of funds" found at 48 CFR 52.232-18 and 252.232-7007, Limitation of Government Obligations.

CHEMICAL AGENTS AND MUNITIONS

DESTRUCTION, ARMY

For expenses, not otherwise provided for, necessary for the destruction of the United

States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, \$1,029,000,000, of which \$543,500,000 shall be for Operation and maintenance to remain available until September 30, 2001, \$191,500,000 shall be for Procurement to remain available until September 30, 2002, and \$294,000,000 shall be for Research, development, test and evaluation to remain available until September 30, 2001: *Provided*, That of the funds available under this heading, \$1,000,000 shall be available until expended each year only for a Johnston Atoll off-island leave program: *Provided further*, That the Secretaries concerned shall, pursuant to uniform regulations, prescribe travel and transportation allowances for travel by participants in the off-island leave program.

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

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for Operation and maintenance; for Procurement; and for Research, development, test and evaluation; \$842,300,000: *Provided*, That the funds appropriated under this heading shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: *Provided further*, That the transfer authority provided in this paragraph is in addition to any transfer authority contained elsewhere in this Act.

OFFICE OF THE INSPECTOR GENERAL

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended; \$137,544,000, of which \$136,244,000 shall be for Operation and maintenance, of which not to exceed \$500,000 is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on his certificate of necessity for confidential military purposes; and of which \$1,300,000 to remain available until September 30, 2002, shall be for Procurement.

TITLE VII
RELATED AGENCIES

CENTRAL INTELLIGENCE AGENCY

CENTRAL INTELLIGENCE AGENCY RETIREMENT
AND DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System; \$209,100,000.

INTELLIGENCE COMMUNITY
MANAGEMENT ACCOUNT

INTELLIGENCE COMMUNITY MANAGEMENT
ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Intelligence Community Management Account; \$149,415,000, of which \$34,923,000 for the Advanced Research and Development Committee shall remain available until September 30, 2001: *Provided*, That of the funds appropriated under this heading, \$27,000,000 shall be transferred to the Department of Justice for the National Drug Intelligence Center to support the Department of De-

fense's counter-drug intelligence responsibilities, and of the said amount, \$1,500,000 for Procurement shall remain available until September 30, 2002, and \$1,000,000 for Research, development, test and evaluation shall remain available until September 30, 2001.

PAYMENT TO KAHOLAWE ISLAND CONVEY-
ANCE, REMEDIATION, AND ENVIRONMENTAL
RESTORATION FUND

For payment to Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Fund, as authorized by law; \$35,000,000, to remain available until expended.

NATIONAL SECURITY EDUCATION TRUST FUND

For the purposes of title VIII of Public Law 102-183, \$8,000,000, to be derived from the National Security Education Trust Fund, to remain available until expended.

TITLE VIII

GENERAL PROVISIONS—DEPARTMENT
OF DEFENSE

SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: *Provided*, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: *Provided further*, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: *Provided further*, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

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

SEC. 8004. No more than 20 per centum of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year: *Provided*, That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps.

(TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed \$2,000,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided*, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which origi-

nally appropriated and in no case where the item for which funds are requested has been denied by Congress: *Provided further*, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: *Provided further*, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress.

(TRANSFER OF FUNDS)

SEC. 8006. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: *Provided*, That transfers may be made between such funds: *Provided further*, That transfers may be made between working capital funds and the "Foreign Currency Fluctuations, Defense" appropriation and the "Operation and Maintenance" appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

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

SEC. 8008. None of the funds provided in this Act shall be available to initiate: (1) a multiyear contract that employs economic order quantity procurement in excess of \$20,000,000 in any 1 year of the contract or that includes an unfunded contingent liability in excess of \$20,000,000; or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of \$20,000,000 in any 1 year, unless the congressional defense committees have been notified at least 30 days in advance of the proposed contract award: *Provided*, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: *Provided further*, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed \$500,000,000 unless specifically provided in this Act: *Provided further*, That no multiyear procurement contract can be terminated without 10-day prior notification to the congressional defense committees: *Provided further*, That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement.

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

Longbow Apache Helicopter; MLRS Rocket Launcher; Abrams M1A2 Upgrade; Bradley M2A3 Vehicle; F/A-18E/F aircraft; C-17 aircraft; and F-16 aircraft.

SEC. 8009. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported to Congress on September 30 of each year: *Provided*, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99-239: *Provided further*, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

SEC. 8010. (a) During fiscal year 2000, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

(b) The fiscal year 2001 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2001 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 2001.

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

SEC. 8011. Notwithstanding any other provision of law, none of the funds made available by this Act shall be used by the Department of Defense to exceed, outside the 50 United States, its territories, and the District of Columbia, 125,000 civilian workyears: *Provided*, That workyears shall be applied as defined in the Federal Personnel Manual: *Provided further*, That workyears expended in dependent student hiring programs for disadvantaged youths shall not be included in this workyear limitation.

SEC. 8012. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 8013. (a) None of the funds appropriated by this Act shall be used to make contributions to the Department of Defense Education Benefits Fund pursuant to section 2006(g) of title 10, United States Code, representing the normal cost for future benefits under section 3015(c) of title 38, United States Code, for any member of the armed services who, on or after the date of the enactment of this Act, enlists in the armed services for a period of active duty of less than three years, nor shall any amounts representing the normal cost of such future benefits be transferred from the Fund by the Secretary of the Treasury to the Secretary of Veterans Affairs pursuant to section 2006(d) of title 10, United States Code; nor

shall the Secretary of Veterans Affairs pay such benefits to any such member: *Provided*, That this limitation shall not apply to members in combat arms skills or to members who enlist in the armed services on or after July 1, 1989, under a program continued or established by the Secretary of Defense in fiscal year 1991 to test the cost-effective use of special recruiting incentives involving not more than nineteen noncombat arms skills approved in advance by the Secretary of Defense: *Provided further*, That this subsection applies only to active components of the Army.

(b) None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: *Provided*, That this subsection shall not apply to those members who have reenlisted with this option prior to October 1, 1987: *Provided further*, That this subsection applies only to active components of the Army.

SEC. 8014. None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by more than ten Department of Defense civilian employees until a most efficient and cost-effective organization analysis is completed on such activity or function and certification of the analysis is made to the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That this section and subsections (a), (b), and (c) of 10 U.S.C. 2461 shall not apply to a commercial or industrial type function of the Department of Defense that: (1) is included on the procurement list established pursuant to section 2 of the Act of June 25, 1938 (41 U.S.C. 47), popularly referred to as the Javits-Wagner-O'Day Act; (2) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or (3) is planned to be converted to performance by a qualified firm under 51 per centum Native American ownership.

(TRANSFER OF FUNDS)

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

SEC. 8016. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: *Provided*, That for the purpose of this section manufactured will include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): *Provided further*, That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the

components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: *Provided further*, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8017. None of the funds appropriated by this Act available for the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) shall be available for the reimbursement of any health care provider for inpatient mental health service for care received when a patient is referred to a provider of inpatient mental health care or residential treatment care by a medical or health care professional having an economic interest in the facility to which the patient is referred: *Provided*, That this limitation does not apply in the case of inpatient mental health services provided under the program for the handicapped under subsection (d) of section 1079 of title 10, United States Code, provided as partial hospital care, or provided pursuant to a waiver authorized by the Secretary of Defense because of medical or psychological circumstances of the patient that are confirmed by a health professional who is not a Federal employee after a review, pursuant to rules prescribed by the Secretary, which takes into account the appropriate level of care for the patient, the intensity of services required by the patient, and the availability of that care.

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

SEC. 8019. Notwithstanding any other provision of law, during the current fiscal year, the Secretary of Defense may, by executive agreement, establish with host nation governments in NATO member states a separate account into which such residual value amounts negotiated in the return of United States military installations in NATO member states may be deposited, in the currency of the host nation, in lieu of direct monetary transfers to the United States Treasury: *Provided*, That such credits may be utilized only for the construction of facilities to support United States military forces in that host nation, or such real property maintenance and base operating costs that are currently executed through monetary transfers to such host nations: *Provided further*, That the Department of Defense's budget submission for fiscal year 2001 shall identify such sums anticipated in residual value settlements, and identify such construction, real property maintenance or base operating costs that shall be funded by the host nation through such credits: *Provided further*, That all military construction projects to be executed from such accounts must be previously approved in a prior Act of Congress: *Provided further*, That each such executive agreement with a NATO member host nation shall be reported to the congressional defense committees, the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate 30 days prior to the conclusion and endorsement of any such agreement established under this provision.

SEC. 8020. None of the funds available to the Department of Defense may be used to demilitarize or dispose of M-1 Carbines, M-1

Garand rifles, M-14 rifles, .22 caliber rifles, .30 caliber rifles, or M-1911 pistols.

SEC. 8021. Notwithstanding any other provision of law, none of the funds appropriated by this Act shall be available to pay more than 50 per centum of an amount paid to any person under section 308 of title 37, United States Code, in a lump sum.

SEC. 8022. No more than \$500,000 of the funds appropriated or made available in this Act shall be used during a single fiscal year for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the congressional defense committees that such a relocation is required in the best interest of the Government.

SEC. 8023. A member of a reserve component whose unit or whose residence is located in a State which is not contiguous with another State is authorized to travel in a space required status on aircraft of the Armed Forces between home and place of inactive duty training, or place of duty in lieu of unit training assembly, when there is no road or railroad transportation (or combination of road and railroad transportation between those locations): *Provided*, That a member traveling in that status on a military aircraft pursuant to the authority provided in this section is not authorized to receive travel, transportation, or per diem allowances in connection with that travel.

SEC. 8024. In addition to the funds provided elsewhere in this Act, \$3,000,000 is appropriated only for incentive payments authorized by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544): *Provided*, That contractors participating in the test program established by section 854 of Public Law 101-189 (15 U.S.C. 637 note) shall be eligible for the program established by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544).

SEC. 8025. During the current fiscal year, funds appropriated or otherwise available for any Federal agency, the Congress, the judicial branch, or the District of Columbia may be used for the pay, allowances, and benefits of an employee as defined by section 2105 of title 5, United States Code, or an individual employed by the government of the District of Columbia, permanent or temporary indefinite, who—

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

(2) performs, for the purpose of providing military aid to enforce the law or providing assistance to civil authorities in the protection or saving of life or property or prevention of injury—

(A) Federal service under sections 331, 332, 333, or 12406 of title 10, or other provision of law, as applicable; or

(B) full-time military service for his or her State, the District of Columbia, the Commonwealth of Puerto Rico, or a territory of the United States; and

(3) requests and is granted—

(A) leave under the authority of this section; or

(B) annual leave, which may be granted without regard to the provisions of sections 5519 and 6323(b) of title 5, if such employee is otherwise entitled to such annual leave:

Provided, That any employee who requests leave under subsection (3)(A) for service described in subsection (2) of this section is entitled to such leave, subject to the provisions of this section and of the last sentence of section 6323(b) of title 5, and such leave shall

be considered leave under section 6323(b) of title 5, United States Code.

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

SEC. 8027. Funds appropriated by this Act for the American Forces Information Service shall not be used for any national or international political or psychological activities.

SEC. 8028. Notwithstanding any other provision of law or regulation, the Secretary of Defense may adjust wage rates for civilian employees hired for certain health care occupations as authorized for the Secretary of Veterans Affairs by section 7455 of title 38, United States Code.

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

SEC. 8030. (a) Of the funds for the procurement of supplies or services appropriated by this Act, qualified nonprofit agencies for the blind or other severely handicapped shall be afforded the maximum practicable opportunity to participate as subcontractors and suppliers in the performance of contracts let by the Department of Defense.

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

(c) For the purpose of this section, the phrase "qualified nonprofit agency for the blind or other severely handicapped" means a nonprofit agency for the blind or other severely handicapped that has been approved by the Committee for the Purchase from the Blind and Other Severely Handicapped under the Javits-Wagner-O'Day Act (41 U.S.C. 46-48).

SEC. 8031. During the current fiscal year, net receipts pursuant to collections from third party payers pursuant to section 1095 of title 10, United States Code, shall be made available to the local facility of the uniformed services responsible for the collections and shall be over and above the facility's direct budget amount.

SEC. 8032. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed \$350,000,000 for purposes specified in section 2350j(c) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: *Provided*, That upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriations or fund which incurred such obligations.

SEC. 8033. Of the funds made available in this Act, not less than \$26,470,000 shall be available for the Civil Air Patrol Corporation, of which \$18,000,000 shall be available for Civil Air Patrol Corporation operation and maintenance to support readiness activities which includes \$2,000,000 for the Civil Air Patrol counterdrug program: *Provided*, That funds identified for "Civil Air Patrol" under this section are intended for and shall be for the exclusive use of the Civil Air Patrol Corporation and not for the Air Force or any unit thereof.

SEC. 8034. (a) None of the funds appropriated in this Act are available to establish

a new Department of Defense (department) federally funded research and development center (FFRDC), either as a new entity, or as a separate entity administrated by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other non-profit entities.

(b) LIMITATION ON COMPENSATION—FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTER (FFRDC).—No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC, and no paid consultant to any defense FFRDC, except when acting in a technical advisory capacity, may be compensated for his or her services as a member of such entity, or as a paid consultant by more than one FFRDC in a fiscal year: *Provided*, That a member of any such entity referred to previously in this subsection shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.

(c) Notwithstanding any other provision of law, none of the funds available to the department from any source during fiscal 2000 may be used by a defense FFRDC, through a fee or other payment mechanism, for construction of new buildings, for payment of cost sharing for projects funded by government grants, for absorption of contract overruns, or for certain charitable contributions, not to include employee participation in community service and/or development.

(d) Notwithstanding any other provision of law, of the funds available to the department during fiscal year 2000, not more than 6,100 staff years of technical effort (staff years) may be funded for defense FFRDCs: *Provided*, That of the specific amount referred to previously in this subsection, not more than 1,000 staff years may be funded for the defense studies and analysis FFRDCs.

(e) The Secretary of Defense shall, with the submission of the department's fiscal year 2001 budget request, submit a report presenting the specific amounts of staff years of technical effort to be allocated for each defense FFRDC during that fiscal year.

SEC. 8035. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: *Provided*, That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: *Provided further*, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That these restrictions shall not apply to contracts which are in being as of the date of the enactment of this Act.

SEC. 8036. For the purposes of this Act, the term "congressional defense committees" means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

SEC. 8037. During the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: *Provided*, That the Senior Acquisition Executive of the military department or defense agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: *Provided further*, That Office of Management and Budget Circular A-76 shall not apply to competitions conducted under this section.

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

(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding, between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.

(b) The Secretary of Defense shall submit to Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 2000. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

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

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

(INCLUDING TRANSFER OF FUNDS)

SEC. 8040. Amounts deposited during the current fiscal year to the special account established under 40 U.S.C. 485(h)(2) and to the special account established under 10 U.S.C. 2667(d)(1) are appropriated and shall be available until transferred by the Secretary of Defense to current applicable appropriations or funds of the Department of Defense under the terms and conditions specified by 40 U.S.C. 485(h)(2)(A) and (B) and 10 U.S.C. 2667(d)(1)(B), to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred.

SEC. 8041. During the current fiscal year, appropriations available to the Department of Defense may be used to reimburse a member of a reserve component of the Armed Forces who is not otherwise entitled to travel and transportation allowances and who occupies transient government housing while performing active duty for training or inactive duty training: *Provided*, That such mem-

bers may be provided lodging in kind if transient government quarters are unavailable as if the member was entitled to such allowances under subsection (a) of section 404 of title 37, United States Code: *Provided further*, That if lodging in kind is provided, any authorized service charge or cost of such lodging may be paid directly from funds appropriated for operation and maintenance of the reserve component of the member concerned.

SEC. 8042. The President shall include with each budget for a fiscal year submitted to the Congress under section 1105 of title 31, United States Code, materials that shall identify clearly and separately the amounts requested in the budget for appropriation for that fiscal year for salaries and expenses related to administrative activities of the Department of Defense, the military departments, and the Defense agencies.

SEC. 8043. Notwithstanding any other provision of law, funds available for "Drug Interdiction and Counter-Drug Activities, Defense" may be obligated for the Young Marines program.

SEC. 8044. During the current fiscal year, amounts contained in the Department of Defense Overseas Military Facility Investment Recovery Account established by section 2921(c)(1) of the National Defense Authorization Act of 1991 (Public Law 101-510; 10 U.S.C. 2687 note) shall be available until expended for the payments specified by section 2921(c)(2) of that Act: *Provided*, That none of the funds made available for expenditure under this section may be transferred or obligated until thirty days after the Secretary of Defense submits a report which details the balance available in the Overseas Military Facility Investment Recovery Account, all projected income into the account during fiscal years 2000 and 2001, and the specific expenditures to be made using funds transferred from this account during fiscal year 2000.

SEC. 8045. Of the funds appropriated or otherwise made available by this Act, not more than \$119,200,000 shall be available for payment of the operating costs of NATO Headquarters: *Provided*, That the Secretary of Defense may waive this section for Department of Defense support provided to NATO forces in and around the former Yugoslavia.

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

SEC. 8047. (a) During the current fiscal year, none of the appropriations or funds available to the Department of Defense Working Capital Funds shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Department of Defense Working Capital Funds if such an item would not have been chargeable to the Department of Defense Business Operations Fund during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.

(b) The fiscal year 2001 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2001 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 2001 procurement appropriation and not in the supply management business area or any other area

or category of the Department of Defense Working Capital Funds.

SEC. 8048. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 2001: *Provided*, That funds appropriated, transferred, or otherwise credited to the Central Intelligence Agency Central Services Working Capital Fund during this or any prior or subsequent fiscal year shall remain available until expended.

SEC. 8049. Notwithstanding any other provision of law, funds made available in this Act for the Defense Intelligence Agency may be used for the design, development, and deployment of General Defense Intelligence Program intelligence communications and intelligence information systems for the Services, the Unified and Specified Commands, and the component commands.

SEC. 8050. Of the funds appropriated by the Department of Defense under the heading "Operation and Maintenance, Defense-Wide", not less than \$8,000,000 shall be made available only for the mitigation of environmental impacts, including training and technical assistance to tribes, related administrative support, the gathering of information, documenting of environmental damage, and developing a system for prioritization of mitigation and cost to complete estimates for mitigation, on Indian lands resulting from Department of Defense activities.

SEC. 8051. Amounts collected for the use of the facilities of the National Science Center for Communications and Electronics during the current fiscal year pursuant to section 1459(g) of the Department of Defense Authorization Act, 1986, and deposited to the special account established under subsection 1459(g)(2) of that Act are appropriated and shall be available until expended for the operation and maintenance of the Center as provided for in subsection 1459(g)(2).

SEC. 8052. None of the funds appropriated in this Act may be used to fill the commander's position at any military medical facility with a health care professional unless the prospective candidate can demonstrate professional administrative skills.

SEC. 8053. (a) None of the funds appropriated in this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American Act. For purposes of this subsection, the term "Buy American Act" means title III of the Act entitled "An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes", approved March 3, 1933 (41 U.S.C. 10a et seq.).

(b) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a "Made in America" inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

(c) In the case of any equipment or products purchased with appropriations provided under this Act, it is the sense of the Congress that any entity of the Department of Defense, in expending the appropriation, purchase only American-made equipment and products, provided that American-made equipment and products are cost-competitive, quality-competitive, and available in a timely fashion.

SEC. 8054. None of the funds appropriated by this Act shall be available for a contract for studies, analysis, or consulting services

entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines—

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

(2) the purpose of the contract is to explore an unsolicited proposal which offers significant scientific or technological promise, represents the product of original thinking, and was submitted in confidence by one source; or

(3) the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support:

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

SEC. 8055. (a) Except as provided in subsections (b) and (c), none of the funds made available by this Act may be used—

(1) to establish a field operating agency; or

(2) to pay the basic pay of a member of the Armed Forces or civilian employee of the department who is transferred or reassigned from a headquarters activity if the member or employee's place of duty remains at the location of that headquarters.

(b) The Secretary of Defense or Secretary of a military department may waive the limitations in subsection (a), on a case-by-case basis, if the Secretary determines, and certifies to the Committees on Appropriations of the House of Representatives and Senate that the granting of the waiver will reduce the personnel requirements or the financial requirements of the department.

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

SEC. 8056. Funds appropriated by this Act for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2000 until the enactment of the Intelligence Authorization Act for Fiscal Year 2000.

SEC. 8057. Notwithstanding section 303 of Public Law 96-487 or any other provision of law, the Secretary of the Navy is authorized to lease real and personal property at Naval Air Facility, Adak, Alaska, pursuant to 10 U.S.C. 2667(f), for commercial, industrial or other purposes: *Provided*, That notwithstanding any other provision of law, the Secretary of the Navy may remove hazardous materials from facilities, buildings, and structures at Adak, Alaska, and may demolish or otherwise dispose of such facilities, buildings, and structures.

(RESCISSIONS)

SEC. 8058. Of the funds provided in Department of Defense Appropriations Acts, the following funds are hereby rescinded as of the date of the enactment of this Act from the following accounts and programs in the specified amounts:

Under the heading, "Other Procurement, Air Force, 1999/2001", \$5,405,000;

Under the heading, "Missile Procurement, Air Force, 1999/2001", \$8,000,000; and

Under the heading, "Research, Development, Test and Evaluation, Air Force, 1999/2000", \$40,000,000.

SEC. 8059. None of the funds available in this Act may be used to reduce the authorized positions for military (civilian) techni-

cians of the Army National Guard, the Air National Guard, Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military (civilian) technicians, unless such reductions are a direct result of a reduction in military force structure.

SEC. 8060. None of the funds appropriated or otherwise made available in this Act may be obligated or expended for assistance to the Democratic People's Republic of North Korea unless specifically appropriated for that purpose.

SEC. 8061. During the current fiscal year, funds appropriated in this Act are available to compensate members of the National Guard for duty performed pursuant to a plan submitted by a Governor of a State and approved by the Secretary of Defense under section 112 of title 32, United States Code: *Provided*, That during the performance of such duty, the members of the National Guard shall be under State command and control: *Provided further*, That such duty shall be treated as full-time National Guard duty for purposes of sections 12602(a)(2) and (b)(2) of title 10, United States Code.

SEC. 8062. Funds appropriated in this Act for operation and maintenance of the Military Departments, Unified and Specified Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence or counterintelligence support to Unified Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the National Foreign Intelligence Program (NFIP), the Joint Military Intelligence Program (JMIP), and the Tactical Intelligence and Related Activities (TIARA) aggregate: *Provided*, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

SEC. 8063. During the current fiscal year, none of the funds appropriated in this Act may be used to reduce the civilian medical and medical support personnel assigned to military treatment facilities below the September 30, 1999 level: *Provided*, That the Service Surgeons General may waive this section by certifying to the congressional defense committees that the beneficiary population is declining in some catchment areas and civilian strength reductions may be consistent with responsible resource stewardship and capitation-based budgeting.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8064. (a) None of the funds appropriated in this Act may be transferred to or obligated from the Pentagon Reservation Maintenance Revolving Fund, unless the Secretary of Defense certifies that the total cost for the planning, design, construction and installation of equipment for the renovation of the Pentagon Reservation will not exceed \$1,222,000,000.

(b) The Secretary shall, in conjunction with the Pentagon Renovation, design and construct secure secretarial offices and support facilities and security-related changes to the subway entrance at the Pentagon Reservation.

SEC. 8065. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(b) None of the funds available to the Central Intelligence Agency for any fiscal year

for drug interdiction and counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(TRANSFER OF FUNDS)

SEC. 8066. Appropriations available in this Act under the heading "Operation and Maintenance, Defense-Wide" for increasing energy and water efficiency in Federal buildings may, during their period of availability, be transferred to other appropriations or funds of the Department of Defense for projects related to increasing energy and water efficiency, to be merged with and to be available for the same general purposes, and for the same time period, as the appropriation or fund to which transferred.

SEC. 8067. None of the funds appropriated by this Act may be used for the procurement of ball and roller bearings other than those produced by a domestic source and of domestic origin: *Provided*, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8068. Notwithstanding any other provision of law, funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to American Samoa, and funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to the Indian Health Service when it is in conjunction with a civil-military project.

SEC. 8069. None of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the congressional defense committees that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

SEC. 8070. Notwithstanding any other provision of law, each contract awarded by the Department of Defense during the current fiscal year for construction or service performed in whole or in part in a State which is not contiguous with another State and has an unemployment rate in excess of the national average rate of unemployment as determined by the Secretary of Labor, shall include a provision requiring the contractor to employ, for the purpose of performing that portion of the contract in such State that is not contiguous with another State, individuals who are residents of such State and who, in the case of any craft or trade, possess or would be able to acquire promptly the necessary skills: *Provided*, That the Secretary of Defense may waive the requirements of this section, on a case-by-case basis, in the interest of national security.

SEC. 8071. During the current fiscal year, the Army shall use the former George Air Force Base as the airhead for the National Training Center at Fort Irwin: *Provided*, That none of the funds in this Act shall be obligated or expended to transport Army personnel into Edwards Air Force Base for training rotations at the National Training Center.

SEC. 8072. (a) The Secretary of Defense shall submit, on a quarterly basis, a report to the congressional defense committees, the

Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate setting forth all costs (including incremental costs) incurred by the Department of Defense during the preceding quarter in implementing or supporting resolutions of the United Nations Security Council, including any such resolution calling for international sanctions, international peacekeeping operations, and humanitarian missions undertaken by the Department of Defense. The quarterly report shall include an aggregate of all such Department of Defense costs by operation or mission.

(b) The Secretary of Defense shall detail in the quarterly reports all efforts made to seek credit against past United Nations expenditures and all efforts made to seek compensation from the United Nations for costs incurred by the Department of Defense in implementing and supporting United Nations activities.

SEC. 8073. (a) LIMITATION ON TRANSFER OF DEFENSE ARTICLES AND SERVICES.—Notwithstanding any other provision of law, none of the funds available to the Department of Defense for the current fiscal year may be obligated or expended to transfer to another nation or an international organization any defense articles or services (other than intelligence services) for use in the activities described in subsection (b) unless the congressional defense committees, the Committee on International Relations of the House of Representatives, and the Committee on Foreign Relations of the Senate are notified 15 days in advance of such transfer.

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

(1) any international peacekeeping or peace-enforcement operation under the authority of chapter VI or chapter VII of the United Nations Charter under the authority of a United Nations Security Council resolution; and

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

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

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

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

(3) In the case of a proposed transfer of equipment or supplies—

(A) a statement of whether the inventory requirements of all elements of the Armed Forces (including the reserve components) for the type of equipment or supplies to be transferred have been met; and

(B) a statement of whether the items proposed to be transferred will have to be replaced and, if so, how the President proposes to provide funds for such replacement.

SEC. 8074. To the extent authorized by subchapter VI of chapter 148 of title 10, United States Code, the Secretary of Defense shall issue loan guarantees in support of United States defense exports not otherwise provided for: *Provided*, That the total contingent liability of the United States for guarantees issued under the authority of this section may not exceed \$15,000,000,000: *Provided further*, That the exposure fees charged and collected by the Secretary for each guarantee, shall be paid by the country involved and shall not be financed as part of a loan guaranteed by the United States: *Provided further*, That the Secretary shall provide quarterly reports to the Committees on Appropriations, Armed Services and Foreign Relations of the Senate and the Committees on Appropriations, Armed Services and International Relations in the House of Representatives on the implementation of this program: *Provided further*, That amounts

charged for administrative fees and deposited to the special account provided for under section 2540(c) of title 10, shall be available for paying the costs of administrative expenses of the Department of Defense that are attributable to the loan guarantee program under subchapter VI of chapter 148 of title 10, United States Code.

SEC. 8075. None of the funds available to the Department of Defense under this Act shall be obligated or expended to pay a contractor under a contract with the Department of Defense for costs of any amount paid by the contractor to an employee when—

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

(2) such bonus is part of restructuring costs associated with a business combination.

SEC. 8076. (a) None of the funds appropriated or otherwise made available in this Act may be used to transport or provide for the transportation of chemical munitions or agents to the Johnston Atoll for the purpose of storing or demilitarizing such munitions or agents.

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

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

SEC. 8077. None of the funds provided in title II of this Act for “Former Soviet Union Threat Reduction” may be obligated or expended to finance housing for any individual who was a member of the military forces of the Soviet Union or for any individual who is or was a member of the military forces of the Russian Federation.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8078. During the current fiscal year, no more than \$10,000,000 of appropriations made in this Act under the heading “Operation and Maintenance, Defense-Wide” may be transferred to appropriations available for the pay of military personnel, to be merged with, and to be available for the same time period as the appropriations to which transferred, to be used in support of such personnel in connection with support and services for eligible organizations and activities outside the Department of Defense pursuant to section 2012 of title 10, United States Code.

SEC. 8079. For purposes of section 1553(b) of title 31, United States Code, any subdivision of appropriations made in this Act under the heading “Shipbuilding and Conversion, Navy” shall be considered to be for the same purpose as any subdivision under the heading “Shipbuilding and Conversion, Navy” appropriations in any prior year, and the 1 percent limitation shall apply to the total amount of the appropriation.

SEC. 8080. During the current fiscal year, in the case of an appropriation account of the Department of Defense for which the period of availability for obligation has expired or which has closed under the provisions of section 1552 of title 31, United States Code, and which has a negative unliquidated or unexpended balance, an obligation or an adjustment of an obligation may be charged to any current appropriation account for the same purpose as the expired or closed account if—

(1) the obligation would have been properly chargeable (except as to amount) to the expired or closed account before the end of the period of availability or closing of that account;

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

(3) in the case of an expired account, the obligation is not chargeable to a current ap-

propriation of the Department of Defense under the provisions of section 1405(b)(8) of the National Defense Authorization Act for Fiscal Year 1991, Public Law 101-510, as amended (31 U.S.C. 1551 note): *Provided*, That in the case of an expired account, if subsequent review or investigation discloses that there was not in fact a negative unliquidated or unexpended balance in the account, any charge to a current account under the authority of this section shall be reversed and recorded against the expired account: *Provided further*, That the total amount charged to a current appropriation under this section may not exceed an amount equal to 1 percent of the total appropriation for that account.

(TRANSFER OF FUNDS)

SEC. 8081. Upon enactment of this Act, the Secretary of Defense shall make the following transfers of funds: *Provided*, That the amounts transferred shall be available for the same purposes as the appropriations to which transferred, and for the same time period as the appropriation from which transferred: *Provided further*, That the amounts shall be transferred between the following appropriations in the amount specified:

From:

Under the heading, “Shipbuilding and Conversion, Navy, 1988/2001”:

SSN-688 attack submarine program, \$6,585,000;

CG-47 cruiser program, \$12,100,000;

Aircraft carrier service life extension program, \$202,000;

LHD-1 amphibious assault ship program, \$2,311,000;

LSD-41 cargo variant ship program, \$566,000;

T-AO fleet oiler program, \$3,494,000;

AO conversion program, \$133,000;

Craft, outfitting, and post delivery, \$1,688,000;

To:

Under the heading, “Shipbuilding and Conversion, Navy, 1995/2001”:

DDG-51 destroyer program, \$27,079,000;

From:

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

DDG-51 destroyer program, \$13,200,000;

Aircraft carrier service life extension program, \$186,000;

LHD-1 amphibious assault ship program, \$3,621,000;

LCAC landing craft, air cushioned program, \$1,313,000;

T-AO fleet oiler program, \$258,000;

AOE combat support ship program, \$1,078,000;

AO conversion program, \$881,000;

T-AGOS drug interdiction conversion, \$407,000;

Outfitting and post delivery, \$219,000;

To:

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

LPD-17 amphibious transport dock ship, \$21,163,000;

From:

Under the heading, “Shipbuilding and Conversion, Navy, 1990/2002”:

SSN-688 attack submarine program, \$5,606,000;

DDG-51 destroyer program, \$6,000,000;

ENTERPRISE refueling/modernization program, \$2,306,000;

LHD-1 amphibious assault ship program, \$183,000;

LSD-41 dock landing ship cargo variant program, \$501,000;

LCAC landing craft, air cushioned program, \$345,000;

MCM mine countermeasures program, \$1,369,000;

Moored training ship demonstration program, \$1,906,000;

Oceanographic ship program, \$1,296,000;
 AOE combat support ship program, \$4,086,000;
 AO conversion program, \$143,000;
 Craft, outfitting, post delivery, and ship special support equipment, \$1,209,000;
 To:
 Under the heading, "Shipbuilding and Conversion, Navy, 1990/2002":
 T-AGOS surveillance ship program, \$5,000,000;
 Coast Guard icebreaker program, \$8,153,000;
 Under the heading, "Shipbuilding and Conversion, Navy, 1996/2002":
 LPD-17 amphibious transport dock ship, \$7,192,000;
 Under the heading, "Shipbuilding and Conversion, Navy, 1998/2002":
 CVN refuelings, \$4,605,000;
 From:
 Under the heading, "Shipbuilding and Conversion, Navy, 1991/2001":
 SSN-21(AP) attack submarine program, \$1,614,000;
 LHD-1 amphibious assault ship program, \$5,647,000;
 LSD-41 dock landing ship cargo variant program, \$1,389,000;
 LCAC landing craft, air cushioned program, \$330,000;
 AOE combat support ship program, \$1,435,000;
 To:
 Under the heading, "Shipbuilding and Conversion, Navy, 1998/2001":
 CVN refuelings, \$10,415,000;
 From:
 Under the heading, "Shipbuilding and Conversion, Navy, 1992/2001":
 SSN-21 attack submarine program, \$11,983,000;
 Craft, outfitting, post delivery, and DBOF transfer, \$836,000;
 Escalation, \$5,378,000;
 To:
 Under the heading, "Shipbuilding and Conversion, Navy, 1998/2001":
 CVN refuelings, \$18,197,000;
 From:
 Under the heading, "Shipbuilding and Conversion, Navy, 1993/2002":
 Carrier replacement program(AP), \$30,332,000;
 LSD-41 cargo variant ship program, \$676,000;
 AOE combat support ship program, \$2,066,000;
 Craft, outfitting, post delivery, and first destination transportation, and inflation adjustments, \$2,127,000;
 To:
 Under the heading, "Shipbuilding and Conversion, Navy, 1998/2002":
 CVN refuelings, \$29,884,000;
 Under the heading, "Shipbuilding and Conversion, Navy, 1999/2002":
 Craft, outfitting, post delivery, conversions, and first destination transportation, \$5,317,000;
 From:
 Under the heading, "Shipbuilding and Conversion, Navy, 1994/2003":
 LHD-1 amphibious assault ship program, \$18,349,000;
 Oceanographic ship program, \$9,000;
 To:
 Under the heading, "Shipbuilding and Conversion, Navy, 1994/2003":
 DDG-51 destroyer program, \$18,349,000;
 Under the heading, "Shipbuilding and Conversion, Navy, 1999/2003":
 Craft, outfitting, post delivery, conversions, and first destination transportation, \$9,000;
 From:
 Under the heading, "Shipbuilding and Conversion, Navy, 1996/2000":

SSN-21 attack submarine program, \$10,100,000;
 LHD-1 amphibious assault ship program, \$7,100,000;
 To:
 Under the heading, "Shipbuilding and Conversion, Navy, 1996/2000":
 DDG-51 destroyer program, \$3,723,000;
 LPD-17 amphibious transport dock ship, \$13,477,000.
 SEC. 8082. Funds appropriated in title II of this Act and for the Defense Health Program in title VI of this Act for supervision and administration costs for facilities maintenance and repair, minor construction, or design projects may be obligated at the time the reimbursable order is accepted by the performing activity: *Provided*, That for the purpose of this section, supervision and administration costs includes all in-house Government cost.
 SEC. 8083. During the current fiscal year, the Secretary of Defense may waive reimbursement of the cost of conferences, seminars, courses of instruction, or similar educational activities of the Asia-Pacific Center for Security Studies for military officers and civilian officials of foreign nations if the Secretary determines that attendance by such personnel, without reimbursement, is in the national security interest of the United States: *Provided*, That costs for which reimbursement is waived pursuant to this subsection shall be paid from appropriations available for the Asia-Pacific Center.
 SEC. 8084. (a) Notwithstanding any other provision of law, the Chief of the National Guard Bureau may permit the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, reimbursable basis. The Chief of the National Guard Bureau shall establish the amount of reimbursement for such use on a case-by-case basis.
 (b) Amounts collected under subsection (a) shall be credited to funds available for the National Guard Distance Learning Project and be available to defray the costs associated with the use of equipment of the project under that subsection. Such funds shall be available for such purposes without fiscal year limitation.
 SEC. 8085. Using funds available by this Act or any other Act, the Secretary of the Air Force, pursuant to a determination under section 2690 of title 10, United States Code, may implement cost-effective agreements for required heating facility modernization in the Kaiserslautern Military Community in the Federal Republic of Germany: *Provided*, That in the City of Kaiserslautern such agreements will include the use of United States anthracite as the base load energy for municipal district heat to the United States Defense installations: *Provided further*, That at Landstuhl Army Regional Medical Center and Ramstein Air Base, furnished heat may be obtained from private, regional or municipal services, if provisions are included for the consideration of United States coal as an energy source.
 SEC. 8086. During the current fiscal year, refunds attributable to the use of the Government travel card and the Government Purchase Card by military personnel and civilian employees of the Department of Defense and refunds attributable to official Government travel arranged by Government Contracted Travel Management Centers may be credited to the accounts current when the refunds are received that are available for the same purposes as the accounts originally charged.
 SEC. 8087. Notwithstanding 31 U.S.C. 3902, during the current fiscal year, interest penalties may be paid by the Department of Defense from funds financing the operation of the military department or defense agency

with which the invoice or contract payment is associated.

SEC. 8088. (a) The Secretary of Defense may, on a case-by-case basis, waive with respect to a foreign country each limitation on the procurement of defense items from foreign sources provided in law if the Secretary determines that the application of the limitation with respect to that country would invalidate cooperative programs entered into between the Department of Defense and the foreign country, or would invalidate reciprocal trade agreements for the procurement of defense items entered into under section 2531 of title 10, United States Code, and the country does not discriminate against the same or similar defense items produced in the United States for that country.

(b) Subsection (a) applies with respect to—
 (1) contracts and subcontracts entered into on or after the date of the enactment of this Act; and

(2) options for the procurement of items that are exercised after such date under contracts that are entered into before such date if the option prices are adjusted for any reason other than the application of a waiver granted under subsection (a).

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

SEC. 8089. Funds made available to the Civil Air Patrol in this Act under the heading "Drug Interdiction and Counter-Drug Activities, Defense" may be used for the Civil Air Patrol Corporation's counterdrug program, including its demand reduction program involving youth programs, as well as operational and training drug reconnaissance missions for Federal, State and local government agencies; for administrative costs, including the hiring of Civil Air Patrol Corporation employees; for travel and per diem expenses of Civil Air Patrol Corporation personnel in support of those missions; and for equipment needed for mission support or performance: *Provided*, That the Department of the Air Force should waive reimbursement from the Federal, State and local government agencies for the use of these funds.

SEC. 8090. Notwithstanding any other provision of law, the TRICARE managed care support contracts in effect, or in final stages of acquisition as of September 30, 1999, may be extended for two years: *Provided*, That any such extension may only take place if the Secretary of Defense determines that it is in the best interest of the Government: *Provided further*, That any contract extension shall be based on the price in the final best and final offer for the last year of the existing contract as adjusted for inflation and other factors mutually agreed to by the contractor and the Government: *Provided further*, That notwithstanding any other provision of law, all future TRICARE managed care support contracts replacing contracts in effect, or in the final stages of acquisition as of September 30, 1998, may include a base contract period for transition and up to seven one-year option periods.

SEC. 8091. Notwithstanding any other provision in this Act, the total amount appropriated in this Act is hereby reduced by \$452,100,000 to reflect savings from revised economic assumptions, to be distributed as follows:

"Aircraft Procurement, Army", \$8,000,000;
 "Missile Procurement, Army", \$7,000,000;
 "Procurement of Weapons and Tracked Combat Vehicles, Army", \$9,000,000;

"Procurement of Ammunition, Army", \$6,000,000;
 "Other Procurement, Army", \$19,000,000;
 "Aircraft Procurement, Navy", \$44,000,000;
 "Weapons Procurement, Navy", \$8,000,000;
 "Procurement of Ammunition, Navy and Marine Corps", \$3,000,000;
 "Shipbuilding and Conversion, Navy", \$37,000,000;
 "Other Procurement, Navy", \$23,000,000;
 "Procurement, Marine Corps", \$5,000,000;
 "Aircraft Procurement, Air Force", \$46,000,000;
 "Missile Procurement, Air Force", \$14,000,000;
 "Procurement of Ammunition, Air Force", \$2,000,000;
 "Other Procurement, Air Force", \$44,400,000;
 "Procurement, Defense-Wide", \$5,200,000;
 "Chemical Agents and Munitions Destruction, Army", \$5,000,000;
 "Research, Development, Test and Evaluation, Army", \$20,000,000;
 "Research, Development, Test and Evaluation, Navy", \$40,900,000;
 "Research, Development, Test and Evaluation, Air Force", \$76,900,000; and
 "Research, Development, Test and Evaluation, Defense-Wide", \$28,700,000;

Provided, That these reductions shall be applied proportionally to each budget activity, activity group and subactivity group and each program, project, and activity within each appropriation account.

SEC. 8092. TRAINING AND OTHER PROGRAMS. (a) PROHIBITION.—None of the funds made available by this Act may be used to support any training program involving a unit of the security forces of a foreign country if the Secretary of Defense has received credible information from the Department of State that the unit has committed a gross violation of human rights, unless all necessary corrective steps have been taken.

(b) MONITORING.—The Secretary of Defense, in consultation with the Secretary of State, shall ensure that prior to a decision to conduct any training program referred to in subsection (a), full consideration is given to all credible information available to the Department of State relating to human rights violations by foreign security forces.

(c) WAIVER.—The Secretary of Defense, after consultation with the Secretary of State, may waive the prohibition in subsection (a) if he determines that such waiver is required by extraordinary circumstances.

(d) REPORT.—Not more than 15 days after the exercise of any waiver under subsection (c), the Secretary of Defense shall submit a report to the congressional defense committees describing the extraordinary circumstances, the purpose and duration of the training program, the United States forces and the foreign security forces involved in the training program, and the information relating to human rights violations that necessitates the waiver.

SEC. 8093. The Secretary of Defense, in coordination with the Secretary of Health and Human Services, may carry out a program to distribute surplus dental equipment of the Department of Defense, at no cost to the Department of Defense, to Indian health service facilities and to federally-qualified health centers (within the meaning of section 1905(1)(2)(B) of the Social Security Act (42 U.S.C. 1396d(1)(2)(B))).

SEC. 8094. Notwithstanding any other provision in this Act, the total amount appropriated in this Act is hereby reduced by \$209,300,000 to reflect savings from the pay of civilian personnel, to be distributed as follows:

"Operation and Maintenance, Army", \$45,100,000;

"Operation and Maintenance, Navy", \$74,400,000;
 "Operation and Maintenance, Air Force", \$59,800,000; and
 "Operation and Maintenance, Defense-Wide", \$30,000,000.

SEC. 8095. Notwithstanding any other provision in this Act, the total amount appropriated in this Act is hereby reduced by \$206,600,000 to reflect savings from favorable foreign currency fluctuations, to be distributed as follows:

"Operation and Maintenance, Army", \$138,000,000;
 "Operation and Maintenance, Navy", \$10,600,000;
 "Operation and Maintenance, Marine Corps", \$2,000,000;
 "Operation and Maintenance, Air Force", \$43,000,000; and
 "Operation and Maintenance, Defense-Wide", \$13,000,000.

SEC. 8096. Notwithstanding any other provision in this Act, the total amount appropriated in this Act is hereby reduced by \$250,307,000 to reflect savings from reductions in the price of bulk fuel, to be distributed as follows:

"Operation and Maintenance, Army", \$56,000,000;
 "Operation and Maintenance, Navy", \$67,000,000;
 "Operation and Maintenance, Marine Corps", \$7,700,000;
 "Operation and Maintenance, Air Force", \$62,000,000;
 "Operation and Maintenance, Defense-Wide", \$34,000,000;
 "Operation and Maintenance, Army Reserve", \$4,107,000;
 "Operation and Maintenance, Navy Reserve", \$2,700,000;
 "Operation and Maintenance, Air Force Reserve", \$5,000,000;
 "Operation and Maintenance, Army National Guard", \$8,700,000; and
 "Operation and Maintenance, Air National Guard", \$3,100,000.

SEC. 8097. Notwithstanding any other provision of law, the Secretary of Defense may retain all or a portion of the family housing at Fort Buchanan, Puerto Rico, as the Secretary deems necessary to meet military family housing needs arising out of the relocation of elements of the United States Army South to Fort Buchanan.

SEC. 8098. Funds appropriated to the Department of the Navy in title II of this Act may be available to replace lost and canceled Treasury checks issued to Trans World Airlines in the total amount of \$255,333.24 for which timely claims were filed and for which detailed supporting records no longer exist.

SEC. 8099. Notwithstanding any other provision of law, the Chief of the National Guard Bureau, or his designee, may waive payment of all or part of the consideration in the case of a lease of personal property for a period not in excess of one year to—

- (1) any department or agency of the Federal Government;
- (2) any State or local government, including any interstate organization established by agreement of two or more States;
- (3) any organization determined by the Chief of the National Guard Bureau, or his designee, to be a youth or charitable organization; or
- (4) any other entity that the Chief of the National Guard Bureau, or his designee, approves on a case-by-case basis.

SEC. 8100. In the current fiscal year and hereafter, funds appropriated for the Pacific Disaster Center may be obligated to carry out such missions as the Secretary of Defense may specify for disaster information management and related supporting activities in the geographic area of responsibility

of the Commander in Chief, Pacific and beyond in support of a global disaster information network: *Provided*, That the Secretary may enable the Pacific Disaster Center and its derivatives to enter into flexible public-private cooperative arrangements for the delegation or implementation of some or all of its missions and accept and provide grants, or other remuneration to or from any agency of the Federal government, state or local government, private source or foreign government to carry out any of its activities: *Provided further*, That the Pacific Disaster Center may not accept any remuneration or provide any service or grant which could compromise national security.

SEC. 8101. Notwithstanding any other provision in this Act, the total amount appropriated in Title I of this Act is hereby reduced by \$1,838,426,000 to reflect amounts appropriated in H.R. 1141, as enacted. This amount is to be distributed as follows:

"Military Personnel, Army", \$559,533,000;
 "Military Personnel, Navy", \$436,773,000;
 "Military Personnel, Marine Corps", \$177,980,000;
 "Military Personnel, Air Force", \$471,892,000;
 "Reserve Personnel, Army", \$40,574,000;
 "Reserve Personnel, Navy", \$29,833,000;
 "Reserve Personnel, Marine Corps", \$7,820,000;
 "Reserve Personnel, Air Force", \$13,143,000;
 "National Guard Personnel, Army", \$70,416,000; and
 "National Guard Personnel, Air Force", \$30,462,000.

SEC. 8102. Notwithstanding any other provision of law, that not more than twenty-five per centum of funds provided in this Act, may be obligated for environmental remediation under indefinite delivery/indefinite quantity contracts with a total contract value of \$130,000,000 or higher.

SEC. 8103. Of the funds made available under the heading "Operation and Maintenance, Air Force", \$5,000,000 shall be transferred to the Department of Transportation to enable the Secretary of Transportation to realign railroad track on Elmendorf Air Force Base.

SEC. 8104. (a) Of the amounts provided in Title II of this Act, not less than \$1,353,900,000 shall be available for the missions of the Department of Defense related to combating terrorism inside and outside the United States.

(b) The budget of the United States Government submitted to Congress under section 1105 of title 31, United States Code, for each fiscal year after fiscal year 2000 shall set forth separately for a single account the amount requested for the missions of the Department of Defense related to combating terrorism inside and outside the United States.

SEC. 8105. None of the funds appropriated by this Act shall be used for the support of any nonappropriated funds activity of the Department of Defense that procures malt beverages and wine with nonappropriated funds for resale (including such alcoholic beverages sold by the drink) on a military installation located in the United States unless such malt beverages and wine are procured within that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: *Provided*, That in a case in which the military installation is located in more than one State, purchases may be made in any State in which the installation is located: *Provided further*, That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages only for military installations in States which are not contiguous with another State: *Provided further*, That alcoholic

beverages other than wine and malt beverages, in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

SEC. 8106. (a) The Secretary of the Air Force may obtain transportation for operational support purposes, including transportation for combatant Commanders in Chief, by lease of aircraft, on such terms and conditions as the Secretary may deem appropriate, consistent with this section, through an operating lease consistent with OMB Circular A-11.

(b) The term of any lease into which the Secretary enters under this section shall not exceed ten years from the date on which the lease takes effect.

(c) The Secretary may include terms and conditions in any lease into which the Secretary enters under this section that are customary in the leasing of aircraft by a nongovernmental lessor to a nongovernmental lessee.

(d) The Secretary may, in connection with any lease into which the Secretary enters under this section, to the extent the Secretary deems appropriate, provide for special payments to the lessor if either the Secretary terminates or cancels the lease prior to the expiration of its term or the aircraft is damaged or destroyed prior to the expiration of the term of the lease. In the event of termination or cancellation of the lease, the total value of such payments shall not exceed the value of one year's lease payment.

(e) Notwithstanding any other provision of law any payments required under a lease under this section, and any payments made pursuant to subsection (d), may be made from—

(1) appropriations available for the performance of the lease at the time the lease takes effect;

(2) appropriations for the operation and maintenance available at the time which the payment is due; and

(3) funds appropriated for those payments.

(f) The authority granted to the Secretary of the Air Force by this section is separate from and in addition to, and shall not be construed to impair or otherwise affect, the authority of the Secretary to procure transportation or enter into leases under a provision of law other than this section.

SEC. 8107. (a) The Communications Act of 1934 is amended in section 337(b) (47 U.S.C. 337(b)), by deleting paragraph (2). Upon enactment of this provision, the FCC shall initiate the competitive bidding process in fiscal year 1999 and shall conduct the competitive bidding in a manner that ensures that all proceeds of such bidding are deposited in accordance with section 309(j)(8) of the Act not later than September 30, 2000. To expedite the assignment by competitive bidding of the frequencies identified in section 337(a)(2) of the Act, the rules governing such frequencies shall be effective immediately upon publication in the Federal Register, notwithstanding 5 U.S.C. 553(d), 801(a)(3), 804(2), and 806(a). Chapter 6 of such title, 15 U.S.C. 632, and 44 U.S.C. 3507 and 3512, shall not apply to the rules and competitive bidding procedures governing such frequencies. Notwithstanding section 309(b) of the Act, no application for an instrument of authorization for such frequencies shall be granted by the Commission earlier than 7 days following issuance of public notice by the Commission of the acceptance for filing of such application or of any substantial amendment thereto. Notwithstanding section 309(d)(1) of such Act, the Commission may specify a period (no less than 5 days following issuance of such public notice) for the filing of petitions to deny any application for an instrument of authorization for such frequencies.

(b)(1) Not later than 15 days after the date of the enactment of this Act, the Director of the Office of Management and Budget and the Federal Communications Commission shall each submit to the appropriate congressional committees a report which shall—

(A) set forth the anticipated schedule (including specific dates) for—

(i) preparing and conducting the competitive bidding process required by subsection (a); and

(ii) depositing the receipts of the competitive bidding process;

(B) set forth each significant milestone in the rulemaking process with respect to the competitive bidding process;

(C) include an explanation of the effect of each requirement in subsection (a) on the schedule for the competitive bidding process and any post-bidding activities (including the deposit of receipts) when compared with the schedule for the competitive bidding and any post-bidding activities (including the deposit of receipts) that would otherwise have occurred under section 337(b)(2) of the Communications Act of 1934 (47 U.S.C. 337(b)(2)) if not for the enactment of subsection (a);

(D) set forth for each spectrum auction held by the Federal Communications Commission since 1993 information on—

(i) the time required for each stage of preparation for the auction;

(ii) the date of the commencement and of the completion of the auction;

(iii) the time which elapsed between the date of the completion of the auction and the date of the first deposit of receipts from the auction in the Treasury; and

(iv) the dates of all subsequent deposits of receipts from the auction in the Treasury; and

(E) include an assessment of how the stages of the competitive bidding process required by subsection (a), including preparation, commencement and completion, and deposit of receipts, will differ from similar stages in the auctions referred to in subparagraph (D).

(2) Not later than October 5, 2000, the Director of the Office of Management and Budget and the Federal Communications Commission shall each submit to the appropriate congressional committees the report which shall—

(A) describe the course of the competitive bidding process required by subsection (a) through September 30, 2000, including the amount of any receipts from the competitive bidding process deposited in the Treasury as of September 30, 2000; and

(B) if the course of the competitive bidding process has included any deviations from the schedule set forth under paragraph (1)(A), an explanation for such deviations from the schedule.

(3) The Federal Communications Commission may not consult with the Director in the preparation and submittal of the reports required of the Commission by this subsection.

(4) In this subsection, the term "appropriate congressional committees" means the following:

(A) The Committees on Appropriations, the Budget, and Commerce of the Senate.

(B) The Committees on Appropriations, the Budget, and Commerce of the House of Representatives.

SEC. 8108. Notwithstanding any other provision in this Act, the total amount appropriated in this Act for Titles II and III is hereby reduced by \$3,100,000,000 to reflect supplemental appropriations provided under Public Law 106-31 for Readiness/Munitions; Operational Rapid Response Transfer Fund; Spare Parts; Depot Maintenance; Recruiting; Readiness Training/OPTEMPO; and Base Operations.

SEC. 8109. Section 8106(a) of the Department of Defense Appropriations Act, 1997 (titles I through VIII of the matter under section 101(b) of Public Law 104-208; 110 Stat. 3009-111; 10 U.S.C. 113 note), is amended—

(1) by striking "not later than June 30, 1997,"; and

(2) by striking "\$1,000,000" and inserting "\$500,000".

SEC. 8110. In addition to any funds appropriated elsewhere in title IV of this Act under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY", \$9,000,000 is hereby appropriated only for the Army Test Ranges and Facilities program element.

SEC. 8111. Notwithstanding any other provision in this Act, the total amount appropriated in this Act for title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY", is hereby reduced by \$26,840,000 and the total amount appropriated in this Act for title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE", is hereby increased by \$51,840,000 to reflect the transfer of the Joint Warfighting Experimentation Program: *Provided*, That none of the funds provided for the Joint Warfighting Experimentation Program may be obligated until the Vice Chairman of the Joint Chiefs of Staff reports to the congressional defense committees on the role and participation of all unified and specified commands in the JWEP.

SEC. 8112. In addition to the amounts appropriated or otherwise made available elsewhere in this Act for the Department of Defense, \$23,000,000, to remain available until September 30, 2000 is hereby appropriated to the Department of Defense: *Provided*, That the Secretary of Defense shall make a grant in the amount of \$23,000,000 to the American Red Cross for Armed Forces Emergency Services.

SEC. 8113. In addition to the funds available in title III, \$10,000,000 is hereby appropriated for U-2 cockpit modifications.

SEC. 8114. The Department of the Army is directed to conduct a live fire, side-by-side operational test of the air-to-air Starstreak and air-to-air Stinger missiles from the AH-64D Longbow helicopter. The operational test is to be completed utilizing funds provided for in this Act in addition to funding provided for this purpose in the Fiscal Year 1999 Defense Appropriations Act (P.L. 105-262): *Provided*, That notwithstanding any other provision of law, the Department is to ensure that the development, procurement or integration of any missile for use on the AH-64 or RAH-66 helicopters, as an air-to-air missile, is subject to a full and open competition which includes the conduct of a live-fire, side-by-side test as an element of the source selection criteria: *Provided further*, That the Under Secretary of Defense (Acquisition & Technology) will conduct an independent review of the need, and the merits of acquiring an air-to-air missile to provide self-protection for the AH-64 and RAH-66 from the threat of hostile forces. The Secretary is to provide his findings in a report to the defense oversight committees, no later than March 31, 2000.

SEC. 8115. Of the funds appropriated in title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE", up to \$6,000,000 may be made available for the 3-D advanced track acquisition and imaging system.

SEC. 8116. Of the funds appropriated in title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY", up to \$3,000,000 may be made available for electronic propulsion systems.

SEC. 8117. Of the funds appropriated in title IV under the heading "COUNTER-DRUG ACTIVITIES, DEFENSE", up to \$5,000,000 may be

made available for a ground processing station to support a tropical remote sensing radar.

SEC. 8118. Of the funds made available under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY", up to \$6,000,000 may be provided to the United States Army Construction Engineering Research Laboratory to continue research and development to reduce pollution associated with industrial manufacturing waste systems.

SEC. 8119. Of the funds appropriated in title II under the heading "OPERATION AND MAINTENANCE, NAVY", up to \$13,000,000 may be available for depot overhaul of the MK-45 weapon system, and up to \$19,000,000 may be available for depot overhaul of the Close In Weapon System.

SEC. 8120. Of the funds appropriated in title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY", up to \$1,500,000 may be available for prototyping and testing of a water distributor for the Pallet-Loading System Engineer Mission Module System.

SEC. 8121. Of the funds provided under title IV of this Act under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE", up to \$1,000,000 may be made available only for alternative missile engine source development.

SEC. 8122. Of the funds appropriated in title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY", up to \$3,000,000 may be made available for the National Defense Center for Environmental Excellence Pollution Prevention Initiative.

SEC. 8123. Of the funds made available in title IV of this Act under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE", up to \$4,500,000 may be made available for a hot gas decontamination facility.

SEC. 8124. Of the funds made available under the heading "DEFENSE HEALTH PROGRAM", up to \$2,000,000 may be made available to support the establishment of a Department of Defense Center for Medical Informatics.

SEC. 8125. Of the funds appropriated in title III under the heading "PROCUREMENT, MARINE CORPS", up to \$2,800,000 may be made available for the K-Band Test Obscuration Pairing System.

SEC. 8126. Of the funds made available under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY", up to \$2,000,000 may be made available to continue and expand on-going work in recombinant vaccine research against biological warfare agents.

SEC. 8127. (a) The purpose of this section is to provide means for the City of Bayonne, New Jersey, to furnish fire protection through the City's municipal fire department for the tenants, including the Coast Guard, and property at Military Ocean Terminal, New Jersey, thereby enhancing the City's capability for furnishing safety services that is a fundamental capability necessary for encouraging the economic development of Military Ocean Terminal.

(b) The Secretary of the Army may, notwithstanding title II of the Federal Property and Administrative Services Act of 1949, convey without consideration to the Bayonne Local Redevelopment Authority, Bayonne, New Jersey, and to the City of Bayonne, New Jersey, jointly, all right, title, and interest of the United States in and to the firefighting equipment described in subsection (c).

(c) The equipment to be conveyed under subsection (b) is firefighting equipment at Military Ocean Terminal, Bayonne, New Jersey, as follows:

(1) Pierce Dash 2000 Gpm Pumper, manufactured September 1995.

(2) Pierce Arrow 100-foot Tower Ladder, manufactured February 1994.

(3) Pierce HAZMAT truck, manufactured 1993.

(4) Ford E-350, manufactured 1992.

(5) Ford E-302, manufactured 1990.

(6) Bauer Compressor, Bauer-UN 12-E#5000psi, manufactured November 1989.

(d) The conveyance and delivery of the property shall be at no cost to the United States.

(e) The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 8128. Of the funds appropriated in title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY", up to \$3,000,000 may be made available for basic research on advanced composite materials processing (specifically, resin transfer molding, vacuum-assisted resin transfer molding, and co-infusion resin transfer molding).

SEC. 8129. Of the funds appropriated in title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY", up to \$5,000,000 may be available for Information Warfare Vulnerability Analysis.

SEC. 8130. Of the funds appropriated in title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE", up to \$7,500,000 may be made available for the GEO High Resolution Space Object Imaging Program.

SEC. 8131. Of the funds appropriated in title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY", up to \$4,000,000 may be available solely for research, development, test, and evaluation of elastin-based artificial tissues and dye targeted laser fusion techniques for healing internal injuries.

SEC. 8132. Of the funds made available in title IV of this Act for the Defense Advanced Research Projects Agency under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE", up to \$20,000,000 may be made available for supersonic aircraft noise mitigation research and development efforts.

SEC. 8133. From within the funds provided for the Defense Acquisition University, up to \$5,000,000 may be spent on a pilot program using state-of-the-art training technology that would train the acquisition workforce in a simulated Government procurement environment.

SEC. 8134. During the current fiscal year, under regulations prescribed by the Secretary of Defense, the Center of Excellence for Disaster Management and Humanitarian Assistance may also pay, or authorize payment for, the expenses of providing or facilitating education and training for appropriate military and civilian personnel of foreign countries in disaster management and humanitarian assistance: *Provided*, That not later than April 1, 2001, the Secretary of Defense shall submit to the congressional defense committees a report regarding the training of foreign personnel conducted under this authority during the preceding fiscal year for which expenses were paid under the section: *Provided further*, That the report shall specify the countries in which the training was conducted, the type of training conducted, and the foreign personnel trained.

SEC. 8135. Of the funds appropriated in title II under the heading "OPERATION AND MAINTENANCE, AIR FORCE", up to \$4,000,000 may be made available for the Manufacturing Technology Assistance Pilot Program.

SEC. 8136. Of the funds appropriated in title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY", up to \$5,000,000 may be available for visual display

performance and visual display environmental research and development.

SEC. 8137. Of the funds appropriated in title III under the heading "OTHER PROCUREMENT, ARMY", \$51,250,000 shall be available for the Information System Security Program, of which up to \$10,000,000 may be made available for an immediate assessment of biometrics sensors and templates repository requirements and for combining and consolidating biometrics security technology and other information assurance technologies to accomplish a more focused and effective information assurance effort.

SEC. 8138. Of the funds appropriated in title II under the heading "OPERATION AND MAINTENANCE, DEFENSE-WIDE" for the Office of the Special Assistant to the Deputy Secretary of Defense for Gulf War Illnesses, up to \$10,000,000 may be made available for carrying out the first-year actions under the 5-year research plan outlined in the report entitled "Department of Defense Strategy to Address Low-Level Exposures to Chemical Warfare Agents (CWAs)", dated May 1999, that was submitted to committees of Congress pursuant to section 247(d) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 112 Stat. 1957).

SEC. 8139. (a) Congress makes the following findings:

(1) The B-2 bomber has been used in combat for the first time in Operation Allied Force against Yugoslavia.

(2) The B-2 bomber has demonstrated unparalleled strike capability in Operation Allied Force, with cursory data indicating that the bomber could have dropped nearly 20 percent of the precision ordnance while flying less than 3 percent of the attack sorties.

(3) According to the congressionally mandated Long Range Air Power Panel, "long range air power is an increasingly important element of United States military capability".

(4) The crews of the B-2 bomber and the personnel of Whiteman Air Force Base, Missouri, deserve particular credit for flying and supporting the strike missions against Yugoslavia, some of the longest combat missions in the history of the Air Force.

(5) The bravery and professionalism of the personnel of Whiteman Air Force Base have advanced American interests in the face of significant challenge and hardship.

(6) The dedication of those who serve in the Armed Forces, exemplified clearly by the personnel of Whiteman Air Force Base, is the greatest national security asset of the United States.

(b) It is the sense of Congress that—

(1) the skill and professionalism with which the B-2 bomber has been used in Operation Allied Force is a credit to the personnel of Whiteman Air Force Base, Missouri, and the Air Force;

(2) the B-2 bomber has demonstrated an unparalleled capability to travel long distances and deliver devastating weapons payloads, proving its essential role for United States power projection in the future; and

(3) the crews of the B-2 bomber and the personnel of Whiteman Air Force Base deserve the gratitude of the American people for their dedicated performance in an indispensable role in the air campaign against Yugoslavia and in the defense of the United States.

SEC. 8140. Of the funds appropriated in title III under the heading "AIRCRAFT PROCUREMENT, AIR FORCE", up to \$10,000,000 may be made available for U-2 aircraft defensive system modernization.

SEC. 8141. Of the amount appropriated in title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE", \$25,185,000 shall be available

for research and development relating to Persian Gulf illnesses, of which \$4,000,000 shall be available for continuation of research into Gulf War syndrome that includes multidisciplinary studies of fibromyalgia, chronic fatigue syndrome, multiple chemical sensitivity, and the use of research methods of cognitive and computational neuroscience, and of which up to \$2,000,000 may be made available for expansion of the research program in the Upper Great Plains region.

SEC. 8142. Of the total amount appropriated in title III under the heading "AIRCRAFT PROCUREMENT, AIR FORCE", up to \$17,500,000 may be made available for procurement of the F-15A/B data link for the Air National Guard.

SEC. 8143. Of the funds appropriated in title III under the heading "WEAPONS PROCUREMENT, NAVY", up to \$3,000,000 may be made available for the MK-43 Machine Gun Conversion Program.

SEC. 8144. DEVELOPMENT OF FORD ISLAND, HAWAII. (a) IN GENERAL.—(1) Subject to paragraph (2), the Secretary of the Navy may exercise any authority or combination of authorities in this section for the purpose of developing or facilitating the development of Ford Island, Hawaii, to the extent that the Secretary determines the development is compatible with the mission of the Navy.

(2) The Secretary may not exercise any authority under this section until—

(A) the Secretary submits to the appropriate committees of Congress a master plan for the development of Ford Island; and

(B) a period of 30 calendar days has elapsed following the date on which the notification is received by those committees.

(b) CONVEYANCE AUTHORITY.—(1) The Secretary of the Navy may convey to any public or private person or entity all right, title, and interest of the United States in and to any real property (including any improvements thereon) or personal property under the jurisdiction of the Secretary in the State of Hawaii that the Secretary determines—

(A) is excess to the needs of the Navy and all of the other Armed Forces; and

(B) will promote the purpose of this section.

(2) A conveyance under this subsection may include such terms and conditions as the Secretary considers appropriate to protect the interests of the United States.

(c) LEASE AUTHORITY.—(1) The Secretary of the Navy may lease to any public or private person or entity any real property or personal property under the jurisdiction of the Secretary in the State of Hawaii that the Secretary determines—

(A) is not needed for current operations of the Navy and all of the other Armed Forces; and

(B) will promote the purpose of this section.

(2) A lease under this subsection shall be subject to section 2667(b)(1) of title 10, United States Code, and may include such other terms as the Secretary considers appropriate to protect the interests of the United States.

(3) A lease of real property under this subsection may provide that, upon termination of the lease term, the lessee shall have the right of first refusal to acquire the real property covered by the lease if the property is then conveyed under subsection (b).

(4)(A) The Secretary may provide property support services to or for real property leased under this subsection.

(B) To the extent provided in appropriations Acts, any payment made to the Secretary for services provided under this paragraph shall be credited to the appropriation, account, or fund from which the cost of providing the services was paid.

(d) ACQUISITION OF LEASEHOLD INTEREST BY SECRETARY.—(1) The Secretary of the Navy

may acquire a leasehold interest in any facility constructed under subsection (f) as consideration for a transaction authorized by this section upon such terms as the Secretary considers appropriate to promote the purpose of this section.

(2) The term of a lease under paragraph (1) may not exceed 10 years, unless the Secretary of Defense approves a term in excess of 10 years for the purpose of this section.

(3) A lease under this subsection may provide that, upon termination of the lease term, the United States shall have the right of first refusal to acquire the facility covered by the lease.

(e) REQUIREMENT FOR COMPETITION.—The Secretary of the Navy shall use competitive procedures for purposes of selecting the recipient of real or personal property under subsection (b) and the lessee of real or personal property under subsection (c).

(f) CONSIDERATION.—(1) As consideration for the conveyance of real or personal property under subsection (b), or for the lease of real or personal property under subsection (c), the Secretary of the Navy shall accept cash, real property, personal property, or services, or any combination thereof, in an aggregate amount equal to not less than the fair market value of the real or personal property conveyed or leased.

(2) Subject to subsection (i), the services accepted by the Secretary under paragraph (1) may include the following:

(A) The construction or improvement of facilities at Ford Island.

(B) The restoration or rehabilitation of real property at Ford Island.

(C) The provision of property support services for property or facilities at Ford Island.

(g) NOTICE AND WAIT REQUIREMENTS.—The Secretary of the Navy may not carry out a transaction authorized by this section until—

(1) the Secretary submits to the appropriate committees of Congress a notification of the transaction, including—

(A) a detailed description of the transaction; and

(B) a justification for the transaction specifying the manner in which the transaction will meet the purpose of this section; and

(2) a period of 30 calendar days has elapsed following the date on which the notification is received by those committees.

(h) FORD ISLAND IMPROVEMENT ACCOUNT.—(1) There is established on the books of the Treasury an account to be known as the "Ford Island Improvement Account".

(2) There shall be deposited into the account the following amounts:

(A) Amounts authorized and appropriated to the account.

(B) Except as provided in subsection (c)(4)(B), the amount of any cash payment received by the Secretary for a transaction under this section.

(i) USE OF ACCOUNT.—(1) Subject to paragraph (2), to the extent provided in advance in appropriation Acts, funds in the Ford Island Improvement Account may be used as follows:

(A) To carry out or facilitate the carrying out of a transaction authorized by this section.

(B) To carry out improvements of property or facilities at Ford Island.

(C) To obtain property support services for property or facilities at Ford Island.

(2) To extent that the authorities provided under subchapter IV of chapter 169 of title 10, United States Code, are available to the Secretary of the Navy, the Secretary may not use the authorities in this section to acquire, construct, or improve family housing units, military unaccompanied housing units, or ancillary supporting facilities related to military housing at Ford Island.

(3)(A) The Secretary may transfer funds from the Ford Island Improvement Account to the following funds:

(i) The Department of Defense Family Housing Improvement Fund established by section 2883(a)(1) of title 10, United States Code.

(ii) The Department of Defense Military Unaccompanied Housing Improvement Fund established by section 2883(a)(2) of that title.

(B) Amounts transferred under subparagraph (A) to a fund referred to in that subparagraph shall be available in accordance with the provisions of section 2883 of title 10, United States Code, for activities authorized under subchapter IV of chapter 169 of that title at Ford Island.

(j) INAPPLICABILITY OF CERTAIN PROPERTY MANAGEMENT LAWS.—Except as otherwise provided in this section, transactions under this section shall not be subject to the following:

(1) Sections 2667 and 2696 of title 10, United States Code.

(2) Section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411).

(3) Sections 202 and 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483, 484).

(k) SCORING.—Nothing in this section shall be construed to waive the applicability to any lease entered into under this section of the budget scorekeeping guidelines used to measure compliance with the Balanced Budget Emergency Deficit Control Act of 1985.

(l) CONFORMING AMENDMENTS.—Section 2883(c) of title 10, United States Code, is amended—

(1) in paragraph (1), by adding at the end the following new subparagraph:

"(E) Any amounts that the Secretary of the Navy transfers to that Fund pursuant to section 2862(i)(3)(A)(i) of the Military Construction Authorization Act for Fiscal Year 2000, subject to the restrictions on the use of the transferred amounts specified in that section."; and

(2) in paragraph (2), by adding at the end the following new subparagraph:

"(E) Any amounts that the Secretary of the Navy transfers to that Fund pursuant to section 2862(i)(3)(A)(ii) of the Military Construction Authorization Act for Fiscal Year 2000, subject to the restrictions on the use of the transferred amounts specified in that section.".

(m) DEFINITIONS.—In this section:

(1) The term "appropriate committees of Congress" has the meaning given that term in section 2801(4) of title 10, United States Code.

(2) The term "property support service" means the following:

(A) Any utility service or other service listed in section 2686(a) of title 10, United States Code.

(B) Any other service determined by the Secretary to be a service that supports the operation and maintenance of real property, personal property, or facilities.

SEC. 8145. (a) The Department of Defense is authorized to enter into agreements with the Veterans Administration and federally-funded health agencies providing services to Native Hawaiians for the purpose of establishing a partnership similar to the Alaska Federal Health Care Partnership, in order to maximize Federal resources in the provision of health care services by federally-funded health agencies, applying telemedicine technologies. For the purpose of this partnership, Native Hawaiians shall have the same status as other Native Americans who are eligible for the health care services provided by the Indian Health Service.

(b) The Department of Defense is authorized to develop a consultation policy, consistent with Executive Order 13084 (issued

May 14, 1998), with Native Hawaiians for the purpose of assuring maximum Native Hawaiian participation in the direction and administration of governmental services so as to render those services more responsive to the needs of the Native Hawaiian community.

(c) For purposes of this section, the term "Native Hawaiian" means any individual who is a descendant of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now comprises the State of Hawaii.

SEC. 8146. Of the funds made available in title IV of this Act under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY", up to \$3,000,000 may be made available to continue research and development on polymer cased ammunition.

SEC. 8147. (a) Of the amounts appropriated by title II under the heading "OPERATION AND MAINTENANCE, DEFENSE-WIDE", up to \$220,000 may be made available to carry out the study described in subsection (b).

(b)(1) The Secretary of the Army, acting through the Chief of Engineers, shall carry out a study for purposes of evaluating the cost-effectiveness of various technologies utilized, or having the potential to be utilized, in the demolition and cleanup of facilities contaminated with chemical residue at facilities used in the production of weapons and ammunition.

(2) The Secretary shall carry out the study at the Badger Army Ammunition Plant, Wisconsin.

(3) The Secretary shall provide for the carrying out of work under the study through the Omaha District Corps of Engineers and in cooperation with the Department of Energy Federal Technology Center, Morgantown, West Virginia.

(4) The Secretary may make available to other departments and agencies of the Federal Government information developed as a result of the study.

SEC. 8148. Of the funds appropriated in this Act under the heading "OPERATION AND MAINTENANCE, ARMY", up to \$500,000 may be available for a study of the costs and feasibility of a project to remove ordnance from the Toussaint River.

SEC. 8149. Of the funds appropriated in title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE", \$63,041,000 may be available for C-5 aircraft modernization.

SEC. 8150. None of the funds appropriated or otherwise made available by this or any other Act may be made available for reconstruction activities in the Republic of Serbia (excluding the province of Kosovo) as long as Slobodan Milosevic remains the President of the Federal Republic of Yugoslavia (Serbia and Montenegro).

SEC. 8151. Office of Net Assessment in the Office of the Secretary of Defense, jointly with the United States Pacific Command, shall submit a report to Congress no later than 180 days after the enactment of this Act which addresses the following issues:

(1) A review and evaluation of the operational planning and other preparations of the United States Department of Defense, including but not limited to the United States Pacific Command, to implement the relevant sections of the Taiwan Relations Act since its enactment in 1979.

(2) A review and evaluation of all gaps in relevant knowledge about the current and future military balance between Taiwan and mainland China, including but not limited to Chinese open source writings.

(3) A set of recommendations, based on these reviews and evaluations, concerning further research and analysis that the Office of Net Assessment and the Pacific Command believe to be necessary and desirable to be performed by the National Defense University and other defense research centers.

SEC. 8152. (a) Congress makes the following findings:

(1) Congress recognizes and supports, as being fundamental to the national defense, the ability of the Armed Forces to test weapons and weapon systems thoroughly, and to train members of the Armed Forces in the use of weapons and weapon systems before the forces enter hostile military engagements.

(2) It is the policy of the United States that the Armed Forces at all times exercise the utmost degree of caution in the training with weapons and weapon systems in order to avoid endangering civilian populations and the environment.

(3) In the adherence to these policies, it is essential to the public safety that the Armed Forces not test weapons or weapon systems, or engage in training exercises with live ammunition, in close proximity to civilian populations unless there is no reasonable alternative available.

(b) It is the sense of Congress that—

(1) there should be a thorough investigation of the circumstances that led to the accidental death of a civilian employee of the Navy installation in Vieques, Puerto Rico, and the wounding of four other civilians during a live-ammunition weapons test at Vieques, including a reexamination of the adequacy of the measures that are in place to protect the civilian population during such training;

(2) the Secretary of Defense should not authorize the Navy to resume live ammunition training on the Island of Vieques, Puerto Rico, unless and until he has advised the congressional defense committees of the Senate and the House of Representatives that—

(A) there is not available an alternative training site with no civilian population located in close proximity;

(B) the national security of the United States requires that the training be carried out;

(C) measures to provide the utmost level of safety to the civilian population are to be in place and maintained throughout the training; and

(D) training with ammunition containing radioactive materials that could cause environmental degradation should not be authorized;

(3) in addition to advising committees of Congress of the findings as described in paragraph (2), the Secretary of Defense should advise the Governor of Puerto Rico of those findings and, if the Secretary of Defense decides to resume live-ammunition weapons training on the Island of Vieques, consult with the Governor on a regular basis regarding the measures being taken from time to time to protect civilians from harm from the training.

SEC. 8153. Of the funds appropriated in title IV for Research, Development, Test and Evaluation, Army, up to \$10,000,000 may be utilized for Army Space Control Technology.

SEC. 8154. (a) Of the funds appropriated in title II under the heading "OPERATION AND MAINTENANCE, AIR FORCE" (other than the funds appropriated for space launch facilities), up to \$7,300,000 may be available, in addition to other funds appropriated under that heading for space launch facilities, for a second team of personnel for space launch facilities for range reconfiguration to accommodate launch schedules.

(b) The funds set aside under subsection (a) may not be obligated for any purpose other than the purpose specified in subsection (a).

SEC. 8155. Of the funds appropriated in title IV under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY", up to \$4,000,000 may be made available for the Advanced Integrated Helmet System Program.

SEC. 8156. PROHIBITION ON USE OF REFUGEE RELIEF FUNDS FOR LONG-TERM REGIONAL DEVELOPMENT OR RECONSTRUCTION IN SOUTHEASTERN EUROPE. None of the funds made available in the 1999 Emergency Supplemental Appropriations Act (Public Law 106-31) may be made available to implement a long-term, regional program of development or reconstruction in Southeastern Europe except pursuant to specific statutory authorization enacted on or after the date of enactment of this Act.

SEC. 8157. Of the funds appropriated in title III, Procurement, under the heading "MISSILE PROCUREMENT, ARMY", up to \$35,000,000 may be made available to retrofit and improve the current inventory of Patriot missiles in order to meet current and projected threats from cruise missiles.

SEC. 8158. (a) PURPOSE.—The purpose of this section is to evaluate and demonstrate methods for more efficient operation of military installations through improved capital asset management and greater reliance on the public or private sector for less-costly base support services, where available.

(b) AUTHORITY.—(1) The Secretary of the Air Force may carry out at Brooks Air Force Base, Texas, a demonstration project to be known as the "Base Efficiency Project" to improve mission effectiveness and reduce the cost of providing quality installation support at Brooks Air Force Base.

(2) The Secretary shall carry out the Project in consultation with the Community to the extent the Secretary determines such consultation is necessary and appropriate.

(3) The authority provided in this section is in addition to any other authority vested in or delegated to the Secretary, and the Secretary may exercise any authority or combination of authorities provided under this section or elsewhere to carry out the purposes of the Project.

(c) EFFICIENT PRACTICES.—(1) The Secretary may convert services at or for the benefit of the Base from accomplishment by military personnel or by Department civilian employees (appropriated fund or non-appropriated fund), to services performed by contract or provided as consideration for the lease, sale, or other conveyance or transfer of property.

(2) Notwithstanding section 2462 of title 10, United States Code, a contract for services may be awarded based on "best value" if the Secretary determines that the award will advance the purposes of a joint activity conducted under the Project and is in the best interest of the Department.

(3) Notwithstanding that such services are generally funded by local and State taxes and provided without specific charge to the public at large, the Secretary may contract for public services at or for the benefit of the Base in exchange for such consideration, if any, the Secretary determines to be appropriate.

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

(B) Payments or reimbursements received from participants for their share of direct and indirect costs of joint activities, including the costs of providing, operating, and maintaining facilities, shall be in an amount and type determined to be adequate and appropriate by the Secretary.

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

(d) LEASE AUTHORITY.—(1) The Secretary may lease real or personal property located on the Base to any lessee upon such terms and conditions as the Secretary considers appropriate and in the interest of the United States, if the Secretary determines that the

lease would facilitate the purposes of the Project.

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

(3) A lease under this subsection—

(A) may be for such period as the Secretary determines is necessary to accomplish the goals of the Project; and

(B) may give the lessee the first right to purchase the property if the lease is terminated to allow the United States to sell the property under any other provision of law.

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

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

(5) The Department may furnish a lessee with utilities, custodial services, and other base operation, maintenance, or support services, in exchange for such consideration, payment, or reimbursement as the Secretary determines appropriate.

(6) All amounts received from leases under this subsection shall be deposited into the Project Fund.

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

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

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

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

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

(2) Consideration for a sale or other conveyance or transfer of property under this subsection shall be determined in accordance with subsection (g).

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

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

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

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

(f) **LEASEBACK OF PROPERTY LEASED OR DISPOSED.**—(1) The Secretary may lease, sell, or otherwise convey or transfer real property at the Base under subsections (b) and (e), as applicable, which will be retained for use by the Department or by another military department or other Federal agency, if the lessee, purchaser, or other grantee or transferee of the property agrees to enter into a leaseback to the Department in connection with the lease, sale, or other conveyance or transfer of one or more portions or all of the property leased, sold, or otherwise conveyed or transferred, as applicable.

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

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

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

(4) Notwithstanding any other provision of law, the Department or other military department or other Federal agency using the real property leased under a leaseback entered into under this subsection may construct and erect facilities on or otherwise improve the leased property using funds appropriated or otherwise available to the Department or other military department or other Federal agency for such purpose. Funds available to the Department for such purpose include funds in the Project Fund.

(g) **CONSIDERATION.**—(1) The Secretary shall determine the nature, value, and adequacy of consideration required or offered in exchange for a lease, sale, or other conveyance or transfer of real or personal property or for other actions taken under the Project.

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

(A) Real property.

(B) Personal property.

(C) Goods or services, including operation, maintenance, protection, repair, or restoration (including environmental restoration) of any property or facilities (including non-appropriated fund facilities).

(D) Base operating support services.

(E) Construction or improvement of Department facilities.

(F) Provision of facilities, including office, storage, or other usable space, for use by the Department on or off the Base.

(G) Public services.

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

(h) **PROJECT FUND.**—(1) There is established on the books of the Treasury a fund to be known as the "Base Efficiency Project Fund" into which all cash rents, proceeds, payments, reimbursements, and other amounts from leases, sales, or other conveyances or transfers, joint activities, and all other actions taken under the Project shall be deposited. All amounts deposited into the Project Fund are without fiscal year limitation.

(2) Amounts in the Project Fund may be used only for operation, base operating support services, maintenance, repair, construction, or improvement of Department facilities, payment of consideration for acquisitions of interests in real property (including payment of rentals for leasebacks), and environmental protection or restoration, in addition to or in combination with other amounts appropriated for these purposes.

(3) Subject to generally prescribed financial management regulations, the Secretary shall establish the structure of the Project Fund and such administrative policies and procedures as the Secretary considers necessary to account for and control deposits into and disbursements from the Project Fund effectively.

(4) All amounts in the Project Fund shall be available for use for the purposes authorized in paragraph (2) at the Base, except that the Secretary may redirect up to 50 per cent of amounts in the Project Fund for such uses at other installations under the control and jurisdiction of the Secretary as the Secretary determines necessary and in the best interest of the Department.

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

(B) Such rent shall generally be the fair market rental of the property provided, but

in any case shall be sufficient to compensate the Base for the direct and overhead costs incurred by the Base due to the presence of the tenant agency on the Base.

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

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

(j) **ACQUISITION OF INTERESTS IN REAL PROPERTY.**—(1) The Secretary may acquire any interest in real property in and around the Community that the Secretary determines will advance the purposes of the Project.

(2) The Secretary shall determine the value of the interest in the real property to be acquired and the consideration (if any) to be offered in exchange for the interest.

(3) The authority to acquire an interest in real property under this subsection includes authority to make surveys and acquire such interest by purchase, exchange, lease, or gift.

(4) Payments for such acquisitions may be made from amounts in the Project Fund or from such other funds appropriated or otherwise available to the Department for such purposes.

(k) **REPORTS TO CONGRESS.**—(1) Section 2662 of title 10, United States Code, shall not apply to transactions at the Base during the Project.

(2)(A) Not later than March 1 each year, the Secretary shall submit to the appropriate committees of Congress a report on any transactions at the Base during the preceding fiscal year that would be subject to such section 2662, but for paragraph (1).

(B) The report shall include a detailed cost analysis of the financial savings and gains realized through joint activities and other actions under the Project authorized by this section and a description of the status of the Project.

(l) **LIMITATION.**—None of the authorities in this section shall create any legal rights in any person or entity except rights embodied in leases, deeds, or contracts.

(m) **EXPIRATION OF AUTHORITY.**—The authority to enter into a lease, deed, permit, license, contract, or other agreement under this section shall expire on September 30, 2004.

(n) **DEFINITIONS.**—In this section:

(1) The term "Project" means the Base Efficiency Project authorized by this section.

(2) The term "Base" means Brooks Air Force Base, Texas.

(3) The term "Community" means the City of San Antonio, Texas.

(4) The term "Department" means the Department of the Air Force.

(5) The term "facility" means a building, structure, or other improvement to real property (except a military family housing unit as that term is used in subchapter IV of chapter 169 of title 10, United States Code).

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

(7) The term "Project Fund" means the Base Efficiency Project Fund established by subsection (h).

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

(9) The term "Secretary" means the Secretary of the Air Force or the Secretary's

designee, who shall be a civilian official of the Department appointed by the President with the advice and consent of the Senate.

(10) The term "State" means the State of Texas.

SEC. 8159. (a) Subject to subsection (c) and except as provided in subsection (d), the Secretary of Defense may waive any domestic source requirement or domestic content requirement referred to in subsection (b) and thereby authorize procurements of items that are grown, reprocessed, reused, produced, or manufactured—

(1) inside a foreign country the government of which is a party to a reciprocal defense memorandum of understanding that is entered into with the Secretary of Defense and is in effect;

(2) inside the United States or its possessions; or

(3) inside the United States or its possessions partly or wholly from components grown, reprocessed, reused, produced, or manufactured outside the United States or its possessions.

(b) For purposes of this section:

(1) A domestic source requirement is any requirement under law that the Department of Defense must satisfy its needs for an item by procuring an item that is grown, reprocessed, reused, produced, or manufactured in the United States, its possessions, or a part of the national technology and industrial base.

(2) A domestic content requirement is any requirement under law that the Department must satisfy its needs for an item by procuring an item produced or manufactured partly or wholly from components grown, reprocessed, reused, produced, or manufactured in the United States or its possessions.

(c) The authority to waive a requirement under subsection (a) applies to procurements of items if the Secretary of Defense first determines that—

(1) the application of the requirement to procurements of those items would impede the reciprocal procurement of defense items under a memorandum of understanding providing for reciprocal procurement of defense items that is entered into between the Department of Defense and a foreign country in accordance with section 2531 of title 10, United States Code;

(2) the foreign country does not discriminate against items produced in the United States to a greater degree than the United States discriminates against items produced in that country; and

(3) one or more of the conditions set forth in section 2534(d) of title 10, United States Code, exists with respect to the procurement.

(d) LAWS NOT WAIVED.—The Secretary of Defense may not exercise the authority under subsection (a) to waive any of the following laws:

(1) The Small Business Act.

(2) The Javits-Wagner-O'Day Act (41 U.S.C. 46-48c).

(3) Sections 7309 and 7310 of title 10, United States Code, with respect to ships in Federal Supply Class 1905.

(4) Section 9005 of Public Law 102-396 (10 U.S.C. 2241 note), with respect to articles or items of textiles, apparel, shoe findings, tents, and flags listed in Federal Supply Classes 8305, 8310, 8315, 8320, 8335, 8340, and 8345 and articles or items of clothing, footwear, individual equipment, and insignia listed in Federal Supply Classes 8405, 8410, 8415, 8420, 8425, 8430, 8435, 8440, 8445, 8450, 8455, 8465, 8470, and 8475.

(e) RELATIONSHIP TO OTHER WAIVER AUTHORITY.—The authority under subsection (a) to waive a domestic source requirement or domestic content requirement is in addition to any other authority to waive such requirement.

SEC. 8160. In addition to funds appropriated elsewhere in this Act, the amount appropriated in title III of this Act under the heading "AIRCRAFT PROCUREMENT, AIR FORCE" is hereby increased by \$220,000,000 only to procure four (4) F-15E aircraft: *Provided*, That the amount provided in title IV of this Act under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE" is hereby reduced by \$50,000,000 to reduce the total amount available for National Missile Defense: *Provided further*, That the amount provided in title III of this Act under the heading "NATIONAL GUARD AND RESERVE EQUIPMENT" is hereby reduced by \$50,000,000 on a pro-rata basis: *Provided further*, That the amount provided in title III of this Act under the heading "AIRCRAFT PROCUREMENT, AIR FORCE" is hereby reduced by \$70,000,000 to reduce the total amount available for Spares and Repair Parts: *Provided further*, That the amount provided in title III of this Act under the heading "AIRCRAFT PROCUREMENT, NAVY" is hereby reduced by \$50,000,000 to reduce the total amount available for Spares and Repair Parts.

SEC. 8161. (a) FINDINGS.—Congress makes the following findings—

(1) on June 25, 1996, a bomb detonated not more than 80 feet from the Air Force housing complex known as Khobar Towers in Dhahran, Saudi Arabia, killing 19 members of the Air Force, and injuring hundreds more;

(2) an FBI investigation of the bombing, soon to enter its fourth year, has not yet determined who was responsible for the attack; and

(3) the Senate in Senate Resolution 273 in the One Hundred Fourth Congress condemned this terrorist attack in the strongest terms and urged the United States Government to use all reasonable means available to the Government of the United States to punish the parties responsible for the bombings.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the United States Government must continue its investigation into the Khobar Towers bombing until every terrorist involved is identified, held accountable, and punished;

(2) the FBI, together with the Department of State, should report to Congress no later than December 31, 1999, on the status of its investigation into the Khobar Towers bombing; and

(3) once responsibility for the attack has been established the United States Government must take steps to punish the parties involved.

TITLE IX

MILITARY LAND WITHDRAWALS

CHAPTER 1

RENEWAL OF MILITARY LAND WITHDRAWALS

SEC. 9001. SHORT TITLE. This chapter may be cited as the "Military Lands Withdrawal Renewal Act of 1999".

SEC. 9002. WITHDRAWALS. (a) MCGREGOR RANGE.—(1) Subject to valid existing rights and except as otherwise provided in this chapter, the public lands described in paragraph (3) are hereby withdrawn from all forms of appropriation under the public land laws (including the mining laws and the mineral leasing and the geothermal leasing laws).

(2) Such lands are reserved for use by the Secretary of the Army—

(A) for training and weapons testing; and

(B) subject to the requirements of section 9004(f), for other defense-related purposes consistent with the purposes specified in this paragraph.

(3) The lands referred to in paragraph (1) are the lands comprising approximately 608,384.87 acres in Otero County, New Mexico, as generally depicted on the map entitled "McGregor Range Withdrawal—Proposed", dated January 1985, and withdrawn by the provisions of section 1(d) of the Military Lands Withdrawal Act of 1986. Such lands do not include any portion of the lands so withdrawn that were relinquished to the Secretary of the Interior under the provisions of that Act.

(4) Any of the public lands withdrawn under paragraph (1) which, as of the date of the enactment of this Act, are managed pursuant to section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782) shall continue to be managed under that section until otherwise expressly provided by law.

(b) FORT GREELY MANEUVER AREA AND FORT GREELY AIR DROP ZONE.—(1) Subject to valid existing rights and except as otherwise provided in this chapter, the lands described in paragraph (3) are hereby withdrawn from all forms of appropriation under the public land laws (including the mining laws and the mineral leasing and the geothermal leasing laws), under the Act entitled "An Act to provide for the admission of the State of Alaska into the Union", approved July 7, 1958 (48 U.S.C. note prec. 21), and under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

(2) Such lands are reserved for use by the Secretary of the Army for—

(A) military maneuvering, training, and equipment development and testing; and

(B) subject to the requirements of section 9004(f), other defense-related purposes consistent with the purposes specified in this paragraph.

(3)(A) The lands referred to in paragraph (1) are—

(i) the lands comprising approximately 571,995 acres in the Big Delta Area, Alaska, as generally depicted on the map entitled "Fort Greely Maneuver Area Withdrawal—Proposed", dated January 1985, and withdrawn by the provisions of section 1(e) of the Military Lands Withdrawal Act of 1986; and

(ii) the lands comprising approximately 51,590 acres in the Granite Creek Area, Alaska, as generally depicted on the map entitled "Fort Greely, Air Drop Zone Withdrawal—Proposed", dated January 1985, and withdrawn by the provisions of such section.

(B) Such lands do not include any portion of the lands so withdrawn that were relinquished to the Secretary of the Interior under the provisions of that Act.

(c) FORT WAINWRIGHT MANEUVER AREA.—(1) Subject to valid existing rights and except as otherwise provided in this chapter, the public lands described in paragraph (3) are hereby withdrawn from all forms of appropriation under the public land laws (including the mining laws and the mineral leasing and the geothermal leasing laws), under the Act entitled "An Act to provide for the admission of the State of Alaska into the Union", approved July 7, 1958 (48 U.S.C. note prec. 21), and under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

(2) Such lands are reserved for use by the Secretary of the Army for—

(A) military maneuvering;

(B) training for artillery firing, aerial gunnery, and infantry tactics; and

(C) subject to the requirements of section 9004(f), other defense-related purposes consistent with the purposes specified in this paragraph.

(3) The lands referred to in paragraph (1) are the lands comprising approximately 247,951.67 acres of land in the Fourth Judicial District, Alaska, as generally depicted on

the map entitled "Fort Wainwright Maneuver Area Withdrawal—Proposed", dated January 1985, and withdrawn by the provisions of section 1(f) of the Military Lands Withdrawal Act of 1986. Such lands do not include any portion of the lands so withdrawn that were relinquished to the Secretary of the Interior under the provisions of that Act.

SEC. 9003. MAPS AND LEGAL DESCRIPTIONS. (a) PUBLICATION AND FILING REQUIREMENT.—As soon as practicable after the date of the enactment of this Act, the Secretary of the Interior shall—

(1) publish in the Federal Register a notice containing the legal description of the lands withdrawn by this chapter; and

(2) file maps and the legal description of the lands withdrawn by this chapter with the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

(b) TECHNICAL CORRECTIONS.—Such maps and legal descriptions shall have the same force and effect as if they were included in this chapter except that the Secretary of the Interior may correct clerical and typographical errors in such maps and legal descriptions.

(c) AVAILABILITY FOR PUBLIC INSPECTION.—Copies of such maps and legal descriptions shall be available for public inspection in the following offices:

(1) The Office of the Secretary of Defense.
(2) The offices of the Director and appropriate State Directors of the Bureau of Land Management.

(3) The offices of the Director and appropriate Regional Directors of the United States Fish and Wildlife Service.

(4) The office of the commander, McGregor Range.

(5) The office of the installation commander, Fort Richardson, Alaska.

(d) REIMBURSEMENT.—The Secretary of Defense shall reimburse the Secretary of the Interior for any costs incurred by the Secretary of the Interior in carrying out this section.

SEC. 9004. MANAGEMENT OF WITHDRAWN LANDS. (a) MANAGEMENT BY SECRETARY OF THE INTERIOR.—(1) The Secretary of the Interior shall manage the lands withdrawn by this chapter pursuant to the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and other applicable law, including the Recreation Use of Wildlife Areas Act of 1962 (16 U.S.C. 460k et seq.) and this chapter. The Secretary shall manage such lands through the Bureau of Land Management.

(2) To the extent consistent with applicable law and Executive orders, the lands withdrawn by this chapter may be managed in a manner permitting—

(A) the continuation of grazing pursuant to applicable law and Executive orders where permitted on the date of the enactment of this Act;

(B) protection of wildlife and wildlife habitat;

(C) control of predatory and other animals;

(D) recreation; and
(E) the prevention and appropriate suppression of brush and range fires resulting from nonmilitary activities.

(3)(A) All nonmilitary use of the lands withdrawn by this chapter, other than the uses described in paragraph (2), shall be subject to such conditions and restrictions as may be necessary to permit the military use of such lands for the purposes specified in or authorized pursuant to this chapter.

(B) The Secretary of the Interior may issue any lease, easement, right-of-way, or other authorization with respect to the nonmilitary use of such lands only with the concurrence of the Secretary of the military department concerned.

(b) CLOSURE TO PUBLIC.—(1) If the Secretary of the military department concerned determines that military operations, public safety, or national security require the closure to public use of any road, trail, or other portion of the lands withdrawn by this chapter, that Secretary may take such action as that Secretary determines necessary to effect and maintain such closure.

(2) Any such closure shall be limited to the minimum areas and periods which the Secretary of the military department concerned determines are required to carry out this subsection.

(3) During any closure under this subsection, the Secretary of the military department concerned shall—

(A) keep appropriate warning notices posted; and

(B) take appropriate steps to notify the public concerning such closures.

(c) MANAGEMENT PLAN.—(1)(A) The Secretary of the Interior (after consultation with the Secretary of the military department concerned) shall develop a plan for the management of each area withdrawn by this chapter.

(2) Each plan shall—

(A) be consistent with applicable law;

(B) be subject to conditions and restrictions specified in subsection (a)(3); and

(C) include such provisions as may be necessary for proper management and protection of the resources and values of such areas.

(3) The Secretary of the Interior shall develop each plan required by this subsection not later than three years after the date of the enactment of this Act. In developing a plan for an area, the Secretary may utilize or modify appropriate provisions of the management plan developed for the area under section 3(c) of the Military Lands Withdrawal Act of 1986.

(d) BRUSH AND RANGE FIRES.—(1) The Secretary of the military department concerned shall take necessary precautions to prevent and suppress brush and range fires occurring within and outside the lands withdrawn by this chapter as a result of military activities and may seek assistance from the Bureau of Land Management in the suppression of such fires.

(2) Each memorandum of understanding required by subsection (e) shall provide for Bureau of Land Management assistance in the suppression of fires referred to in paragraph (1) in the area covered by the memorandum of understanding, and for a transfer of funds from the military department concerned to the Bureau of Land Management as compensation for such assistance.

(e) MEMORANDUM OF UNDERSTANDING.—(1) The Secretary of the Interior and the Secretary of the military department concerned shall (with respect to each area withdrawn by section 9002) enter into a memorandum of understanding to implement the management plan developed under subsection (c).

(2) Each memorandum of understanding shall provide that the Director of the Bureau of Land Management shall provide assistance in the suppression of fires resulting from the military use of lands withdrawn by this chapter if requested by the Secretary of the military department concerned.

(f) ADDITIONAL MILITARY USES.—(1) The lands withdrawn by this chapter may be used for defense-related uses other than those specified in the applicable provision of section 9002. The use of such lands for such purposes shall be governed by all laws applicable to such lands, including this chapter.

(2)(A) The Secretary of Defense shall promptly notify the Secretary of the Interior in the event that the lands withdrawn by this chapter will be used for defense-related purposes other than those specified in section 9002.

(B) Such notification shall indicate the additional use or uses involved, the proposed duration of such uses, and the extent to which such additional military uses of the lands will require that additional or more stringent conditions or restrictions be imposed on otherwise-permitted nonmilitary uses of the land or portions thereof.

(3) Subject to valid existing rights, the Secretary of the military department concerned may utilize sand, gravel, or similar mineral or material resources on the lands withdrawn by this chapter when the use of such resources is required to meet the construction needs of the military department concerned on the lands withdrawn by this chapter.

SEC. 9005. LAND MANAGEMENT ANALYSIS. (a) PERIODIC ANALYSIS REQUIRED.—Not later than 10 years after the date of the enactment of this Act, and every 10 years thereafter, the Secretary of the military department concerned shall, in consultation with the Secretary of the Interior, conduct an analysis of the degree to which the management of the lands withdrawn by this chapter conforms to the requirements of laws applicable to the management of such lands, including this chapter.

(b) DEADLINE.—Each analysis under this section shall be completed not later than 270 days after the commencement of such analysis.

(c) LIMITATION ON COST.—The cost of each analysis under this section may not exceed \$900,000 in constant 1999 dollars.

(d) REPORT.—Not later than 90 days after the date of the completion of an analysis under this section, the Secretary of the military department concerned shall submit to Congress a report on the analysis. The report shall set forth the results of the analysis and include any other matters relating to the management of the lands withdrawn by this chapter that such Secretary considers appropriate.

SEC. 9006. ONGOING ENVIRONMENTAL RESTORATION. (a) REQUIREMENT.—To the extent provided in advance in appropriations Acts, the Secretary of the military department concerned shall carry out a program to provide for the environmental restoration of the lands withdrawn by this chapter in order to ensure a level of environmental decontamination of such lands equivalent to the level of environmental decontamination that exists on such lands as of the date of the enactment of this Act.

(b) REPORTS.—(1) At the same time the President submits to Congress the budget for any fiscal year after fiscal year 2000, the Secretary of the military department concerned shall submit to the committees referred to in paragraph (2) a report on environmental restoration activities relating to the lands withdrawn by this chapter. The report shall satisfy the requirements of section 2706(a) of title 10, United States Code, with respect to the activities on such lands.

(2) The committees referred to in paragraph (1) are the Committees on Appropriations, Armed Services, and Energy and Natural Resources of the Senate and the Committees on Appropriations, Armed Services, and Resources of the House of Representatives.

SEC. 9007. RELINQUISHMENT. (a) AUTHORITY.—The Secretary of the military department concerned may relinquish all or any of the lands withdrawn by this chapter to the Secretary of the Interior.

(b) NOTICE.—If the Secretary of the military department concerned determines to relinquish any lands withdrawn by this chapter under subsection (a), that Secretary shall transmit to the Secretary of the Interior a notice of intent to relinquish such lands.

(c) DETERMINATION OF CONTAMINATION.—(1) Before transmitting a notice of intent to relinquish any lands under subsection (b), the

Secretary of Defense, acting through the military department concerned, shall determine whether and to what extent such lands are contaminated with explosive, toxic, or other hazardous materials.

(2) A copy of a determination with respect to any lands under paragraph (1) shall be transmitted to the Secretary of the Interior together with the notice of intent to relinquish such lands under subsection (b).

(3) Copies of both the notice of intent to relinquish lands under subsection (b) and the determination regarding the contamination of such lands under this subsection shall be published in the Federal Register by the Secretary of the Interior.

(d) DECONTAMINATION.—(1) If any land subject to a notice of intent to relinquish under subsection (a) is contaminated, and the Secretary of the Interior, in consultation with the Secretary of the military department concerned, makes the determination described in paragraph (2), the Secretary of the military department concerned shall, to the extent provided in advance in appropriations Acts, undertake the environmental decontamination of the land.

(2) A determination referred to in this paragraph is a determination that—

(A) decontamination of the land concerned is practicable and economically feasible (taking into consideration the potential future use and value of the land); and

(B) upon decontamination, the land could be opened to operation of some or all of the public land laws, including the mining laws.

(e) ALTERNATIVES.—(1) If a circumstance described in paragraph (2) arises with respect to any land which is covered by a notice of intent to relinquish under subsection (a), the Secretary of the Interior shall not be required to accept the land under this section.

(2) A circumstance referred to in this paragraph is—

(A) a determination by the Secretary of the Interior, in consultation with the Secretary of the military department concerned that—

(i) decontamination of the land is not practicable or economically feasible; or

(ii) the land cannot be decontaminated to a sufficient extent to permit its opening to the operation of some or all of the public land laws; or

(B) the appropriation by Congress of amounts that are insufficient to provide for the decontamination of the land.

(f) STATUS OF CONTAMINATED LANDS.—If, because of their contaminated state, the Secretary of the Interior declines to accept jurisdiction over lands withdrawn by this chapter which have been proposed for relinquishment under subsection (a)—

(1) the Secretary of the military department concerned shall take appropriate steps to warn the public of the contaminated state of such lands and any risks associated with entry onto such lands; and

(2) the Secretary of the military department concerned shall report to the Secretary of the Interior and to Congress concerning the status of such lands and all actions taken in furtherance of this subsection.

(g) REVOCATION OF AUTHORITY.—(1) Notwithstanding any other provision of law, the Secretary of the Interior may, upon deciding that it is in the public interest to accept jurisdiction over lands proposed for relinquishment pursuant to subsection (a), revoke the withdrawal established by this chapter as it applies to such lands.

(2) Should the decision be made to revoke the withdrawal, the Secretary of the Interior shall publish in the Federal Register an appropriate order which shall—

(A) terminate the withdrawal;

(B) constitute official acceptance of full jurisdiction over the lands by the Secretary of the Interior; and

(C) state the date upon which the lands will be opened to the operation of some or all of the public land laws, including the mining laws.

(h) TREATMENT OF CERTAIN RELINQUISHED LANDS.—Any lands withdrawn by section 9002(b) or 9002(c) that are relinquished under this section shall be public lands under the jurisdiction of the Bureau of Land Management and shall be considered vacant, unreserved, and unappropriated for purposes of the public land laws.

SEC. 9008. DELEGABILITY. (a) DEFENSE.—The functions of the Secretary of Defense or of the Secretary of a military department under this chapter may be delegated.

(b) INTERIOR.—The functions of the Secretary of the Interior under this chapter may be delegated, except that an order described in section 9007(g) may be approved and signed only by the Secretary of the Interior, the Under Secretary of the Interior, or an Assistant Secretary of the Interior.

SEC. 9009. WATER RIGHTS. Nothing in this chapter shall be construed to establish a reservation to the United States with respect to any water or water right on the lands described in section 9002. No provision of this chapter shall be construed as authorizing the appropriation of water on lands described in section 9002 by the United States after the date of the enactment of this Act except in accordance with the law of the relevant State in which lands described in section 9002 are located. This section shall not be construed to affect water rights acquired by the United States before the date of the enactment of this Act.

SEC. 9010. HUNTING, FISHING, AND TRAPPING. All hunting, fishing, and trapping on the lands withdrawn by this chapter shall be conducted in accordance with the provisions of section 2671 of title 10, United States Code.

SEC. 9011. MINING AND MINERAL LEASING. (a) DETERMINATION OF LANDS SUITABLE FOR OPENING.—(1) As soon as practicable after the date of the enactment of this Act and at least every five years thereafter, the Secretary of the Interior shall determine, with the concurrence of the Secretary of the military department concerned, which public and acquired lands (except as provided in this subsection) described in subsections (a), (b), and (c) of section 9002 the Secretary of the Interior considers suitable for opening to the operation of the Mining Law of 1872, the Mineral Lands Leasing Act of 1920, the Mineral Leasing Act for Acquired Lands of 1947, the Geothermal Steam Act of 1970, or any one or more of such Acts.

(2) The Secretary of the Interior shall publish a notice in the Federal Register listing the lands determined suitable for opening pursuant to this section and specifying the opening date.

(b) OPENING LANDS.—On the day specified by the Secretary of the Interior in a notice published in the Federal Register pursuant to subsection (a), the land identified under subsection (a) as suitable for opening to the operation of one or more of the laws specified in subsection (a) shall automatically be open to the operation of such laws without the necessity for further action by the Secretary or Congress.

(c) EXCEPTION FOR COMMON VARIETIES.—No deposit of minerals or materials of the types identified by section 3 of the Act of July 23, 1955 (69 Stat. 367), whether or not included in the term "common varieties" in that Act, shall be subject to location under the Mining Law of 1872 on lands described in section 9002.

(d) REGULATIONS.—(1) The Secretary of the Interior, with the advice and concurrence of the Secretary of the military department concerned, shall prescribe such regulations to implement this section as may be nec-

essary to assure safe, uninterrupted, and unimpeded use of the lands described in section 9002 for military purposes.

(2) Such regulations shall contain guidelines to assist mining claimants in determining how much, if any, of the surface of any lands opened pursuant to this section may be used for purposes incident to mining.

(e) CLOSURE OF MINING LANDS.—In the event of a national emergency or for purposes of national defense or security, the Secretary of the Interior, at the request of the Secretary of the military department concerned, shall close any lands that have been opened to mining or to mineral or geothermal leasing pursuant to this section.

(f) LAWS GOVERNING MINING ON WITHDRAWN LANDS.—(1) Except as otherwise provided in this chapter, mining claims located pursuant to this chapter shall be subject to the provisions of the mining laws. In the event of a conflict between those laws and this chapter, this chapter shall prevail.

(2) All mining claims located under the terms of this chapter shall be subject to the provisions of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(g) PATENTS.—(1) Patents issued pursuant to this chapter for locatable minerals shall convey title to locatable minerals only, together with the right to use so much of the surface as may be necessary for purposes incident to mining under the guidelines for such use established by the Secretary of the Interior by regulation.

(2) All such patents shall contain a reservation to the United States of the surface of all lands patented and of all nonlocatable minerals on those lands.

(3) For the purposes of this subsection, all minerals subject to location under the Mining Law of 1872 shall be treated as locatable minerals.

SEC. 9012. IMMUNITY OF UNITED STATES. The United States and all departments or agencies thereof shall be held harmless and shall not be liable for any injuries or damages to persons or property suffered in the course of any mining or mineral or geothermal leasing activity conducted on lands described in section 9002.

CHAPTER 2

MCGREGOR RANGE LAND WITHDRAWAL

SEC. 9051. SHORT TITLE. This chapter may be cited as the "McGregor Range Withdrawal Act".

SEC. 9052. DEFINITIONS. In this chapter:

(1) The term "Materials Act" means the Act of July 31, 1947 (commonly known as the Materials Act of 1947; 30 U.S.C. 601–604).

(2) The term "management plan" means the natural resources management plan prepared by the Secretary of the Army pursuant to section 9055(e).

(3) The term "withdrawn lands" means the lands described in subsection (d) of section 9053 that are withdrawn and reserved under section 9053.

(4) The term "withdrawal period" means the period specified in section 9057(a).

SEC. 9053. WITHDRAWAL AND RESERVATION OF LANDS AT MCGREGOR RANGE, NEW MEXICO. (a) WITHDRAWAL.—Subject to valid existing rights, and except as otherwise provided in this chapter, the Federal lands at McGregor Range in the State of New Mexico that are described in subsection (d) are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, but not the Materials Act.

(b) PURPOSE.—The purpose of the withdrawal is to support military training and testing, all other uses of the withdrawn lands shall be secondary in nature.

(c) RESERVATION.—The withdrawn lands are reserved for use by the Secretary of the Army for military training and testing.

(d) **LAND DESCRIPTION.**—The lands withdrawn and reserved by this section (a) comprise approximately 608,000 acres of Federal land in Otero County, New Mexico, as generally depicted on the map entitled "McGregor Range Land Withdrawal-Proposed," dated January __, 1999, and filed in accordance with section 9054.

SEC. 9054. MAPS AND LEGAL DESCRIPTION. (a) **PREPARATION OF MAPS AND LEGAL DESCRIPTION.**—As soon as practicable after the date of the enactment of this Act, the Secretary of the Interior shall—

(1) publish in the Federal Register a notice containing the legal description of the withdrawn lands; and

(2) file one or more maps of the withdrawn lands and the legal description of the withdrawn lands with the Committee on Energy and Natural Resources of the Senate and with the Committee on Resources of the House of Representatives.

(b) **LEGAL EFFECT.**—The maps and legal description shall have the same force and effect as if they were included in this chapter, except that the Secretary of the Interior may correct clerical and typographical errors in the maps and legal description.

(c) **AVAILABILITY.**—Copies of the maps and the legal description shall be available for public inspection in the offices of the New Mexico State Director and Las Cruces Field Office Manager of the Bureau of Land Management and in the office of the Commander Officer of Fort Bliss, Texas.

SEC. 9055. MANAGEMENT OF WITHDRAWN LANDS. (a) **GENERAL MANAGEMENT AUTHORITY.**—During the withdrawal period, the Secretary of the Army shall manage the withdrawn lands, in accordance with the provisions of this chapter and the management plan prepared under subsection (e), for the military purposes specified in section 9053(c).

(b) **ACCESS RESTRICTIONS.**—

(1) **AUTHORITY TO CLOSE.**—Subject to paragraph (2), if the Secretary of the Army determines that military operations, public safety, or national security require the closure to public use of any portion of the withdrawn lands (including any road or trail therein) commonly in public use, the Secretary of the Army is authorized to take such action.

(2) **REQUIREMENTS.**—Any closure under paragraph (1) shall be limited to the minimum areas and periods required for the purposes specified in such paragraph. During a closure, the Secretary of the Army shall keep appropriate warning notices posted and take appropriate steps to notify the public about the closure.

(c) **MANAGEMENT OF WITHDRAWN AND ACQUIRED MINERAL RESOURCES.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the Secretary of the Interior shall manage all withdrawn and acquired mineral resources within the boundaries of McGregor Range in accordance with Public Law 85-337 (commonly known as the Engle Act; 43 U.S.C. 155-158).

(2) **MANAGEMENT OF MINERAL MATERIALS.**—Notwithstanding any other provision of this chapter or the Materials Act, the Secretary of the Army may use, from the withdrawn lands, sand, gravel, or similar mineral material resources of the type subject to disposition under the Materials Act, when the use of such resources is required for construction needs of Fort Bliss.

(d) **HUNTING, FISHING, AND TRAPPING.**—All hunting, fishing, and trapping on the withdrawn lands shall be conducted in accordance with section 2671 of title 10, United States Code, and the Sikes Act (16 U.S.C. 670 et seq.).

(e) **MANAGEMENT PLAN.**—

(1) **REQUIRED.**—The Secretary of the Army and the Secretary of the Interior shall jointly develop a natural resources management

plan for the lands withdrawn under this chapter for the withdrawal period. The management plan shall be developed not later than three years after the date of the enactment of this Act and shall be reviewed at least once every five years after its adoption to determine if it should be amended.

(2) **CONTENT.**—The management plan shall—

(A) include provisions for proper management and protection of the natural, cultural, and other resources and values of the withdrawn lands and for use of such resources to the extent consistent with the purpose of the withdrawal specified in section 9053(b);

(B) identify the withdrawn lands (if any) that are suitable for opening to the operation of the mineral leasing or geothermal leasing laws;

(C) provide for the continuation of livestock grazing at the discretion of the Secretary of the Army under such authorities as are available to the Secretary; and

(D) provide that the Secretary of the Army shall take necessary precautions to prevent, suppress, or manage brush and range fires occurring within the boundaries of McGregor Range, as well as brush and range fires occurring outside the boundaries of McGregor Range resulting from military activities at the range.

(3) **FIRE SUPPRESSION ASSISTANCE.**—The Secretary of the Army may seek assistance from the Bureau of Land Management in suppressing any brush or range fire occurring within the boundaries of McGregor Range or any brush or range fire occurring outside the boundaries of McGregor Range resulting from military activities at the range. The memorandum of understanding under section 9056 shall provide for assistance from the Bureau of Land Management in the suppression of such fires and require the Secretary of the Army to reimburse the Bureau of Land Management for such assistance.

SEC. 9056. MEMORANDUM OF UNDERSTANDING. (a) **REQUIREMENT.**—The Secretary of the Army and the Secretary of the Interior shall enter into a memorandum of understanding to implement this chapter and the management plan.

(b) **DURATION.**—The duration of the memorandum of understanding shall be the same as the withdrawal period.

(c) **AMENDMENT.**—The memorandum of understanding may be amended by agreement of both Secretaries.

SEC. 9057. TERMINATION OF WITHDRAWAL AND RESERVATION; EXTENSION. (a) **TERMINATION DATE.**—The withdrawal and reservation made by this chapter shall terminate 50 years after the date of enactment of this Act.

(b) **REQUIREMENTS FOR EXTENSION.**—

(1) **NOTICE OF CONTINUED MILITARY NEED.**—Not later than five years before the end of the withdrawal period, the Secretary of the Army shall advise the Secretary of the Interior as to whether or not the Army will have a continuing military need for any or all of the withdrawn lands after the end of the withdrawal period.

(2) **APPLICATION FOR EXTENSION.**—If the Secretary of the Army determines that there will be a continuing military need for any or all of the withdrawn lands after the end of the withdrawal period, the Secretary of the Army shall file an application for extension of the withdrawal and reservation of the lands in accordance with the then existing regulations and procedures of the Department of the Interior applicable to extension of withdrawal of lands for military purposes and that are consistent with this chapter. The application shall be filed with the Department of the Interior not later than four

years before the end of the withdrawal period.

(c) **LIMITATION ON EXTENSION.**—The withdrawal and reservation made by this chapter may not be extended or renewed except by Act or joint resolution.

SEC. 9058. RELINQUISHMENT OF WITHDRAWN LANDS. (a) **FILING OF RELINQUISHMENT NOTICE.**—If, during the withdrawal period, the Secretary of the Army decides to relinquish all or any portion of the withdrawn lands, the Secretary of the Army shall file a notice of intention to relinquish with the Secretary of the Interior.

(b) **DETERMINATION OF PRESENCE OF CONTAMINATION.**—Before transmitting a relinquishment notice under subsection (a), the Secretary of the Army, in consultation with the Secretary of the Interior, shall prepare a written determination concerning whether and to what extent the lands to be relinquished are contaminated with explosive, toxic, or other hazardous wastes and substances. A copy of such determination shall be transmitted with the relinquishment notice.

(c) **DECONTAMINATION AND REMEDIATION.**—In the case of contaminated lands which are the subject of a relinquishment notice, the Secretary of the Army shall decontaminate or remediate the land to the extent that funds are appropriated for such purpose if the Secretary of the Interior, in consultation with the Secretary of the Army, determines that—

(1) decontamination or remediation of the lands is practicable and economically feasible, taking into consideration the potential future use and value of the land; and

(2) upon decontamination or remediation, the land could be opened to the operation of some or all of the public land laws, including the mining laws.

(d) **DECONTAMINATION AND REMEDIATION ACTIVITIES SUBJECT TO OTHER LAWS.**—The activities of the Secretary of the Army under subsection (c) are subject to applicable laws and regulations, including the Defense Environmental Restoration Program established under section 2701 of title 10, United States Code, the Comprehensive Environmental Response Compensation and Liability Act of 1980 (42 U.S.C. 9601 et seq.), and the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(e) **AUTHORITY OF SECRETARY OF THE INTERIOR TO REFUSE CONTAMINATED LANDS.**—The Secretary of the Interior shall not be required to accept lands specified in a relinquishment notice if the Secretary of the Interior, after consultation with the Secretary of the Army, concludes that—

(1) decontamination or remediation of any land subject to the relinquishment notice is not practicable or economically feasible;

(2) the land cannot be decontaminated or remediated sufficiently to be opened to operation of some or all of the public land laws; or

(3) a sufficient amount of funds are not appropriated for the decontamination of the land.

(f) **STATUS OF CONTAMINATED LANDS.**—If, because of the condition of the lands, the Secretary of the Interior declines to accept jurisdiction of lands proposed for relinquishment or, if at the expiration of the withdrawal made under this chapter, the Secretary of the Interior determines that some of the withdrawn lands are contaminated to an extent which prevents opening such contaminated lands to operation of the public land laws—

(1) the Secretary of the Army shall take appropriate steps to warn the public of the contaminated state of such lands and any risks associated with entry onto such lands;

(2) after the expiration of the withdrawal, the Secretary of the Army shall retain jurisdiction over the withdrawn lands, but shall

undertake no activities on such lands except in connection with the decontamination or remediation of such lands; and

(3) the Secretary of the Army shall report to the Secretary of the Interior and to the Congress concerning the status of such lands and all actions taken under paragraphs (1) and (2).

(g) **SUBSEQUENT DECONTAMINATION OR REMEDIATION.**—If lands covered by subsection (f) are subsequently decontaminated or remediated and the Secretary of the Army certifies that the lands are safe for nonmilitary uses, the Secretary of the Interior shall reconsider accepting jurisdiction over the lands.

(h) **REVOCATION AUTHORITY.**—Notwithstanding any other provision of law, upon deciding that it is in the public interest to accept jurisdiction over lands specified in a relinquishment notice, the Secretary of the Interior may revoke the withdrawal and reservation made under this chapter as it applies to such lands. If the decision be made to accept the relinquishment and to revoke the withdrawal and reservation, the Secretary of the Interior shall publish in the Federal Register an appropriate order which shall—

(1) terminate the withdrawal and reservation;

(2) constitute official acceptance of full jurisdiction over the lands by the Secretary of the Interior; and

(3) state the date upon which the lands will be opened to the operation of the public land laws, including the mining laws, if appropriate.

SEC. 9059. DELEGATIONS OF AUTHORITY. (a) **SECRETARY OF THE ARMY.**—The functions of the Secretary of the Army under this chapter may be delegated.

(b) **SECRETARY OF THE INTERIOR.**—The functions of the Secretary of the Interior under this chapter may be delegated, except that an order under section 9058(h) to accept relinquishment of withdrawn lands may be approved and signed only by the Secretary of the Interior, the Deputy Secretary of the Interior, or an Assistant Secretary of the Interior.

TITLE X

SUSPENSION OF CERTAIN SANCTIONS AGAINST INDIA AND PAKISTAN

SEC. 10001. SUSPENSION OF SANCTIONS. (a) **IN GENERAL.**—Effective for the period of five years commencing on the date of enactment of this Act, the sanctions contained in the following provisions of law shall not apply to India and Pakistan with respect to any grounds for the imposition of sanctions under those provisions arising prior to that date:

(1) Section 101 of the Arms Export Control Act (22 U.S.C. 2799aa).

(2) Section 102 of the Arms Export Control Act (22 U.S.C. 2799aa-1) other than subsection (b)(2)(B), (C), or (G).

(3) Section 2(b)(4) of the Export Import Bank Act of 1945 (12 U.S.C. 635(b)(4)).

(b) **SPECIAL RULE FOR COMMERCIAL EXPORTS OF DUAL-USE ARTICLES AND TECHNOLOGY.**—The sanction contained in section 102(b)(2)(G) of the Arms Export Control Act (22 U.S.C. 2799aa-1(b)(2)(G)) shall not apply to India or Pakistan with respect to any grounds for the imposition of that sanction arising prior to the date of enactment of this Act if imposition of the sanction (but for this paragraph) would deny any license for the export of any dual-use article, or related dual-use technology (including software), listed on the Commerce Control List of the Export Administration Regulations that would not contribute directly to missile development or to a nuclear weapons program. For purposes of this subsection, an article or

technology that is not primarily used for missile development or nuclear weapons programs.

(c) **NATIONAL SECURITY INTERESTS WAIVER OF SANCTIONS.**—

(1) **IN GENERAL.**—The restriction on assistance in section 102(b)(2)(B), (C), or (G) of the Arms Export Control Act shall not apply if the President determines, and so certifies to Congress, that the application of the restriction would not be in the national security interests of the United States.

(2) **SENSE OF THE SENATE.**—It is the sense of the Senate that—

(A) no waiver under paragraph (1) should be invoked for section 102(b)(2)(B) or (C) of the Arms Export Control Act with respect to any party that initiates or supports activities that jeopardize peace and security in Jammu and Kashmir;

(B) the broad application of export controls to nearly 300 Indian and Pakistani entities is inconsistent with the specific national security interests of the United States and that this control list requires refinement; and

(C) export controls should be applied only to those Indian and Pakistani entities that make direct and material contributions to weapons of mass destruction and missile programs and only to those items that can contribute such programs.

(d) **REPORTING REQUIREMENT.**—Not later than 60 days after the date of enactment of this Act, the President shall submit a report to the appropriate congressional committees listing those Indian and Pakistani entities whose activities contribute directly and materially to missile programs or weapons of mass destruction programs.

(e) **CONGRESSIONAL NOTIFICATION.**—A license for the export of a defense article, defense service, or technology is subject to the same requirements as are applicable to the export of items described in section 36(c) of the Arms Export Control Act (22 U.S.C. 2776(c)), including the transmittal of information and the application of congressional review procedures described in that section.

(f) **RENEWAL OF SUSPENSION.**—Upon the expiration of the initial five-year period of suspension of the sanctions contained in paragraph (1) or (2) of subsection (a), the President may renew the suspension with respect to India, Pakistan, or both for additional periods of five years each if, not less than 30 days prior to each renewal of suspension, the President certifies to the appropriate congressional committees that it is in the national interest of the United States to do so.

(g) **RESTRICTION.**—The authority of subsection (a) may not be used to provide assistance under chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.; relating to economic support fund assistance) except for—

(1) assistance that supports the activities of nongovernmental organizations;

(2) assistance that supports democracy or the establishment of democratic institutions; or

(3) humanitarian assistance.

(h) **STATUTORY CONSTRUCTION.**—Nothing in this Act prohibits the imposition of sanctions by the President under any provision of law specified in subsection (a) or (b) by reason of any grounds for the imposition of sanctions under that provision of law arising on or after the date of enactment of this Act.

SEC. 10002. REPEALS. The following provisions of law are repealed:

(1) Section 620E(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2375(e)).

(2) The India-Pakistan Relief Act (title IX of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999, as contained in section 101(a) of Public Law 105-277).

SEC. 10003. APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED. In this title, the term

“appropriate congressional committees” means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

This Act may be cited as the “Department of Defense Appropriations Act, 2000”.

RECOGNITION OF JEANINE ESPERNE

Mr. KYL. Mr. President, it is common for Members of the Senate to thank members of their staff, particularly after handling an important piece of legislation. I am sure our constituents realize much of what we do is in reliance on very capable members of our staff. I have never taken the opportunity to talk about a member of my staff before, but on this occasion I wish to do so very briefly, because tomorrow a member of my staff is leaving to go on to another wonderful opportunity. I think it is important to recognize her as someone who embodies really the qualifications and the qualities of staff that all of us would like to have work with us and represent our constituents' interests.

Her name is Jeanine Esperne. She began working with me about a dozen years ago when I was a Member of the House of Representatives and served on the House Armed Services Committee. She became my chief legislative assistant on defense matters. She came from the office of General Abramson, who at the time was head of the Strategic Defense Initiative Organization at the Pentagon, with rich experience in defense and national security matters.

She worked with me as staff person on my Defense Armed Services Committee matters throughout my career in the House. Then, when I came to the Senate, she remained on my staff responsible for all foreign policy and national security matters.

That was important, because I began serving immediately on the Senate Select Committee on Intelligence in an active capacity and had a significant need for someone of her qualifications and experience.

In addition to that, I chaired the Subcommittee on Technology, Terrorism, and Government Information of the Judiciary Committee, again requiring someone with her expertise to assist me in those matters.

Throughout her tenure on my staff, she has worked with Arizona companies and interests that have important defense-related concerns and with other people around the country who share a strong desire that we have a strong national defense, including contractors and other individuals with a direct interest in the government process.

During this time, the feedback I received from both my own constituents and others around the country was uniformly in praise of Jeanine Esperne for her willingness to listen, her professionalism, the fact she used time very economically. She didn't waste time; she understood that time was important to everyone. She got her job done