

105TH CONGRESS  
1ST SESSION

# H. R. 2266

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IN THE SENATE OF THE UNITED STATES

JULY 29, 1997

Received

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## AN ACT

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

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 That the following sums are appropriated, out of any

1 money in the Treasury not otherwise appropriated, for the  
2 fiscal year ending September 30, 1998, for military func-  
3 tions administered by the Department of Defense, and for  
4 other purposes, namely:

5 TITLE I

6 MILITARY PERSONNEL

7 MILITARY PERSONNEL, ARMY

8 For pay, allowances, individual clothing, subsistence,  
9 interest on deposits, gratuities, permanent change of sta-  
10 tion travel (including all expenses thereof for organiza-  
11 tional movements), and expenses of temporary duty travel  
12 between permanent duty stations, for members of the  
13 Army on active duty (except members of reserve compo-  
14 nents provided for elsewhere), cadets, and aviation cadets;  
15 and for payments pursuant to section 156 of Public Law  
16 97-377, as amended (42 U.S.C. 402 note), to section  
17 229(b) of the Social Security Act (42 U.S.C. 429(b)), and  
18 to the Department of Defense Military Retirement Fund;  
19 \$20,445,381,000.

20 MILITARY PERSONNEL, NAVY

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

1 Navy on active duty (except members of the Reserve pro-  
2 vided for elsewhere), midshipmen, and aviation cadets; and  
3 for payments pursuant to section 156 of Public Law 97-  
4 377, as amended (42 U.S.C. 402 note), to section 229(b)  
5 of the Social Security Act (42 U.S.C. 429(b)), and to the  
6 Department of Defense Military Retirement Fund;  
7 \$16,504,911,000.

8           MILITARY PERSONNEL, MARINE CORPS

9           For pay, allowances, individual clothing, subsistence,  
10 interest on deposits, gratuities, permanent change of sta-  
11 tion travel (including all expenses thereof for organiza-  
12 tional movements), and expenses of temporary duty travel  
13 between permanent duty stations, for members of the Ma-  
14 rine Corps on active duty (except members of the Reserve  
15 provided for elsewhere); and for payments pursuant to sec-  
16 tion 156 of Public Law 97-377, as amended (42 U.S.C.  
17 402 note), to section 229(b) of the Social Security Act  
18 (42 U.S.C. 429(b)), and to the Department of Defense  
19 Military Retirement Fund; \$6,141,635,000.

20           MILITARY PERSONNEL, AIR FORCE

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

1 Force on active duty (except members of reserve compo-  
2 nents provided for elsewhere), cadets, and aviation cadets;  
3 and for payments pursuant to section 156 of Public Law  
4 97-377, as amended (42 U.S.C. 402 note), to section  
5 229(b) of the Social Security Act (42 U.S.C. 429(b)), and  
6 to the Department of Defense Military Retirement Fund;  
7 \$17,044,874,000.

8 RESERVE PERSONNEL, ARMY

9 For pay, allowances, clothing, subsistence, gratuities,  
10 travel, and related expenses for personnel of the Army Re-  
11 serve on active duty under sections 10211, 10302, and  
12 3038 of title 10, United States Code, or while serving on  
13 active duty under section 12301(d) of title 10, United  
14 States Code, in connection with performing duty specified  
15 in section 12310(a) of title 10, United States Code, or  
16 while undergoing reserve training, or while performing  
17 drills or equivalent duty or other duty, and for members  
18 of the Reserve Officers' Training Corps, and expenses au-  
19 thorized by section 16131 of title 10, United States Code;  
20 and for payments to the Department of Defense Military  
21 Retirement Fund; \$2,045,615,000.

22 RESERVE PERSONNEL, NAVY

23 For pay, allowances, clothing, subsistence, gratuities,  
24 travel, and related expenses for personnel of the Navy Re-  
25 serve on active duty under section 10211 of title 10, Unit-

1 ed States Code, or while serving on active duty under sec-  
2 tion 12301(d) of title 10, United States Code, in connec-  
3 tion with performing duty specified in section 12310(a)  
4 of title 10, United States Code, or while undergoing re-  
5 serve training, or while performing drills or equivalent  
6 duty, and for members of the Reserve Officers' Training  
7 Corps, and expenses authorized by section 16131 of title  
8 10, United States Code; and for payments to the Depart-  
9 ment of Defense Military Retirement Fund;  
10 \$1,377,249,000.

11 RESERVE PERSONNEL, MARINE CORPS

12 For pay, allowances, clothing, subsistence, gratuities,  
13 travel, and related expenses for personnel of the Marine  
14 Corps Reserve on active duty under section 10211 of title  
15 10, United States Code, or while serving on active duty  
16 under section 12301(d) of title 10, United States Code,  
17 in connection with performing duty specified in section  
18 12310(a) of title 10, United States Code, or while under-  
19 going reserve training, or while performing drills or equiv-  
20 alent duty, and for members of the Marine Corps platoon  
21 leaders class, and expenses authorized by section 16131  
22 of title 10, United States Code; and for payments to the  
23 Department of Defense Military Retirement Fund;  
24 \$391,953,000.

## 1                   RESERVE PERSONNEL, AIR FORCE

2           For pay, allowances, clothing, subsistence, gratuities,  
3 travel, and related expenses for personnel of the Air Force  
4 Reserve on active duty under sections 10211, 10305, and  
5 8038 of title 10, United States Code, or while serving on  
6 active duty under section 12301(d) of title 10, United  
7 States Code, in connection with performing duty specified  
8 in section 12310(a) of title 10, United States Code, or  
9 while undergoing reserve training, or while performing  
10 drills or equivalent duty or other duty, and for members  
11 of the Air Reserve Officers' Training Corps, and expenses  
12 authorized by section 16131 of title 10, United States  
13 Code; and for payments to the Department of Defense  
14 Military Retirement Fund; \$814,772,000.

## 15                   NATIONAL GUARD PERSONNEL, ARMY

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

1 section 16131 of title 10, United States Code; and for pay-  
2 ments to the Department of Defense Military Retirement  
3 Fund; \$3,245,387,000.

4 NATIONAL GUARD PERSONNEL, AIR FORCE

5 For pay, allowances, clothing, subsistence, gratuities,  
6 travel, and related expenses for personnel of the Air Na-  
7 tional Guard on duty under section 10211, 10305, or  
8 12402 of title 10 or section 708 of title 32, United States  
9 Code, or while serving on duty under section 12301(d) of  
10 title 10 or section 502(f) of title 32, United States Code,  
11 in connection with performing duty specified in section  
12 12310(a) of title 10, United States Code, or while under-  
13 going training, or while performing drills or equivalent  
14 duty or other duty, and expenses authorized by section  
15 16131 of title 10, United States Code; and for payments  
16 to the Department of Defense Military Retirement Fund;  
17 \$1,331,417,000.

18 TITLE II

19 OPERATION AND MAINTENANCE

20 OPERATION AND MAINTENANCE, ARMY

21 (INCLUDING TRANSFER OF FUNDS)

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

1 pended on the approval or authority of the Secretary of  
2 the Army, and payments may be made on his certificate  
3 of necessity for confidential military purposes;  
4 \$17,078,218,000 and, in addition, \$50,000,000 shall be  
5 derived by transfer from the National Defense Stockpile  
6 Transaction Fund: *Provided*, That of the funds appro-  
7 priated in this paragraph, not less than \$300,000,000  
8 shall be made available only for conventional ammunition  
9 care and maintenance.

10 OPERATION AND MAINTENANCE, NAVY

11 (INCLUDING TRANSFER OF FUNDS)

12 For expenses, not otherwise provided for, necessary  
13 for the operation and maintenance of the Navy and the  
14 Marine Corps, as authorized by law; and not to exceed  
15 \$4,011,000, can be used for emergencies and extraor-  
16 dinary expenses, to be expended on the approval or author-  
17 ity of the Secretary of the Navy, and payments may be  
18 made on his certificate of necessity for confidential mili-  
19 tary purposes; \$21,779,365,000, and in addition,  
20 \$50,000,000 shall be derived by transfer from the Na-  
21 tional Defense Stockpile Transaction Fund: *Provided*,  
22 That of the funds appropriated in this paragraph,  
23 \$406,666,000 shall not be obligated or expended until au-  
24 thorized by law.

## 1 OPERATION AND MAINTENANCE, MARINE CORPS

2 For expenses, not otherwise provided for, necessary  
3 for the operation and maintenance of the Marine Corps,  
4 as authorized by law; \$2,598,032,000: *Provided*, That of  
5 the funds appropriated in this paragraph, \$216,787,000  
6 shall not be obligated or expended until authorized by law.

## 7 OPERATION AND MAINTENANCE, AIR FORCE

8 (INCLUDING TRANSFER OF FUNDS)

9 For expenses, not otherwise provided for, necessary  
10 for the operation and maintenance of the Air Force, as  
11 authorized by law; and not to exceed \$8,362,000 can be  
12 used for emergencies and extraordinary expenses, to be ex-  
13 pended on the approval or authority of the Secretary of  
14 the Air Force, and payments may be made on his certifi-  
15 cate of necessity for confidential military purposes;  
16 \$18,740,167,000, and in addition, \$50,000,000 shall be  
17 derived by transfer from the National Defense Stockpile  
18 Transaction Fund.

## 19 OPERATION AND MAINTENANCE, DEFENSE-WIDE

20 For expenses, not otherwise provided for, necessary  
21 for the operation and maintenance of activities and agen-  
22 cies of the Department of Defense (other than the military  
23 departments), as authorized by law; \$10,066,956,000 (re-  
24 duced by \$15,000,000) (increased by \$2,000,000), of  
25 which not to exceed \$25,000,000 may be available for the

1 CINC initiative fund account; and of which not to exceed  
2 \$28,850,000 can be used for emergencies and extraor-  
3 dinary expenses, to be expended on the approval or author-  
4 ity of the Secretary of Defense, and payments may be  
5 made on his certificate of necessity for confidential mili-  
6 tary purposes: *Provided*, That of the funds appropriated  
7 in this paragraph, \$36,899,000 shall not be obligated or  
8 expended until authorized by law.

9 OPERATION AND MAINTENANCE, ARMY RESERVE

10 For expenses, not otherwise provided for, necessary  
11 for the operation and maintenance, including training, or-  
12 ganization, and administration, of the Army Reserve; re-  
13 pair of facilities and equipment; hire of passenger motor  
14 vehicles; travel and transportation; care of the dead; re-  
15 cruiting; procurement of services, supplies, and equip-  
16 ment; and communications; \$1,207,891,000: *Provided*,  
17 That of the funds appropriated in this paragraph,  
18 \$5,000,000 shall not be obligated or expended until au-  
19 thorized by law.

20 OPERATION AND MAINTENANCE, NAVY RESERVE

21 For expenses, not otherwise provided for, necessary  
22 for the operation and maintenance, including training, or-  
23 ganization, and administration, of the Navy Reserve; re-  
24 pair of facilities and equipment; hire of passenger motor  
25 vehicles; travel and transportation; care of the dead; re-

1 recruiting; procurement of services, supplies, and equip-  
2 ment; and communications; \$924,711,000: *Provided*, That  
3 of the funds appropriated in this paragraph, \$75,000,000  
4 shall not be obligated or expended until authorized by law.

5 OPERATION AND MAINTENANCE, MARINE CORPS

6 RESERVE

7 For expenses, not otherwise provided for, necessary  
8 for the operation and maintenance, including training, or-  
9 ganization, and administration, of the Marine Corps Re-  
10 serve; repair of facilities and equipment; hire of passenger  
11 motor vehicles; travel and transportation; care of the dead;  
12 recruiting; procurement of services, supplies, and equip-  
13 ment; and communications; \$119,266,000: *Provided*, That  
14 of the funds appropriated in this paragraph, \$8,900,000  
15 shall not be obligated or expended until authorized by law.

16 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

17 For expenses, not otherwise provided for, necessary  
18 for the operation and maintenance, including training, or-  
19 ganization, and administration, of the Air Force Reserve;  
20 repair of facilities and equipment; hire of passenger motor  
21 vehicles; travel and transportation; care of the dead; re-  
22 cruiting; procurement of services, supplies, and equip-  
23 ment; and communications; \$1,635,250,000: *Provided*,  
24 That of the funds appropriated in this paragraph,

1 \$6,130,000 shall not be obligated or expended until au-  
2 thorized by law.

3 OPERATION AND MAINTENANCE, ARMY NATIONAL  
4 GUARD

5 For expenses of training, organizing, and administer-  
6 ing the Army National Guard, including medical and hos-  
7 pital treatment and related expenses in non-Federal hos-  
8 pitals; maintenance, operation, and repairs to structures  
9 and facilities; hire of passenger motor vehicles; personnel  
10 services in the National Guard Bureau; travel expenses  
11 (other than mileage), as authorized by law for Army per-  
12 sonnel on active duty, for Army National Guard division,  
13 regimental, and battalion commanders while inspecting  
14 units in compliance with National Guard Bureau regula-  
15 tions when specifically authorized by the Chief, National  
16 Guard Bureau; supplying and equipping the Army Na-  
17 tional Guard as authorized by law; and expenses of repair,  
18 modification, maintenance, and issue of supplies and  
19 equipment (including aircraft); \$2,313,632,000: *Provided*,  
20 That of the funds appropriated in this paragraph,  
21 \$47,200,000 shall not be obligated or expended until au-  
22 thorized by law.

23 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

24 For operation and maintenance of the Air National  
25 Guard, including medical and hospital treatment and re-

1 lated expenses in non-Federal hospitals; maintenance, op-  
2 eration, repair, and other necessary expenses of facilities  
3 for the training and administration of the Air National  
4 Guard, including repair of facilities, maintenance, oper-  
5 ation, and modification of aircraft; transportation of  
6 things, hire of passenger motor vehicles; supplies, mate-  
7 rials, and equipment, as authorized by law for the Air Na-  
8 tional Guard; and expenses incident to the maintenance  
9 and use of supplies, materials, and equipment, including  
10 such as may be furnished from stocks under the control  
11 of agencies of the Department of Defense; travel expenses  
12 (other than mileage) on the same basis as authorized by  
13 law for Air National Guard personnel on active Federal  
14 duty, for Air National Guard commanders while inspecting  
15 units in compliance with National Guard Bureau regula-  
16 tions when specifically authorized by the Chief, National  
17 Guard Bureau; \$2,995,719,000: *Provided*, That of the  
18 funds appropriated in this paragraph, \$9,750,000 shall  
19 not be obligated or expended until authorized by law.

20 OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND

21 (INCLUDING TRANSFER OF FUNDS)

22 For expenses directly relating to Overseas Contin-  
23 gency Operations by United States military forces;  
24 \$1,855,400,000: *Provided*, That the Secretary of Defense  
25 may transfer these funds only to operation and mainte-

1 nance accounts within this title, and working capital  
2 funds: *Provided further*, That the funds transferred shall  
3 be merged with and shall be available for the same pur-  
4 poses and for the same time period, as the appropriation  
5 to which transferred: *Provided further*, That the transfer  
6 authority provided in this paragraph is in addition to any  
7 other transfer authority contained elsewhere in this Act:  
8 *Provided further*, That of the funds appropriated in this  
9 paragraph, \$387,900,000 shall not be obligated or ex-  
10 pended until authorized by law.

11 UNITED STATES COURT OF APPEALS FOR THE ARMED  
12 FORCES

13 For salaries and expenses necessary for the United  
14 States Court of Appeals for the Armed Forces;  
15 \$6,952,000, of which not to exceed \$5,000 can be used  
16 for official representation purposes.

17 ENVIRONMENTAL RESTORATION, ARMY  
18 (INCLUDING TRANSFER OF FUNDS)

19 For the Department of the Army, \$377,337,000, to  
20 remain available until transferred: *Provided*, That the Sec-  
21 retary of the Army shall, upon determining that such  
22 funds are required for environmental restoration, reduc-  
23 tion and recycling of hazardous waste, removal of unsafe  
24 buildings and debris of the Department of the Army, or  
25 for similar purposes, transfer the funds made available by

1 this appropriation to other appropriations made available  
2 to the Department of the Army, to be merged with and  
3 to be available for the same purposes and for the same  
4 time period as the appropriations to which transferred:  
5 *Provided further*, That upon a determination that all or  
6 part of the funds transferred from this appropriation are  
7 not necessary for the purposes provided herein, such  
8 amounts may be transferred back to this appropriation.

9 ENVIRONMENTAL RESTORATION, NAVY

10 (INCLUDING TRANSFER OF FUNDS)

11 For the Department of the Navy, \$277,500,000, to  
12 remain available until transferred: *Provided*, That the Sec-  
13 retary of the Navy shall, upon determining that such  
14 funds are required for environmental restoration, reduc-  
15 tion and recycling of hazardous waste, removal of unsafe  
16 buildings and debris of the Department of the Navy, or  
17 for similar purposes, transfer the funds made available by  
18 this appropriation to other appropriations made available  
19 to the Department of the Navy, to be merged with and  
20 to be available for the same purposes and for the same  
21 time period as the appropriations to which transferred:  
22 *Provided further*, That upon a determination that all or  
23 part of the funds transferred from this appropriation are  
24 not necessary for the purposes provided herein, such  
25 amounts may be transferred back to this appropriation.

## 1 ENVIRONMENTAL RESTORATION, AIR FORCE

2 (INCLUDING TRANSFER OF FUNDS)

3 For the Department of the Air Force, \$378,900,000,  
4 to remain available until transferred: *Provided*, That the  
5 Secretary of the Air Force shall, upon determining that  
6 such funds are required for environmental restoration, re-  
7 duction and recycling of hazardous waste, removal of un-  
8 safe buildings and debris of the Department of the Air  
9 Force, or for similar purposes, transfer the funds made  
10 available by this appropriation to other appropriations  
11 made available to the Department of the Air Force, to be  
12 merged with and to be available for the same purposes  
13 and for the same time period as the appropriations to  
14 which transferred: *Provided further*, That upon a deter-  
15 mination that all or part of the funds transferred from  
16 this appropriation are not necessary for the purposes pro-  
17 vided herein, such amounts may be transferred back to  
18 this appropriation.

## 19 ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

20 (INCLUDING TRANSFER OF FUNDS)

21 For the Department of the Defense, \$27,900,000, to  
22 remain available until transferred: *Provided*, That the Sec-  
23 retary of Defense shall, upon determining that such funds  
24 are required for environmental restoration, reduction and  
25 recycling of hazardous waste, removal of unsafe buildings

1 and debris of the Department of Defense, or for similar  
2 purposes, transfer the funds made available by this appro-  
3 priation to other appropriations made available to the De-  
4 partment of Defense, to be merged with and to be avail-  
5 able for the same purposes and for the same time period  
6 as the appropriations to which transferred: *Provided fur-*  
7 *ther*, That upon a determination that all or part of the  
8 funds transferred from this appropriation are not nec-  
9 essary for the purposes provided herein, such amounts  
10 may be transferred back to this appropriation.

11 ENVIRONMENTAL RESTORATION, FORMERLY USED

12 DEFENSE SITES

13 (INCLUDING TRANSFER OF FUNDS)

14 For the Department of the Army, \$202,300,000, to  
15 remain available until transferred: *Provided*, That the Sec-  
16 retary of the Army shall, upon determining that such  
17 funds are required for environmental restoration, reduc-  
18 tion and recycling of hazardous waste, removal of unsafe  
19 buildings and debris at sites formerly used by the Depart-  
20 ment of Defense, transfer the funds made available by this  
21 appropriation to other appropriations made available to  
22 the Department of the Army, to be merged with and to  
23 be available for the same purposes and for the same time  
24 period as the appropriation to which transferred: *Provided*  
25 *further*, That upon a determination that all or part of the

1 funds transferred from this appropriation are not nec-  
2 essary for the purposes provided herein, such amounts  
3 may be transferred back to this appropriation.

4 OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

5 For expenses relating to the Overseas Humanitarian,  
6 Disaster, and Civic Aid programs of the Department of  
7 Defense (consisting of the programs provided under sec-  
8 tions 401, 402, 404, 2547, and 2551 of title 10, United  
9 States Code); \$55,557,000, to remain available until Sep-  
10 tember 30, 1999: *Provided*, That of the funds appro-  
11 priated in this paragraph, \$5,557,000 shall not be obli-  
12 gated or expended until authorized by law.

13 FORMER SOVIET UNION THREAT REDUCTION

14 For assistance to the republics of the former Soviet  
15 Union, including assistance provided by contract or by  
16 grants, for facilitating the elimination and the safe and  
17 secure transportation and storage of nuclear, chemical and  
18 other weapons; for establishing programs to prevent the  
19 proliferation of weapons, weapons components, and weap-  
20 on-related technology and expertise; for programs relating  
21 to the training and support of defense and military person-  
22 nel for demilitarization and protection of weapons, weap-  
23 ons components, and weapons technology and expertise;  
24 \$284,700,000, to remain available until September 30,  
25 2000.

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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; \$1,541,217,000, to remain available for obligation until September 30, 2000: *Provided*, That of the \$309,231,000 appropriated in this paragraph for the procurement of UH-60 helicopters, \$253,231,000 shall be available only for the procurement of 26 such aircraft to be provided to the Army National Guard and \$56,000,000 shall be available only for the procurement of four such aircraft to be reconfigured as CH-60 helicopters and provided to the Navy Reserve: *Provided further*, That of the funds appropriated in this paragraph,

1 \$5,953,000 shall not be obligated or expended until au-  
2 thorized by law.

3 MISSILE PROCUREMENT, ARMY

4 For construction, procurement, production, modifica-  
5 tion, and modernization of missiles, equipment, including  
6 ordnance, ground handling equipment, spare parts, and  
7 accessories therefor; specialized equipment and training  
8 devices; expansion of public and private plants, including  
9 the land necessary therefor, for the foregoing purposes,  
10 and such lands and interests therein, may be acquired,  
11 and construction prosecuted thereon prior to approval of  
12 title; and procurement and installation of equipment, ap-  
13 pliances, and machine tools in public and private plants;  
14 reserve plant and Government and contractor-owned  
15 equipment layaway; and other expenses necessary for the  
16 foregoing purposes; \$771,942,000, to remain available for  
17 obligation until September 30, 2000.

18 PROCUREMENT OF WEAPONS AND TRACKED COMBAT

19 VEHICLES, ARMY

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

1 lands and interests therein, may be acquired, and con-  
2 struction prosecuted thereon prior to approval of title; and  
3 procurement and installation of equipment, appliances,  
4 and machine tools in public and private plants; reserve  
5 plant and Government and contractor-owned equipment  
6 layaway; and other expenses necessary for the foregoing  
7 purposes; \$1,332,907,000, to remain available for obliga-  
8 tion until September 30, 2000.

9           PROCUREMENT OF AMMUNITION, ARMY

10       For construction, procurement, production, and  
11 modification of ammunition, and accessories therefor; spe-  
12 cialized equipment and training devices; expansion of pub-  
13 lic and private plants, including ammunition facilities au-  
14 thorized by section 2854 of title 10, United States Code,  
15 and the land necessary therefor, for the foregoing pur-  
16 poses, and such lands and interests therein, may be ac-  
17 quired, and construction prosecuted thereon prior to ap-  
18 proval of title; and procurement and installation of equip-  
19 ment, appliances, and machine tools in public and private  
20 plants; reserve plant and Government and contractor-  
21 owned equipment layaway; and other expenses necessary  
22 for the foregoing purposes; \$1,062,802,000, to remain  
23 available for obligation until September 30, 2000.

## 1                   OTHER PROCUREMENT, ARMY

2           For construction, procurement, production, and  
3 modification of vehicles, including tactical, support, and  
4 non-tracked combat vehicles; communications and elec-  
5 tronic equipment; other support equipment; spare parts,  
6 ordnance, and accessories therefor; specialized equipment  
7 and training devices; expansion of public and private  
8 plants, including the land necessary therefor, for the fore-  
9 going purposes, and such lands and interests therein, may  
10 be acquired, and construction prosecuted thereon prior to  
11 approval of title; and procurement and installation of  
12 equipment, appliances, and machine tools in public and  
13 private plants; reserve plant and Government and contrac-  
14 tor-owned equipment layaway; and other expenses nec-  
15 essary for the foregoing purposes; \$2,502,886,000, to re-  
16 main available for obligation until September 30, 2000.

## 17                   AIRCRAFT PROCUREMENT, NAVY

18           For construction, procurement, production, modifica-  
19 tion, and modernization of aircraft, equipment, including  
20 ordnance, spare parts, and accessories therefor; specialized  
21 equipment; expansion of public and private plants, includ-  
22 ing the land necessary therefor, and such lands and inter-  
23 ests therein, may be acquired, and construction prosecuted  
24 thereon prior to approval of title; and procurement and  
25 installation of equipment, appliances, and machine tools

1 in public and private plants; reserve plant and Govern-  
2 ment and contractor-owned equipment layaway;  
3 \$6,753,465,000, to remain available for obligation until  
4 September 30, 2000: *Provided*, That of the funds appro-  
5 priated in this paragraph, \$580,515,000 shall not be obli-  
6 gated or expended until authorized by law.

7 WEAPONS PROCUREMENT, NAVY

8 For construction, procurement, production, modifica-  
9 tion, and modernization of missiles, torpedoes, other weap-  
10 ons, and related support equipment including spare parts,  
11 and accessories therefor; expansion of public and private  
12 plants, including the land necessary therefor, and such  
13 lands and interests therein, may be acquired, and con-  
14 struction prosecuted thereon prior to approval of title; and  
15 procurement and installation of equipment, appliances,  
16 and machine tools in public and private plants; reserve  
17 plant and Government and contractor-owned equipment  
18 layaway; \$1,175,393,000, to remain available for obliga-  
19 tion until September 30, 2000.

20 PROCUREMENT OF AMMUNITION, NAVY AND MARINE

21 CORPS

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

1 thORIZED by section 2854 of title 10, United States Code,  
2 and the land necessary therefor, for the foregoing pur-  
3 poses, and such lands and interests therein, may be ac-  
4 quired, and construction prosecuted thereon prior to ap-  
5 proval of title; and procurement and installation of equip-  
6 ment, appliances, and machine tools in public and private  
7 plants; reserve plant and Government and contractor-  
8 owned equipment layaway; and other expenses necessary  
9 for the foregoing purposes; \$423,797,000, to remain avail-  
10 able for obligation until September 30, 2000.

11 SHIPBUILDING AND CONVERSION, NAVY

12 For expenses necessary for the construction, acquisi-  
13 tion, or conversion of vessels as authorized by law, includ-  
14 ing armor and armament thereof, plant equipment, appli-  
15 ances, and machine tools and installation thereof in public  
16 and private plants; reserve plant and Government and con-  
17 tractor-owned equipment layaway; procurement of critical,  
18 long leadtime components and designs for vessels to be  
19 constructed or converted in the future; and expansion of  
20 public and private plants, including land necessary there-  
21 for, and such lands and interests therein, may be acquired,  
22 and construction prosecuted thereon prior to approval of  
23 title, \$7,628,158,000, to remain available for obligation  
24 until September 30, 2002: *Provided*, That additional obli-  
25 gations may be incurred after September 30, 2002, for

1 engineering services, tests, evaluations, and other such  
2 budgeted work that must be performed in the final stage  
3 of ship construction: *Provided further*, That none of the  
4 funds herein provided for the construction or conversion  
5 of any naval vessel to be constructed in shipyards in the  
6 United States shall be expended in foreign facilities for  
7 the construction of major components of such vessel: *Pro-*  
8 *vided further*, That none of the funds herein provided shall  
9 be used for the construction of any naval vessel in foreign  
10 shipyards: *Provided further*, That none of the funds in this  
11 paragraph for advance procurement for the overhaul of  
12 CVN-69 may be obligated unless the overhaul includes in-  
13 stallation of cooperative engagement capability and the  
14 ship self-defense system: *Provided further*, That none of  
15 the funds in this paragraph for production of DDG-51  
16 destroyers may be obligated unless at least four of the  
17 twelve ships in the multiyear contract for fiscal years 1997  
18 to 2001 are to be delivered to the Government with coop-  
19 erative engagement capability and theater ballistic missile  
20 defense capability installed when the ships are commis-  
21 sioned.

22                                   OTHER PROCUREMENT, NAVY

23           For procurement, production, and modernization of  
24 support equipment and materials not otherwise provided  
25 for, Navy ordnance (except ordnance for new aircraft, new

1 ships, and ships authorized for conversion); the purchase  
2 of not to exceed 194 passenger motor vehicles for replace-  
3 ment only; and the purchase of one vehicle required for  
4 physical security of personnel, notwithstanding price limi-  
5 tations applicable to passenger vehicles but not to exceed  
6 \$275,000 per vehicle; expansion of public and private  
7 plants, including the land necessary therefor, and such  
8 lands and interests therein, may be acquired, and con-  
9 struction prosecuted thereon prior to approval of title; and  
10 procurement and installation of equipment, appliances,  
11 and machine tools in public and private plants; reserve  
12 plant and Government and contractor-owned equipment  
13 layaway; \$3,084,485,000, to remain available for obliga-  
14 tion until September 30, 2000: *Provided*, That of the  
15 funds appropriated in this paragraph, \$11,053,000 shall  
16 not be obligated or expended until authorized by law.

17                   PROCUREMENT, MARINE CORPS

18       For expenses necessary for the procurement, manu-  
19 facture, and modification of missiles, armament, military  
20 equipment, spare parts, and accessories therefor; plant  
21 equipment, appliances, and machine tools, and installation  
22 thereof in public and private plants; reserve plant and  
23 Government and contractor-owned equipment layaway; ve-  
24 hicles for the Marine Corps, including the purchase of not  
25 to exceed 40 passenger motor vehicles for replacement

1 only; and expansion of public and private plants, including  
2 land necessary therefor, and such lands and interests  
3 therein, may be acquired, and construction prosecuted  
4 thereon prior to approval of title; \$491,198,000, to remain  
5 available for obligation until September 30, 2000: *Pro-*  
6 *vided*, That of the funds appropriated in this paragraph,  
7 \$48,391,000 shall not be obligated or expended until au-  
8 thorized by law.

9 AIRCRAFT PROCUREMENT, AIR FORCE

10 For construction, procurement, and modification of  
11 aircraft and equipment, including armor and armament,  
12 specialized ground handling equipment, and training de-  
13 vices, spare parts, and accessories therefor; specialized  
14 equipment; expansion of public and private plants, Gov-  
15 ernment-owned equipment and installation thereof in such  
16 plants, erection of structures, and acquisition of land, for  
17 the foregoing purposes, and such lands and interests  
18 therein, may be acquired, and construction prosecuted  
19 thereon prior to approval of title; reserve plant and Gov-  
20 ernment and contractor-owned equipment layaway; and  
21 other expenses necessary for the foregoing purposes in-  
22 cluding rents and transportation of things;  
23 \$6,386,479,000 to remain available for obligation until  
24 September 30, 2000: *Provided*, That of the amounts pro-  
25 vided under this heading, \$20,000,000 is available only

1 to initiate phase II of the Department of Defense plan  
2 to acquire and install upgraded navigation and safety  
3 equipment for passenger and troop carrying aircraft.

4                   MISSILE PROCUREMENT, AIR FORCE

5           For construction, procurement, and modification of  
6 missiles, spacecraft, rockets, and related equipment, in-  
7 cluding spare parts and accessories therefor, ground han-  
8 dling equipment, and training devices; expansion of public  
9 and private plants, Government-owned equipment and in-  
10 stallation thereof in such plants, erection of structures,  
11 and acquisition of land, for the foregoing purposes, and  
12 such lands and interests therein, may be acquired, and  
13 construction prosecuted thereon prior to approval of title;  
14 reserve plant and Government and contractor-owned  
15 equipment layaway; and other expenses necessary for the  
16 foregoing purposes including rents and transportation of  
17 things; \$2,320,741,000, to remain available for obligation  
18 until September 30, 2000.

19                   PROCUREMENT OF AMMUNITION, AIR FORCE

20           For construction, procurement, production, and  
21 modification of ammunition, and accessories therefor; spe-  
22 cialized equipment and training devices; expansion of pub-  
23 lic and private plants, including ammunition facilities au-  
24 thorized by section 2854, title 10, United States Code, and  
25 the land necessary therefor, for the foregoing purposes,

1 and such lands and interests therein, may be acquired,  
2 and construction prosecuted thereon prior to approval of  
3 title; and procurement and installation of equipment, ap-  
4 pliances, and machine tools in public and private plants;  
5 reserve plant and Government and contractor-owned  
6 equipment layaway; and other expenses necessary for the  
7 foregoing purposes; \$414,884,000, to remain available for  
8 obligation until September 30, 2000.

9                   OTHER PROCUREMENT, AIR FORCE

10       For procurement and modification of equipment (in-  
11 cluding ground guidance and electronic control equipment,  
12 and ground electronic and communication equipment),  
13 and supplies, materials, and spare parts therefor, not oth-  
14 erwise provided for; the purchase of not to exceed 196 pas-  
15 senger motor vehicles for replacement only; the purchase  
16 of 1 vehicle required for physical security of personnel,  
17 notwithstanding price limitations applicable to passenger  
18 vehicles but not to exceed \$232,340 per vehicle; and ex-  
19 pansion of public and private plants, Government-owned  
20 equipment and installation thereof in such plants, erection  
21 of structures, and acquisition of land, for the foregoing  
22 purposes, and such lands and interests therein, may be  
23 acquired, and construction prosecuted thereon, prior to  
24 approval of title; reserve plant and Government and con-  
25 tractor-owned equipment layaway; \$6,588,939,000, to re-

1 main available for obligation until September 30, 2000:  
2 *Provided*, That of the funds appropriated in this para-  
3 graph \$14,843,000 shall not be obligated or expended  
4 until authorized by law.

5                   PROCUREMENT, DEFENSE-WIDE

6           For expenses of activities and agencies of the Depart-  
7 ment of Defense (other than the military departments)  
8 necessary for procurement, production, and modification  
9 of equipment, supplies, materials, and spare parts there-  
10 for, not otherwise provided for; the purchase of not to ex-  
11 ceed 381 passenger motor vehicles for replacement only;  
12 expansion of public and private plants, equipment, and in-  
13 stallation thereof in such plants, erection of structures,  
14 and acquisition of land for the foregoing purposes, and  
15 such lands and interests therein, may be acquired, and  
16 construction prosecuted thereon prior to approval of title;  
17 reserve plant and Government and contractor-owned  
18 equipment layaway; \$2,186,669,000, to remain available  
19 for obligation until September 30, 2000: *Provided*, That  
20 of the funds appropriated in this paragraph,  
21 \$349,680,000 shall not be obligated or expended until au-  
22 thorized by law.

23                   NATIONAL GUARD AND RESERVE EQUIPMENT

24           For procurement of aircraft, missiles, tracked combat  
25 vehicles, ammunition, other weapons, and other procure-

1 ment for the reserve components of the Armed Forces;  
 2 \$850,000,000, to remain available for obligation until Sep-  
 3 tember 30, 2000: *Provided*, That the Chiefs of the Reserve  
 4 and National Guard components shall, not later than 30  
 5 days after the enactment of this Act, individually submit  
 6 to the congressional defense committees the modernization  
 7 priority assessment for their respective Reserve or Na-  
 8 tional Guard component: *Provided further*, That of the  
 9 funds appropriated in this paragraph, \$154,895,000 shall  
 10 not be obligated or expended until authorized by law.

11 TITLE IV

12 RESEARCH, DEVELOPMENT, TEST AND

13 EVALUATION

14 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

15 ARMY

16 For expenses necessary for basic and applied sci-  
 17 entific research, development, test and evaluation, includ-  
 18 ing maintenance, rehabilitation, lease, and operation of fa-  
 19 cilities and equipment; \$4,686,427,000, to remain avail-  
 20 able for obligation until September 30, 1999.

21 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

22 NAVY

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

1 cilities and equipment; \$7,907,837,000, to remain avail-  
2 able for obligation until September 30, 1999: *Provided*,  
3 That funds appropriated in this paragraph which are  
4 available for the V-22 may be used to meet unique re-  
5 quirements of the Special Operations Forces.

6 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

7 AIR FORCE

8 For expenses necessary for basic and applied sci-  
9 entific research, development, test and evaluation, includ-  
10 ing maintenance, rehabilitation, lease, and operation of fa-  
11 cilities and equipment; \$14,315,456,000 (reduced by  
12 \$2,000,000), to remain available for obligation until Sep-  
13 tember 30, 1999: *Provided*, That of the funds made avail-  
14 able in this paragraph, \$4,000,000 shall be only for devel-  
15 opment of coal-derived jet fuel technologies.

16 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

17 DEFENSE-WIDE

18 For expenses of activities and agencies of the Depart-  
19 ment of Defense (other than the military departments),  
20 necessary for basic and applied scientific research, devel-  
21 opment, test and evaluation; advanced research projects  
22 as may be designated and determined by the Secretary  
23 of Defense, pursuant to law; maintenance, rehabilitation,  
24 lease, and operation of facilities and equipment;  
25 \$9,494,337,000 (increased by \$15,000,000), to remain

1 available for obligation until September 30, 1999: *Pro-*  
2 *vided*, That not less than \$444,898,000 of the funds ap-  
3 propriated in this paragraph shall be made available only  
4 for the Sea-Based Wide Area Defense (Navy Upper-Tier)  
5 program: *Provided further*, That funds appropriated for  
6 the Dual-Use Applications Program under section 5803  
7 of the Treasury, Postal Service, and General Government  
8 Appropriations Act, 1997 (Public Law 104–208), shall re-  
9 main available for obligation until September 30, 1998.

10 DEVELOPMENTAL TEST AND EVALUATION, DEFENSE

11 For expenses, not otherwise provided for, of inde-  
12 pendent activities of the Director, Test and Evaluation in  
13 the direction and supervision of developmental test and  
14 evaluation, including performance and joint developmental  
15 testing and evaluation; and administrative expenses in  
16 connection therewith; \$268,183,000, to remain available  
17 for obligation until September 30, 1999.

18 OPERATIONAL TEST AND EVALUATION, DEFENSE

19 For expenses, not otherwise provided for, necessary  
20 for the independent activities of the Director, Operational  
21 Test and Evaluation in the direction and supervision of  
22 operational test and evaluation, including initial oper-  
23 ational test and evaluation which is conducted prior to,  
24 and in support of, production decisions; joint operational  
25 testing and evaluation; and administrative expenses in

1 connection therewith; \$32,684,000, to remain available for  
2 obligation until September 30, 1999: *Provided*, That of the  
3 funds appropriated in this paragraph, \$9,300,000 shall  
4 not be obligated or expended until authorized by law.

5

## TITLE V

6

## REVOLVING AND MANAGEMENT FUNDS

7

## DEFENSE WORKING CAPITAL FUNDS

8

For the Defense Working Capital Funds;

9

\$971,952,000.

10

## NATIONAL DEFENSE SEALIFT FUND

11

For National Defense Sealift Fund programs,

12

projects, and activities, and for expenses of the National

13

Defense Reserve Fleet, as established by section 11 of the

14

Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744);

15

\$1,199,926,000, to remain available until expended: *Pro-*

16

*vided*, That none of the funds provided in this paragraph

17

shall be used to award a new contract that provides for

18

the acquisition of any of the following major components

19

unless such components are manufactured in the United

20

States: auxiliary equipment, including pumps, for all ship-

21

board services; propulsion system components (that is; en-

22

gines, reduction gears, and propellers); shipboard cranes;

23

and spreaders for shipboard cranes: *Provided*, That the

24

exercise of an option in a contract awarded through the

25

obligation of previously appropriated funds shall not be

1 considered to be the award of a new contract: *Provided*  
2 *further*, That the Secretary of the military department re-  
3 sponsible for such procurement may waive these restric-  
4 tions on a case-by-case basis by certifying in writing to  
5 the Committees on Appropriations of the House of Rep-  
6 resentatives and the Senate, that adequate domestic sup-  
7 plies are not available to meet Department of Defense re-  
8 quirements on a timely basis and that such an acquisition  
9 must be made in order to acquire capability for national  
10 security purposes: *Provided further*, That of the funds ap-  
11 propriated in this paragraph, \$18,300,000 shall not be ob-  
12 ligated or expended until authorized by law.

## 13 TITLE VI

### 14 OTHER DEPARTMENT OF DEFENSE PROGRAMS

#### 15 DEFENSE HEALTH PROGRAM

16 For expenses, not otherwise provided for, for medical  
17 and health care programs of the Department of Defense,  
18 as authorized by law; \$10,309,750,000, of which  
19 \$10,035,682,000 shall be for Operation and maintenance,  
20 of which not to exceed three percent shall remain available  
21 until September 30, 1999, and of which \$274,068,000, to  
22 remain available for obligation until September 30, 2000,  
23 shall be for Procurement: *Provided*, That of the funds ap-  
24 propriated in this paragraph, \$55,300,000 shall not be ob-  
25 ligated or expended until authorized by law.



1 be available for obligation for the same time period and  
2 for the same purpose as the appropriation to which trans-  
3 ferred: *Provided further*, That the transfer authority pro-  
4 vided in this paragraph is in addition to any transfer au-  
5 thority contained elsewhere in this Act: *Provided further*,  
6 That of the funds appropriated in this paragraph,  
7 \$51,411,000 shall not be obligated or expended until au-  
8 thorized by law.

9 OFFICE OF THE INSPECTOR GENERAL

10 For expenses and activities of the Office of the In-  
11 spector General in carrying out the provisions of the In-  
12 spector General Act of 1978, as amended; \$142,980,000,  
13 of which \$141,180,000 shall be for Operation and mainte-  
14 nance, of which not to exceed \$600,000 is available for  
15 emergencies and extraordinary expenses to be expended on  
16 the approval or authority of the Inspector General, and  
17 payments may be made on his certificate of necessity for  
18 confidential military purposes; and of which \$1,800,000,  
19 to remain available until September 30, 2000, shall be for  
20 Procurement: *Provided*, That of the funds appropriated in  
21 this paragraph, \$4,600,000 shall not be obligated or ex-  
22 pended until authorized by law.

1 TITLE VII  
2 RELATED AGENCIES  
3 CENTRAL INTELLIGENCE AGENCY RETIREMENT AND  
4 DISABILITY SYSTEM FUND

5 For payment to the Central Intelligence Agency Re-  
6 tirement and Disability System Fund, to maintain proper  
7 funding level for continuing the operation of the Central  
8 Intelligence Agency Retirement and Disability System;  
9 \$196,900,000.

10 INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT  
11 (INCLUDING TRANSFER OF FUNDS)

12 For necessary expenses of the Intelligence Commu-  
13 nity Management Account; \$125,580,000, of which  
14 \$39,011,000 for the Advanced Research and Development  
15 Committee and the Environmental Intelligence and Appli-  
16 cations Program shall remain available until September  
17 30, 1999: *Provided*, That of the funds appropriated under  
18 this heading, \$27,000,000 shall be transferred to the De-  
19 partment of Justice for the National Drug Intelligence  
20 Center to support the Department of Defense's counter-  
21 drug intelligence responsibilities, and of the said amount,  
22 \$1,500,000 for Procurement shall remain available until  
23 September 30, 2000, and \$3,000,000 for Research, devel-  
24 opment, test and evaluation shall remain available until  
25 September 30, 1999.

1 PAYMENT TO KAHO'OLAWE ISLAND CONVEYANCE, RE-  
2 MEDIATION, AND ENVIRONMENTAL RESTORATION  
3 FUND

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

8 NATIONAL SECURITY EDUCATION TRUST FUND

9 For the purposes of title VIII of Public Law 102-  
10 183, \$2,000,000, to be derived from the National Security  
11 Education Trust Fund, to remain available until ex-  
12 pended.

13 TITLE VIII

14 GENERAL PROVISIONS

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

18 SEC. 8002. During the current fiscal year, provisions  
19 of law prohibiting the payment of compensation to, or em-  
20 ployment of, any person not a citizen of the United States  
21 shall not apply to personnel of the Department of Defense:  
22 *Provided*, That salary increases granted to direct and indi-  
23 rect hire foreign national employees of the Department of  
24 Defense funded by this Act shall not be at a rate in excess  
25 of the percentage increase authorized by law for civilian

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

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

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

23 (TRANSFER OF FUNDS)

24 SEC. 8005. Upon determination by the Secretary of  
25 Defense that such action is necessary in the national inter-

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

## (TRANSFER OF FUNDS)

1  
2       SEC. 8006. During the current fiscal year, cash bal-  
3 ances in working capital funds of the Department of De-  
4 fense established pursuant to section 2208 of title 10,  
5 United States Code, may be maintained in only such  
6 amounts as are necessary at any time for cash disburse-  
7 ments to be made from such funds: *Provided*, That trans-  
8 fers may be made between such funds: *Provided further*,  
9 That transfers may be made between working capital  
10 funds and the “Foreign Currency Fluctuations, Defense”  
11 appropriation and the “Operation and Maintenance” ap-  
12 propriation accounts in such amounts as may be deter-  
13 mined by the Secretary of Defense, with the approval of  
14 the Office of Management and Budget, except that such  
15 transfers may not be made unless the Secretary of Defense  
16 has notified the Congress of the proposed transfer. Except  
17 in amounts equal to the amounts appropriated to working  
18 capital funds in this Act, no obligations may be made  
19 against a working capital fund to procure or increase the  
20 value of war reserve material inventory, unless the Sec-  
21 retary of Defense has notified the Congress prior to any  
22 such obligation.

23       SEC. 8007. Funds appropriated by this Act may not  
24 be used to initiate a special access program without prior

1 notification 30 calendar days in session in advance to the  
2 congressional defense committees.

3 SEC. 8008. (a) None of the funds provided in this  
4 Act shall be available to initiate: (1) a multiyear contract  
5 that employs economic order quantity procurement in ex-  
6 cess of \$20,000,000 in any one year of the contract or  
7 that includes an unfunded contingent liability in excess of  
8 \$20,000,000; or (2) a contract for advance procurement  
9 leading to a multiyear contract that employs economic  
10 order quantity procurement in excess of \$20,000,000 in  
11 any one year, unless the congressional defense committees  
12 have been notified at least thirty days in advance of the  
13 proposed contract award: *Provided*, That no part of any  
14 appropriation contained in this Act shall be available to  
15 initiate a multiyear contract for which the economic order  
16 quantity advance procurement is not funded at least to  
17 the limits of the Government's liability: *Provided further*,  
18 That no part of any appropriation contained in this Act  
19 shall be available to initiate multiyear procurement con-  
20 tracts for any systems or component thereof if the value  
21 of the multiyear contract would exceed \$500,000,000 un-  
22 less specifically provided in this Act: *Provided further*,  
23 That no multiyear procurement contract can be termi-  
24 nated without 10-day prior notification to the congres-  
25 sional defense committees: *Provided further*, That the exe-

1 cution of multiyear authority shall require the use of a  
2 present value analysis to determine lowest cost compared  
3 to an annual procurement.

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

6 Family of Medium Tactical Vehicles.

7 (b) None of the funds provided in this Act and here-  
8 after may be used to submit to Congress (or to any com-  
9 mittee of Congress) a request for authority to enter into  
10 a contract covered by those provisions of subsection (a)  
11 that precede the first proviso of that subsection unless—

12 (1) such request is made as part of the submis-  
13 sion of the President's Budget for the United States  
14 Government for any fiscal year and is set forth in  
15 the Appendix to that budget as part of proposed leg-  
16 islative language for appropriations bills for the next  
17 fiscal year; or

18 (2) such request is formally submitted by the  
19 President as a budget amendment; or

20 (3) the Secretary of Defense makes such re-  
21 quest in writing to the congressional defense com-  
22 mittees.

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

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

24 SEC. 8010. (a) During fiscal year 1998, the civilian  
25 personnel of the Department of Defense may not be man-

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

6 (b) The fiscal year 1999 budget request for the De-  
7 partment of Defense as well as all justification material  
8 and other documentation supporting the fiscal year 1999  
9 Department of Defense budget request shall be prepared  
10 and submitted to the Congress as if subsections (a) and  
11 (b) of this provision were effective with regard to fiscal  
12 year 1999.

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

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

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

5        SEC. 8013. (a) None of the funds appropriated by  
6 this Act shall be used to make contributions to the Depart-  
7 ment of Defense Education Benefits Fund pursuant to  
8 section 2006(g) of title 10, United States Code, represent-  
9 ing the normal cost for future benefits under section  
10 3015(c) of title 38, United States Code, for any member  
11 of the armed services who, on or after the date of enact-  
12 ment of this Act—

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

15            (2) receives an enlistment bonus under section  
16            308a or 308f of title 37, United States Code,

17 nor shall any amounts representing the normal cost of  
18 such future benefits be transferred from the Fund by the  
19 Secretary of the Treasury to the Secretary of Veterans  
20 Affairs pursuant to section 2006(d) of title 10, United  
21 States Code; nor shall the Secretary of Veterans Affairs  
22 pay such benefits to any such member: *Provided*, That in  
23 the case of a member covered by clause (1), these limita-  
24 tions shall not apply to members in combat arms skills  
25 or to members who enlist in the armed services on or after

1 July 1, 1989, under a program continued or established  
2 by the Secretary of Defense in fiscal year 1991 to test  
3 the cost-effective use of special recruiting incentives in-  
4 volving not more than nineteen noncombat arms skills ap-  
5 proved in advance by the Secretary of Defense: *Provided*  
6 *further*, That this subsection applies only to active compo-  
7 nents of the Army.

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

19 (TRANSFER OF FUNDS)

20 SEC. 8014. Funds appropriated in title III of this Act  
21 for the Department of Defense Pilot Mentor-Protege Pro-  
22 gram may be transferred to any other appropriation con-  
23 tained in this Act solely for the purpose of implementing  
24 a Mentor-Protege Program developmental assistance  
25 agreement pursuant to section 831 of the National De-

1 fense Authorization Act for Fiscal Year 1991 (Public Law  
2 101–510; 10 U.S.C. 2301 note), as amended, under the  
3 authority of this provision or any other transfer authority  
4 contained in this Act.

5       SEC. 8015. None of the funds in this Act may be  
6 available for the purchase by the Department of Defense  
7 (and its departments and agencies) of welded shipboard  
8 anchor and mooring chain 4 inches in diameter and under  
9 unless the anchor and mooring chain are manufactured  
10 in the United States from components which are substan-  
11 tially manufactured in the United States: *Provided*, That  
12 for the purpose of this section manufactured will include  
13 cutting, heat treating, quality control, testing of chain and  
14 welding (including the forging and shot blasting process):  
15 *Provided further*, That for the purpose of this section sub-  
16 stantially all of the components of anchor and mooring  
17 chain shall be considered to be produced or manufactured  
18 in the United States if the aggregate cost of the compo-  
19 nents produced or manufactured in the United States ex-  
20 ceeds the aggregate cost of the components produced or  
21 manufactured outside the United States: *Provided further*,  
22 That when adequate domestic supplies are not available  
23 to meet Department of Defense requirements on a timely  
24 basis, the Secretary of the service responsible for the pro-  
25 curement may waive this restriction on a case-by-case

1 basis by certifying in writing to the Committees on Appro-  
2 priations that such an acquisition must be made in order  
3 to acquire capability for national security purposes.

4       SEC. 8016. None of the funds appropriated by this  
5 Act available for the Civilian Health and Medical Program  
6 of the Uniformed Services (CHAMPUS) shall be available  
7 for the reimbursement of any health care provider for in-  
8 patient mental health service for care received when a pa-  
9 tient is referred to a provider of inpatient mental health  
10 care or residential treatment care by a medical or health  
11 care professional having an economic interest in the facil-  
12 ity to which the patient is referred: *Provided*, That this  
13 limitation does not apply in the case of inpatient mental  
14 health services provided under the program for the handi-  
15 capped under subsection (d) of section 1079 of title 10,  
16 United States Code, provided as partial hospital care, or  
17 provided pursuant to a waiver authorized by the Secretary  
18 of Defense because of medical or psychological cir-  
19 cumstances of the patient that are confirmed by a health  
20 professional who is not a Federal employee after a review,  
21 pursuant to rules prescribed by the Secretary, which takes  
22 into account the appropriate level of care for the patient,  
23 the intensity of services required by the patient, and the  
24 availability of that care.

1        SEC. 8017. Funds available in this Act may be used  
2 to provide transportation for the next-of-kin of individuals  
3 who have been prisoners of war or missing in action from  
4 the Vietnam era to an annual meeting in the United  
5 States, under such regulations as the Secretary of Defense  
6 may prescribe.

7        SEC. 8018. Notwithstanding any other provision of  
8 law, during the current fiscal year, the Secretary of De-  
9 fense may, by Executive Agreement, establish with host  
10 nation governments in NATO member states a separate  
11 account into which such residual value amounts negotiated  
12 in the return of United States military installations in  
13 NATO member states may be deposited, in the currency  
14 of the host nation, in lieu of direct monetary transfers to  
15 the United States Treasury: *Provided*, That such credits  
16 may be utilized only for the construction of facilities to  
17 support United States military forces in that host nation,  
18 or such real property maintenance and base operating  
19 costs that are currently executed through monetary trans-  
20 fers to such host nations: *Provided further*, That the De-  
21 partment of Defense's budget submission for fiscal year  
22 1999 shall identify such sums anticipated in residual value  
23 settlements, and identify such construction, real property  
24 maintenance or base operating costs that shall be funded  
25 by the host nation through such credits: *Provided further*,

1 That all military construction projects to be executed from  
2 such accounts must be previously approved in a prior Act  
3 of Congress: *Provided further*, That each such Executive  
4 Agreement with a NATO member host nation shall be re-  
5 ported to the congressional defense committees, the Com-  
6 mittee on International Relations of the House of Rep-  
7 resentatives and the Committee on Foreign Relations of  
8 the Senate thirty days prior to the conclusion and endorse-  
9 ment of any such agreement established under this provi-  
10 sion.

11 SEC. 8019. None of the funds available to the De-  
12 partment of Defense may be used to demilitarize or dis-  
13 pose of M-1 Carbines, M-1 Garand rifles, M-14 rifles, .22  
14 caliber rifles, .30 caliber rifles, or M-1911 pistols.

15 SEC. 8020. Notwithstanding any other provision of  
16 law, none of the funds appropriated by this Act shall be  
17 available to pay more than 50 percent of an amount paid  
18 to any person under section 308 of title 37, United States  
19 Code, in a lump sum.

20 SEC. 8021. No more than \$500,000 of the funds ap-  
21 propriated or made available in this Act shall be used for  
22 any single relocation of an organization, unit, activity or  
23 function of the Department of Defense into or within the  
24 National Capital Region: *Provided*, That the Secretary of  
25 Defense may waive this restriction on a case-by-case basis

1 by certifying in writing to the congressional defense com-  
2 mittees that such a relocation is required in the best inter-  
3 est of the Government.

4       SEC. 8022. During the current fiscal year, funds ap-  
5 propriated or otherwise available for any Federal agency,  
6 the Congress, the judicial branch, or the District of Co-  
7 lumbia may be used for the pay, allowances, and benefits  
8 of an employee as defined by section 2105 of title 5 or  
9 an individual employed by the government of the District  
10 of Columbia, permanent or temporary indefinite, who—

11           (1) is a member of a Reserve component of the  
12       Armed Forces, as described in section 10101 of title  
13       10, or the National Guard, as described in section  
14       101 of title 32;

15           (2) performs, for the purpose of providing mili-  
16       tary aid to enforce the law or providing assistance  
17       to civil authorities in the protection or saving of life  
18       or property or prevention of injury—

19           (A) Federal service under sections 331,  
20       332, 333, or 12406 of title 10, or other provi-  
21       sion of law, as applicable; or

22           (B) full-time military service for his or her  
23       State, the District of Columbia, the Common-  
24       wealth of Puerto Rico, or a territory of the  
25       United States; and

1 (3) requests and is granted—

2 (A) leave under the authority of this sec-  
3 tion; or

4 (B) annual leave, which may be granted  
5 without regard to the provisions of sections  
6 5519 and 6323(b) of title 5, if such employee  
7 is otherwise entitled to such annual leave:

8 *Provided*, That any employee who requests leave under  
9 subsection (3)(A) for service described in subsection (2)  
10 of this section is entitled to such leave, subject to the pro-  
11 visions of this section and of the last sentence of section  
12 6323(b) of title 5, and such leave shall be considered leave  
13 under section 6323(b) of title 5.

14 SEC. 8023. None of the funds appropriated by this  
15 Act shall be available to perform any cost study pursuant  
16 to the provisions of OMB Circular A-76 if the study being  
17 performed exceeds a period of twenty-four months after  
18 initiation of such study with respect to a single function  
19 activity or forty-eight months after initiation of such study  
20 for a multi-function activity.

21 SEC. 8024. Funds appropriated by this Act for the  
22 American Forces Information Service shall not be used for  
23 any national or international political or psychological ac-  
24 tivities.

1        SEC. 8025. Notwithstanding any other provision of  
2 law or regulation, the Secretary of Defense may adjust  
3 wage rates for civilian employees hired for certain health  
4 care occupations as authorized for the Secretary of Veter-  
5 ans Affairs by section 7455 of title 38, United States  
6 Code.

7        SEC. 8026. None of the funds appropriated or made  
8 available in this Act shall be used to reduce or disestablish  
9 the operation of the 53rd Weather Reconnaissance Squad-  
10 ron of the Air Force Reserve, if such action would reduce  
11 the WC-130 Weather Reconnaissance mission below the  
12 levels funded in this Act.

13        SEC. 8027. (a) Of the funds for the procurement of  
14 supplies or services appropriated by this Act, qualified  
15 nonprofit agencies for the blind or other severely handi-  
16 capped shall be afforded the maximum practicable oppor-  
17 tunity to participate as subcontractors and suppliers in the  
18 performance of contracts let by the Department of De-  
19 fense.

20        (b) During the current fiscal year, a business concern  
21 which has negotiated with a military service or defense  
22 agency a subcontracting plan for the participation by  
23 small business concerns pursuant to section 8(d) of the  
24 Small Business Act (15 U.S.C. 637(d)) shall be given  
25 credit toward meeting that subcontracting goal for any

1 purchases made from qualified nonprofit agencies for the  
2 blind or other severely handicapped.

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

10 SEC. 8028. During the current fiscal year, net re-  
11 ceipts pursuant to collections from third party payers pur-  
12 suant to section 1095 of title 10, United States Code, shall  
13 be made available to the local facility of the uniformed  
14 services responsible for the collections and shall be over  
15 and above the facility’s direct budget amount.

16 SEC. 8029. During the current fiscal year, the De-  
17 partment of Defense is authorized to incur obligations of  
18 not to exceed \$350,000,000 for purposes specified in sec-  
19 tion 2350j(c) of title 10, United States Code, in anticipa-  
20 tion of receipt of contributions, only from the Government  
21 of Kuwait, under that section: *Provided*, That, upon re-  
22 ceipt, such contributions from the Government of Kuwait  
23 shall be credited to the appropriations or fund which in-  
24 curred such obligations.

1       SEC. 8030. Of the funds made available in this Act,  
2 not less than \$27,200,000 shall be available for the Civil  
3 Air Patrol, of which \$22,702,000 shall be available for Op-  
4 eration and maintenance.

5       SEC. 8031. (a) None of the funds appropriated in this  
6 Act are available to establish a new Department of De-  
7 fense (department) federally funded research and develop-  
8 ment center (FFRDC), either as a new entity, or as a  
9 separate entity administrated by an organization manag-  
10 ing another FFRDC, or as a nonprofit membership cor-  
11 poration consisting of a consortium of other FFRDCs and  
12 other non-profit entities.

13       (b) LIMITATION ON COMPENSATION.—No member of  
14 a Board of Directors, Trustees, Overseers, Advisory  
15 Group, Special Issues Panel, Visiting Committee, or any  
16 similar entity of a defense FFRDC, and no paid consult-  
17 ant to any defense FFRDC, may be compensated for his  
18 or her services as a member of such entity, or as a paid  
19 consultant, except under the same conditions, and to the  
20 same extent, as members of the Defense Science Board:  
21 *Provided*, That a member of any such entity referred to  
22 previously in this subsection shall be allowed travel ex-  
23 penses and per diem as authorized under the Federal  
24 Joint Travel Regulations, when engaged in the perform-  
25 ance of membership duties.

1 (c) Notwithstanding any other provision of law, none  
2 of the funds available to the department from any source  
3 during fiscal year 1998 may be used by a defense FFRDC,  
4 through a fee or other payment mechanism, for charitable  
5 contributions, for construction of new buildings, for pay-  
6 ment of cost sharing for projects funded by government  
7 grants, or for absorption of contract overruns.

8 (d) Notwithstanding any other provision of law, the  
9 Secretary of Defense shall reduce the total amounts ap-  
10 propriated in titles II, III, and IV of this Act by  
11 \$55,000,000: *Provided*, That the total amounts appro-  
12 priated in titles II, III, and IV of this Act are hereby re-  
13 duced by \$55,000,000 to reflect savings from the use of  
14 defense FFRDCs by the Department.

15 (e) Within 60 days after enactment of this Act, the  
16 Secretary of Defense shall submit to the congressional de-  
17 fense committees a report presenting the specific amounts  
18 of staff years of technical effort to be allocated by the de-  
19 partment for each defense FFRDC during fiscal year  
20 1998: *Provided*, That, after the submission of the report  
21 required by this subsection, the department may not re-  
22 allocate more than five percent of an FFRDC's staff years  
23 among other defense FFRDCs until 30 days after a de-  
24 tailed justification for any such reallocation is submitted  
25 to the congressional defense committees.

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

6 (g) The total amounts appropriated to or for the use  
7 of the department in title II of this Act are hereby further  
8 reduced by \$86,300,000 to reflect savings from the de-  
9 creased use of non-FFRDC consulting services by the de-  
10 partment.

11 (h) No part of the reductions contained in subsections  
12 (d) and (g) of this section may be applied against any  
13 budget activity, activity group, subactivity group, line  
14 item, program element, program, project, subproject or ac-  
15 tivity which does not fund defense FFRDC activities or  
16 non-FFRDC consulting services within each appropriation  
17 account.

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

23 SEC. 8032. None of the funds appropriated or made  
24 available in this Act shall be used to procure carbon, alloy  
25 or armor steel plate for use in any Government-owned fa-

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

19       SEC. 8033. For the purposes of this Act, the term  
20 “congressional defense committees” means the National  
21 Security Committee of the House of Representatives, the  
22 Armed Services Committee of the Senate, the subcommit-  
23 tee on Defense of the Committee on Appropriations of the  
24 Senate, and the subcommittee on National Security of the

1 Committee on Appropriations of the House of Representa-  
2 tives.

3       SEC. 8034. During the current fiscal year, the De-  
4 partment of Defense may acquire the modification, depot  
5 maintenance and repair of aircraft, vehicles and vessels  
6 as well as the production of components and other De-  
7 fense-related articles, through competition between De-  
8 partment of Defense depot maintenance activities and pri-  
9 vate firms: *Provided*, That the Senior Acquisition Execu-  
10 tive of the military department or defense agency con-  
11 cerned, with power of delegation, shall certify that success-  
12 ful bids include comparable estimates of all direct and in-  
13 direct costs for both public and private bids: *Provided fur-*  
14 *ther*, That Office of Management and Budget Circular A-  
15 76 shall not apply to competitions conducted under this  
16 section.

17       SEC. 8035. (a)(1) If the Secretary of Defense, after  
18 consultation with the United States Trade Representative,  
19 determines that a foreign country which is party to an  
20 agreement described in paragraph (2) has violated the  
21 terms of the agreement by discriminating against certain  
22 types of products produced in the United States that are  
23 covered by the agreement, the Secretary of Defense shall  
24 rescind the Secretary's blanket waiver of the Buy Amer-

1 ican Act with respect to such types of products produced  
2 in that foreign country.

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

9 (b) The Secretary of Defense shall submit to Con-  
10 gress a report on the amount of Department of Defense  
11 purchases from foreign entities in fiscal year 1998. Such  
12 report shall separately indicate the dollar value of items  
13 for which the Buy American Act was waived pursuant to  
14 any agreement described in subsection (a)(2), the Trade  
15 Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any  
16 international agreement to which the United States is a  
17 party.

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

24 SEC. 8036. Appropriations contained in this Act that  
25 remain available at the end of the current fiscal year as

1 a result of energy cost savings realized by the Department  
2 of Defense shall remain available for obligation for the  
3 next fiscal year to the extent, and for the purposes, pro-  
4 vided in section 2865 of title 10, United States Code.

5 (INCLUDING TRANSFER OF FUNDS)

6 SEC. 8037. Amounts deposited during the current fis-  
7 cal year to the special account established under 40 U.S.C.  
8 485(h)(2) and to the special account established under 10  
9 U.S.C. 2667(d)(1) are appropriated and shall be available  
10 until transferred by the Secretary of Defense to current  
11 applicable appropriations or funds of the Department of  
12 Defense under the terms and conditions specified by 40  
13 U.S.C. 485(h)(2)(A) and (B) and 10 U.S.C.  
14 2667(d)(1)(B), to be merged with and to be available for  
15 the same time period and the same purposes as the appro-  
16 priation to which transferred.

17 SEC. 8038. During the current fiscal year, appropria-  
18 tions available to the Department of Defense may be used  
19 to reimburse a member of a reserve component of the  
20 Armed Forces who is not otherwise entitled to travel and  
21 transportation allowances and who occupies transient gov-  
22 ernment housing while performing active duty for training  
23 or inactive duty training: *Provided*, That such members  
24 may be provided lodging in kind if transient government  
25 quarters are unavailable as if the member was entitled to

1 such allowances under subsection (a) of section 404 of title  
2 37, United States Code: *Provided further*, That if lodging  
3 in kind is provided, any authorized service charge or cost  
4 of such lodging may be paid directly from funds appro-  
5 priated for operation and maintenance of the reserve com-  
6 ponent of the member concerned.

7       SEC. 8039. The President shall include with each  
8 budget for a fiscal year submitted to the Congress under  
9 section 1105 of title 31, United States Code, materials  
10 that shall identify clearly and separately the amounts re-  
11 quested in the budget for appropriation for that fiscal year  
12 for salaries and expenses related to administrative activi-  
13 ties of the Department of Defense, the military depart-  
14 ments, and the Defense Agencies.

15       SEC. 8040. Notwithstanding any other provision of  
16 law, funds available for “Drug Interdiction and Counter-  
17 Drug Activities, Defense” may be obligated for the Young  
18 Marines program.

19       SEC. 8041. During the current fiscal year, amounts  
20 contained in the Department of Defense Overseas Military  
21 Facility Investment Recovery Account established by sec-  
22 tion 2921(c)(1) of the National Defense Authorization Act  
23 of 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall  
24 be available until expended for the payments specified by  
25 section 2921(c)(2) of that Act.

1       SEC. 8042. Of the funds appropriated or otherwise  
2 made available by this Act, not more than \$119,200,000  
3 shall be available for payment of the operating costs of  
4 NATO Headquarters: *Provided*, That the Secretary of De-  
5 fense may waive this section for Department of Defense  
6 support provided to NATO forces in and around the  
7 former Yugoslavia.

8       SEC. 8043. During the current fiscal year, appropria-  
9 tions which are available to the Department of Defense  
10 for operation and maintenance may be used to purchase  
11 items having an investment item unit cost of not more  
12 than \$100,000.

13       SEC. 8044. (a) During the current fiscal year, none  
14 of the appropriations or funds available to the Defense  
15 Working Capital Funds shall be used for the purchase of  
16 an investment item for the purpose of acquiring a new  
17 inventory item for sale or anticipated sale during the cur-  
18 rent fiscal year or a subsequent fiscal year to customers  
19 of the Defense Working Capital Funds if such an item  
20 would not have been chargeable to the Defense Business  
21 Operations Fund during fiscal year 1994 and if the pur-  
22 chase of such an investment item would be chargeable dur-  
23 ing the current fiscal year to appropriations made to the  
24 Department of Defense for procurement.

1           (b) The fiscal year 1999 budget request for the De-  
2   partment of Defense as well as all justification material  
3   and other documentation supporting the fiscal year 1999  
4   Department of Defense budget shall be prepared and sub-  
5   mitted to the Congress on the basis that any equipment  
6   which was classified as an end item and funded in a pro-  
7   curement appropriation contained in this Act shall be  
8   budgeted for in a proposed fiscal year 1999 procurement  
9   appropriation and not in the Supply Management Activity  
10  Group or any other area or category of the Defense Work-  
11  ing Capital Funds.

12           SEC. 8045. None of the funds provided in this Act  
13  and hereafter shall be available for use by a Military De-  
14  partment to modify an aircraft, weapon, ship or other item  
15  of equipment, that the Military Department concerned  
16  plans to retire or otherwise dispose of within five years  
17  after completion of the modification: *Provided*, That this  
18  prohibition shall not apply to safety modifications: *Pro-*  
19  *vided further*, That this prohibition may be waived by the  
20  Secretary of a Military Department if the Secretary deter-  
21  mines it is in the best national security interest of the  
22  United States to provide such waiver and so notifies the  
23  congressional defense committees in writing.

24           SEC. 8046. None of the funds appropriated by this  
25  Act for programs of the Central Intelligence Agency shall

1 remain available for obligation beyond the current fiscal  
2 year, except for funds appropriated for the Reserve for  
3 Contingencies, which shall remain available until Septem-  
4 ber 30, 1999.

5       SEC. 8047. Notwithstanding any other provision of  
6 law, funds made available in this Act for the Defense In-  
7 telligence Agency may be used for the design, develop-  
8 ment, and deployment of General Defense Intelligence  
9 Program intelligence communications and intelligence in-  
10 formation systems for the Services, the Unified and Speci-  
11 fied Commands, and the component commands.

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

21       SEC. 8049. None of the funds appropriated in this  
22 Act may be used to fill the commander's position at any  
23 military medical facility with a health care professional  
24 unless the prospective candidate can demonstrate profes-  
25 sional administrative skills.

1        SEC. 8050. (a) None of the funds appropriated in this  
2 Act may be expended by an entity of the Department of  
3 Defense unless the entity, in expending the funds, com-  
4 plies with Buy American Act. For purposes of this sub-  
5 section, the term “Buy American Act” means title III of  
6 the Act entitled “An Act making appropriations for the  
7 Treasury and Post Office Departments for the fiscal year  
8 ending June 30, 1934, and for other purposes”, approved  
9 March 3, 1933 (41 U.S.C. 10a et seq.).

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

18        (c) In the case of any equipment or products pur-  
19 chased with appropriations provided under this Act, it is  
20 the sense of the Congress that any entity of the Depart-  
21 ment of Defense, in expending the appropriation, purchase  
22 only American-made equipment and products, provided  
23 that American-made equipment and products are cost-  
24 competitive, quality-competitive, and available in a timely  
25 fashion.

1        SEC. 8051. None of the funds appropriated by this  
2 Act shall be available for a contract for studies, analysis,  
3 or consulting services entered into without competition on  
4 the basis of an unsolicited proposal unless the head of the  
5 activity responsible for the procurement determines—

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

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

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

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

1       SEC. 8052. (a) Except as provided in subsections (b)  
2 and (c), none of the funds made available by this Act may  
3 be used—

4           (1) to establish a field operating agency, or to  
5 increase the number of personnel assigned to a field  
6 operating agency of a headquarters activity; or

7           (2) to pay the basic pay of a member of the  
8 Armed Forces or civilian employee of the Depart-  
9 ment who is transferred or reassigned from a head-  
10 quarters activity if the member or employee's place  
11 of duty remains at the location of that headquarters.

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

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

22       SEC. 8053. Notwithstanding section 303 of Public  
23 Law 96-487 or any other provision of law, the Secretary  
24 of the Navy is authorized to lease real and personal prop-  
25 erty at Naval Air Facility, Adak, Alaska, pursuant to 10

1 U.S.C. 2667(f), for commercial, industrial or other pur-  
2 poses.

3 SEC. 8054. Notwithstanding any other provision of  
4 law, for resident classes entering the war colleges after  
5 September 30, 1998, the Department of Defense shall re-  
6 quire that not less than 20 percent of the total of United  
7 States military students at each war college shall be from  
8 military departments other than the hosting military de-  
9 partment: *Provided*, That each military department will  
10 recognize the attendance at a sister military department  
11 war college as the equivalent of attendance at its own war  
12 college for promotion and advancement of personnel.

13 (RESCISSIONS)

14 SEC. 8055. Of the funds provided in Department of  
15 Defense Appropriations Acts, the following funds are here-  
16 by rescinded from the following accounts in the specified  
17 amounts:

18 "Aircraft Procurement, Army, 1997/1999",

19 \$10,000,000;

20 "Procurement of Ammunition, Army, 1997/

21 1999", \$5,000,000;

22 "Other Procurement, Army, 1997/1999",

23 \$46,000,000;

24 "Aircraft Procurement, Navy, 1997/1999",

25 \$24,000,000;

1           “Other Procurement, Navy, 1997/1999”,  
2           \$2,200,000;

3           “Aircraft Procurement, Air Force, 1997/1999”,  
4           \$27,000,000;

5           “Shipbuilding and Conversion, Navy, 1996/  
6           2000”, \$35,600,000;

7           “Other Procurement, Navy, 1996/1998”,  
8           \$3,300,000; and

9           “Research, Development, Test and Evaluation,  
10          Army, 1997/1998”, \$7,000,000.

11         SEC. 8056. None of the funds provided in this Act  
12         may be obligated for payment on new contracts on which  
13         allowable costs charged to the government include pay-  
14         ments for individual compensation at a rate in excess of  
15         \$250,000 per year.

16         SEC. 8057. None of the funds available in this Act  
17         may be used to reduce the authorized positions for mili-  
18         tary (civilian) technicians of the Army National Guard,  
19         the Air National Guard, Army Reserve and Air Force Re-  
20         serve for the purpose of applying any administratively im-  
21         posed civilian personnel ceiling, freeze, or reduction on  
22         military (civilian) technicians, unless such reductions are  
23         a direct result of a reduction in military force structure.

24         SEC. 8058. None of the funds appropriated or other-  
25         wise made available in this Act may be obligated or ex-

1 pended for assistance to the Democratic People's Republic  
2 of North Korea unless specifically appropriated for that  
3 purpose.

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

15       SEC. 8060. Funds appropriated in this Act for oper-  
16 ation and maintenance of the Military Departments, Uni-  
17 fied and Specified Commands and Defense Agencies shall  
18 be available for reimbursement of pay, allowances and  
19 other expenses which would otherwise be incurred against  
20 appropriations for the National Guard and Reserve when  
21 members of the National Guard and Reserve provide intel-  
22 ligence support to Unified Commands, Defense Agencies  
23 and Joint Intelligence Activities, including the activities  
24 and programs included within the General Defense Intel-  
25 ligence Program and the Consolidated Cryptologic Pro-

1 gram: *Provided*, That nothing in this section authorizes  
2 deviation from established Reserve and National Guard  
3 personnel and training procedures.

4 SEC. 8061. During the current fiscal year, none of  
5 the funds appropriated in this Act may be used to reduce  
6 the civilian medical and medical support personnel as-  
7 signed to military treatment facilities below the September  
8 30, 1997 level: *Provided*, That the Service Surgeons Gen-  
9 eral may waive this section by certifying to the congres-  
10 sional defense committees that the beneficiary population  
11 is declining in some catchment areas and civilian strength  
12 reductions may be consistent with responsible resource  
13 stewardship and capitation-based budgeting.

14 (INCLUDING TRANSFER OF FUNDS)

15 SEC. 8062. None of the funds appropriated in this  
16 Act may be transferred to or obligated from the Pentagon  
17 Reservation Maintenance Revolving Fund, unless the Sec-  
18 retary of Defense certifies that the total cost for the plan-  
19 ning, design, construction and installation of equipment  
20 for the renovation of the Pentagon Reservation will not  
21 exceed \$1,218,000,000.

22 SEC. 8063. (a) None of the funds available to the  
23 Department of Defense for any fiscal year for drug inter-  
24 diction or counter-drug activities may be transferred to

1 any other department or agency of the United States ex-  
2 cept as specifically provided in an appropriations law.

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

8 (TRANSFER OF FUNDS)

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

18 SEC. 8065. None of the funds appropriated by this  
19 Act may be used for the procurement of ball and roller  
20 bearings other than those produced by a domestic source  
21 and of domestic origin: *Provided*, That the Secretary of  
22 the military department responsible for such procurement  
23 may waive this restriction on a case-by-case basis by cer-  
24 tifying in writing to the Committees on Appropriations of  
25 the House of Representatives and the Senate, that ade-

1 quate domestic supplies are not available to meet Depart-  
2 ment of Defense requirements on a timely basis and that  
3 such an acquisition must be made in order to acquire ca-  
4 pability for national security purposes.

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

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

22       SEC. 8068. Notwithstanding any other provision of  
23 law, the Naval shipyards of the United States shall be eli-  
24 gible to participate in any manufacturing extension pro-

1 gram financed by funds appropriated in this or any other  
2 Act.

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

19 SEC. 8070. During the current fiscal year, the Army  
20 shall use the former George Air Force Base as the airhead  
21 for the National Training Center at Fort Irwin: *Provided*,  
22 That none of the funds in this Act shall be obligated or  
23 expended to transport Army personnel into Edwards Air  
24 Force Base for training rotations at the National Training  
25 Center.

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

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

21       SEC. 8072. (a) LIMITATION ON TRANSFER OF DE-  
22 FENSE ARTICLES AND SERVICES.—Notwithstanding any  
23 other provision of law, none of the funds available to the  
24 Department of Defense for the current fiscal year may be  
25 obligated or expended to transfer to another nation or an

1 international organization any defense articles or services  
2 (other than intelligence services) for use in the activities  
3 described in subsection (b) unless the congressional de-  
4 fense committees, the Committee on International Rela-  
5 tions of the House of Representatives, and the Committee  
6 on Foreign Relations of the Senate are notified 15 days  
7 in advance of such transfer.

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

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

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

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

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

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

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

24 (A) a statement of whether the inventory  
25 requirements of all elements of the Armed

1 Forces (including the reserve components) for  
2 the type of equipment or supplies to be trans-  
3 ferred have been met; and

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

8 SEC. 8073. None of the funds available to the De-  
9 partment of Defense under this Act shall be obligated or  
10 expended to pay a contractor under a contract with the  
11 Department of Defense for costs of any amount paid by  
12 the contractor to an employee when—

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

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

18 SEC. 8074. None of the funds provided in title II of  
19 this Act for “Former Soviet Union Threat Reduction”  
20 may be obligated or expended to finance housing for any  
21 individual who was a member of the military forces of the  
22 Soviet Union or for any individual who is or was a member  
23 of the military forces of the Russian Federation.

24 SEC. 8075. For purposes of section 1553(b) of title  
25 31, United States Code, any subdivision of appropriations

1 made in this Act under the heading “Shipbuilding and  
2 Conversion, Navy” shall be considered to be for the same  
3 purpose as any subdivision under the heading “Shipbuild-  
4 ing and Conversion, Navy” appropriations in any prior  
5 year, and the one percent limitation shall apply to the total  
6 amount of the appropriation.

7       SEC. 8076. Notwithstanding 31 U.S.C. 1552(a), not  
8 more than \$14,000,000 appropriated under the heading  
9 “Aircraft Procurement, Air Force” in Public Law 102–  
10 396 which was available and obligated for the B–2 Air-  
11 craft Program shall remain available for expenditure and  
12 for adjusting obligations for such Program until Septem-  
13 ber 30, 2003.

14       SEC. 8077. During the current fiscal year, in the case  
15 of an appropriation account of the Department of Defense  
16 for which the period of availability for obligation has ex-  
17 pired or which has closed under the provisions of section  
18 1552 of title 31, United States Code, and which has a  
19 negative unliquidated or unexpended balance, an obliga-  
20 tion or an adjustment of an obligation may be charged  
21 to any current appropriation account for the same purpose  
22 as the expired or closed account if—

23               (1) the obligation would have been properly  
24               chargeable (except as to amount) to the expired or

1 closed account before the end of the period of avail-  
2 ability or closing of that account;

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

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

22 (TRANSFER OF FUNDS)

23 SEC. 8078. Upon enactment of this Act, the Sec-  
24 retary of Defense shall make the following transfers of  
25 funds: *Provided*, That the amounts transferred shall be  
26 available for the same purposes as the appropriations to

1 which transferred, and for the same time period as the  
2 appropriation from which transferred: *Provided further*,  
3 That the amounts shall be transferred between the follow-  
4 ing appropriations in the amount specified:

5           From:

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

8                           SSN-688 attack submarine program,  
9                   \$3,000,000;

10                           DDG-51       destroyer       program,  
11                   \$1,500,000;

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

14                           T-AO       fleet       oiler       program,  
15                   \$3,453,000;

16                           AOE combat support ship program,  
17                   \$3,600,000; and

18                           For craft, outfitting, and post deliv-  
19                   ery, \$2,019,000;

20           To:

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

23                           SSN-21 attack submarine program,  
24                   \$21,572,000;

25           From:

1 Under the heading, “Shipbuilding and  
2 Conversion, Navy, 1991/2001”:

3 DDG–51 destroyer program,  
4 \$1,060,000;

5 LHD–1 amphibious assault ship pro-  
6 gram, \$1,600,000;

7 LSD–41 cargo variant ship program,  
8 \$2,666,000;

9 AOE combat support ship program,  
10 \$7,307,000; and

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

13 To:

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

16 SSN–21 attack submarine program,  
17 \$24,633,000;

18 From:

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

21 LHD–1 amphibious assault ship pro-  
22 gram, \$5,592,000;

23 To:

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

1                   SSN-21 attack submarine program,  
2                   \$5,592,000;

3           From:

4                   Under the heading, “Shipbuilding and  
5                   Conversion, Navy, 1994/1998”:

6                   LHD-1 amphibious assault ship pro-  
7                   gram, \$400,000; and

8                   DDG-51        destroyer        program,  
9                   \$1,054,000;

10          From:

11                   Under the heading, “Shipbuilding and  
12                   Conversion, Navy, 1995/1999”:

13                   For craft, outfitting, and post deliv-  
14                   ery, conversions, and first destination  
15                   transportation, \$715,000;

16          From:

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

19                   LHD-1 amphibious assault ship pro-  
20                   gram, \$17,513,000; and

21                   For craft, outfitting, and post deliv-  
22                   ery, conversions, and first destination  
23                   transportation, \$878,000;

24          From:

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

3 For craft, outfitting, and post deliv-  
4 ery, conversions, and first destination  
5 transportation, \$3,600,000;

6 To:

7 Under the heading, “Shipbuilding and  
8 Conversion, Navy, 1997/2001”:

9 DDG-51 destroyer program,  
10 \$24,160,000;

11 From:

12 Under the heading, “Aircraft Procurement,  
13 Air Force, 1997/1999”, \$73,531,000;

14 To:

15 Under the heading, “Research, Develop-  
16 ment, Test and Evaluation, Air Force, 1997/  
17 1998”, \$73,531,000.

18 SEC. 8079. The Under Secretary of Defense (Comp-  
19 troller) shall submit to the congressional defense commit-  
20 tees by February 1, 1998 a detailed report identifying, by  
21 amount and by separate budget activity, activity group,  
22 subactivity group, line item, program element, program,  
23 project, subproject, and activity, any activity for which the  
24 fiscal year 1999 budget request was reduced because Con-

1 gress appropriated funds above the President's budget re-  
2 quest for that specific activity for fiscal year 1998.

3 SEC. 8080. (a). None of the funds available to the  
4 Department of Defense under this Act may be obligated  
5 or expended to reimburse a defense contractor for restruc-  
6 turing costs associated with a business combination of the  
7 defense contractor that occurs after the date of enactment  
8 of this Act unless—

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

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

19 (3) the report required by Section 818(e) of  
20 Public Law 103-337 to be submitted to Congress in  
21 1997 is submitted.

22 (b) Not later than April 1, 1998, the Comptroller  
23 General shall, in consultation with the Inspector General  
24 of the Department of Defense, the Secretary of Defense,

1 and the Secretary of Labor, submit to Congress a report  
2 which shall include the following:

3 (1) an analysis and breakdown of the restruc-  
4 turing costs paid by or submitted to the Department  
5 of Defense to companies involved in business com-  
6 binations since 1993;

7 (2) an analysis of the specific costs associated  
8 with workforce reductions;

9 (3) an analysis of the services provided to the  
10 workers affected by business combinations;

11 (4) an analysis of the effectiveness of the re-  
12 structuring costs used to assist laid off workers in  
13 gaining employment; and

14 (5) in accordance with section 818 of Public  
15 Law 103-337, an analysis of the savings reached  
16 from the business combination relative to the re-  
17 structuring costs paid by the Department of De-  
18 fense.

19 (c) The report should set forth recommendations to  
20 make this program more effective for workers affected by  
21 business combinations and more efficient in terms of the  
22 use of Federal dollars.

23 SEC. 8081. Funds appropriated in title II of this Act  
24 for supervision and administration costs for facilities  
25 maintenance and repair, minor construction, or design

1 projects may be obligated at the time the reimbursable  
2 order is accepted by the performing activity: *Provided*,  
3 That for the purpose of this section, supervision and ad-  
4 ministration costs includes all in-house Government cost.

5       SEC. 8082. (a) The Chief of the National Guard Bu-  
6 reau may permit the use of equipment of the National  
7 Guard Distance Learning Project by any person or entity  
8 on a space-available, reimbursable basis. The Chief of the  
9 National Guard Bureau shall establish the amount of re-  
10 imbursement to fully recover the costs for such use on a  
11 case-by-case basis.

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

18       SEC. 8083. Using funds available by this Act or any  
19 other Act, the Secretary of the Air Force, pursuant to a  
20 determination under section 2690 of title 10, United  
21 States Code, may implement cost-effective agreements for  
22 required heating facility modernization in the  
23 Kaiserslautern Military Community in the Federal Repub-  
24 lic of Germany: *Provided*, That in the City of  
25 Kaiserslautern such agreements will include the use of

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

8       SEC. 8084. In accordance with section 1557 of title  
9 31, United States Code, the following obligated balance  
10 shall be exempt from subchapter IV of chapter 15 of such  
11 title and shall remain available for expenditure without fis-  
12 cal year limitation: Funds obligated by the Army for con-  
13 tract number DAK F 40-92-H-5001 from funds made  
14 available in the Department of Defense Appropriations  
15 Act, 1992 (Public Law 102-172) under the heading “Op-  
16 eration and Maintenance, Army”.

17       SEC. 8085. In accordance with section 1557 of title  
18 31, United States Code, the following obligated balance  
19 shall be exempt from subchapter IV of chapter 15 of such  
20 title and shall remain available for expenditure without fis-  
21 cal year limitation: Funds obligated by the Economic De-  
22 velopment Administration for EDA Project No. 04-49-  
23 04095 from funds made available in the Department of  
24 Defense Appropriations Act, 1994 (Public Law 103-189).

1       SEC. 8086. None of the funds provided by this Act  
2 may be used to pay costs of instruction for an Air Force  
3 officer for enrollment commencing during the 1998–1999  
4 academic year in a postgraduate degree program at a civil-  
5 ian educational institution if—

6           (1) the degree program to be pursued by that  
7 officer is offered by the Air Force Institute of Tech-  
8 nology (or was offered by that institute during the  
9 1996–1997 academic year);

10          (2) the officer is qualified for enrollment at the  
11 Air Force Institute of Technology in that degree  
12 program; and

13          (3) the number of students commencing that  
14 degree program at the Air Force Institute of Tech-  
15 nology during the first semester of the 1998–1999  
16 academic year is less than the number of students  
17 commencing that degree program for the first se-  
18 mester of the 1996–1997 academic year.

19       SEC. 8087. Of the funds provided in this Act under  
20 the heading, “Environmental Restoration, Air Force”,  
21 \$10,400,000 shall be deposited into the Foreign Military  
22 Sales Trust Fund to the credit of the Canadian Govern-  
23 ment pursuant to the exchange of notes between the Gov-  
24 ernments of the United States and Canada concerning en-

1 vironmental clean-up at former United States' military in-  
2 stallations in Canada.

3       SEC. 8088. During the current fiscal year, the  
4 amounts which are necessary for the operation and main-  
5 tenance of the Fisher Houses administered by the Depart-  
6 ments of the Army, the Navy, and the Air Force are here-  
7 by appropriated, to be derived from amounts which are  
8 available in the applicable Fisher House trust fund estab-  
9 lished under 10 U.S.C. 2221 for the Fisher Houses of  
10 each such department.

11       SEC. 8089. During the current fiscal year, refunds  
12 attributable to the use of the Government travel card by  
13 military personnel and civilian employees of the Depart-  
14 ment of Defense may be credited to operation and mainte-  
15 nance accounts of the Department of Defense which are  
16 current when the refunds are received.

17       SEC. 8090. During the current fiscal year, not more  
18 than a total of \$60,000,000 in withdrawal credits may be  
19 made by the Marine Corps Supply Management activity  
20 group of the Navy Working Capital Fund, Department of  
21 Defense Working Capital Funds, to the credit of current  
22 applicable appropriations of a Department of Defense ac-  
23 tivity in connection with the acquisition of critical low den-  
24 sity repairables that are capitalized into the Navy Working  
25 Capital Fund.

1       SEC. 8091. Notwithstanding 31 U.S.C. 3902, during  
2 the current fiscal year interest penalties may be paid by  
3 the Department of Defense from funds financing the oper-  
4 ation of the military department or defense agency with  
5 which the invoice or contract payment is associated.

6       SEC. 8092. At the time the President submits his  
7 budget for fiscal year 1999, the Department of Defense  
8 shall transmit to the congressional defense committees a  
9 budget justification document for the active and reserve  
10 Military Personnel accounts, to be known as the “M-1”,  
11 which shall identify, at the budget activity, activity group,  
12 and subactivity group level, the amounts requested by the  
13 President to be appropriated to the Department of De-  
14 fense for military personnel in any budget request, or  
15 amended budget request, for fiscal year 1999.

16       SEC. 8093. Notwithstanding any other provision in  
17 this Act, the total amount appropriated in this Act is here-  
18 by reduced by \$100,000,000 to reflect savings due to ex-  
19 cess inventory, to be distributed as follows: “Operation  
20 and Maintenance, Army”, \$15,000,000; and “Operation  
21 and Maintenance, Navy”, \$85,000,000.

22       SEC. 8094. The amount otherwise provided in this  
23 Act for “Environmental Restoration, Army” is hereby re-  
24 duced by \$73,000,000, to reflect funds carried by the  
25 Army as a result of shared cleanup costs.

1       SEC. 8095. Notwithstanding any other provision in  
2 this Act, the total amount appropriated in title III of this  
3 Act is hereby reduced by \$50,000,000 to reflect savings  
4 from repeal of Section 2403 of title 10, United States  
5 Code.

6       SEC. 8096. None of the funds in this or any other  
7 Act may be used by the National Imagery and Mapping  
8 Agency for any mapping, charting, and geodesy activities  
9 unless contracts for such services are awarded in accord-  
10 ance with the qualifications based selection process in 40  
11 U.S.C. 541 et seq. and 10 U.S.C. 2855: *Provided*, That  
12 an exception shall be provided for such services that are  
13 critical to national security after a written notification has  
14 been submitted by the Deputy Secretary of Defense to the  
15 Committees on Appropriations of the House of Represent-  
16 atives and the Senate.

17       SEC. 8097. During the current fiscal year, the Sec-  
18 retary of Defense may award contracts for capital assets  
19 having a development or acquisition cost of not less than  
20 \$100,000 of a Working Capital Fund in advance of the  
21 availability of funds in the Working Capital Fund for  
22 minor construction, automatic data processing equipment,  
23 software, equipment, and other capital improvements.

24       SEC. 8098. The Secretary of Defense shall submit to  
25 the congressional defense committees not later than No-

1 vember 15, 1997 an aviation safety plan outlining an ap-  
2 propriate level of navigational safety upgrades for all De-  
3 partment of Defense aircraft and the associated funding  
4 profile to install these upgrades in an expeditious manner.

5       SEC. 8099. The Secretary of Defense shall submit to  
6 the Committees on Appropriations of the House of Rep-  
7 resentatives and Senate, not later than April 15, 1998,  
8 a report on alternatives for current theater combat simula-  
9 tions: *Provided*, That this report shall be based on a review  
10 and evaluation by the Defense Science Board of the ade-  
11 quacy of the current models used by the Department of  
12 Defense for theater combat simulations, with particular  
13 emphasis on the tactical warfare (TACWAR) model and  
14 the ability of that model to adequately measure airpower,  
15 stealth, and other asymmetrical United States warfighting  
16 advantages, and shall include the recommendations of the  
17 Defense Science Board for improvements to current mod-  
18 els and modeling techniques.

19       SEC. 8100. None of the funds appropriated in title  
20 IV of this Act may be used to procure end-items for deliv-  
21 ery to military forces for operational training, operational  
22 use or inventory requirements: *Provided*, That this restric-  
23 tion does not apply to end-items used in development and  
24 test activities preceding and leading to acceptance for  
25 operational use: *Provided further*, That this restriction

1 does not apply to programs funded within the National  
2 Foreign Intelligence Program: *Provided further*, That the  
3 Secretary of Defense may waive this restriction on a case-  
4 by-case basis by certifying in writing to the Committees  
5 on Appropriations of the House of Representatives and the  
6 Senate that it is in the national security interest to do  
7 so.

8       SEC. 8100A. It is the sense of the Congress that all  
9 member nations of the North Atlantic Treaty Organiza-  
10 tion (NATO) should contribute their proportionate share  
11 to pay for the costs of the Partnership for Peace program  
12 and for any future costs attributable to the expansion of  
13 NATO.

14       SEC. 8100B. None of the funds in this Act may be  
15 used to pay for NATO expansion not authorized by law.

16       SEC. 8101. The budget of the President for fiscal  
17 year 1999 submitted to Congress pursuant to section 1105  
18 of title 31, United States Code, and each annual budget  
19 request thereafter, shall include budget activity groups  
20 (known as “subactivities”) in the operation and mainte-  
21 nance accounts of the military departments and other ap-  
22 propriation accounts, as may be necessary, to separately  
23 identify all costs incurred by the Department of Defense  
24 to support the expansion of the North Atlantic Treaty Or-  
25 ganization. The budget justification materials submitted

1 to Congress in support of the budget of the Department  
2 of Defense for fiscal year 1999, and subsequent fiscal  
3 years, shall provide complete, detailed estimates for the  
4 incremental costs of such expansion.

5 SEC. 8102. (a) LIMITATION.—Funds appropriated or  
6 otherwise made available for the Department of Defense  
7 for any fiscal year may not be obligated for the deploy-  
8 ment of any ground elements of the United States Armed  
9 Forces in the Republic of Bosnia and Herzegovina after—

10 (1) June 30, 1998; or

11 (2) such later date as may be specifically pre-  
12 scribed by law after the date of the enactment of  
13 this Act, based upon a request from the President  
14 or otherwise as the Congress may determine.

15 (b) EXCEPTIONS.—The limitation in subsection (a)  
16 shall not apply to the extent necessary to support (1) a  
17 limited number of United States military personnel suffi-  
18 cient only to protect United States diplomatic facilities in  
19 existence on the date of the enactment of this Act, and  
20 (2) noncombat military personnel sufficient only to advise  
21 the commanders North Atlantic Treaty Organization  
22 peacekeeping operations in the Republic of Bosnia and  
23 Herzegovina.

24 (c) CONSTRUCTION OF SECTION.—Nothing in this  
25 section shall be deemed to restrict the authority of the

1 President under the Constitution to protect the lives of  
2 United States citizens.

3 (d) LIMITATION ON SUPPORT FOR LAW ENFORCE-  
4 MENT ACTIVITIES IN BOSNIA.—None of the funds appro-  
5 priated or otherwise made available to the Department of  
6 Defense for any fiscal year may be obligated or expended  
7 after the date of the enactment of this Act for the conduct  
8 of, or direct support for, law enforcement activities in the  
9 Republic of Bosnia and Herzegovina, except for the train-  
10 ing of law enforcement personnel or to prevent imminent  
11 loss of life.

12 (e) PRESIDENTIAL REPORT ON POLITICAL AND MILI-  
13 TARY CONDITIONS IN BOSNIA.—(1) Not later than De-  
14 cember 15, 1997, the President shall submit to Congress  
15 a report on the political and military conditions in the Re-  
16 public of Bosnia and Herzegovina (hereafter in this sub-  
17 section referred to as Bosnia-Herzegovina). Of the funds  
18 available to the Secretary of Defense for fiscal year 1998  
19 for the operation of United States ground forces in  
20 Bosnia-Herzegovina during that fiscal year, no more than  
21 60 percent may be expended before the report is submit-  
22 ted.

23 (2) The report under paragraph (1) shall include a  
24 discussion of the following:

1           (A) An identification of the specific steps taken  
2           by the United States Government to transfer the  
3           United States portion of the peacekeeping mission in  
4           the Republic of Bosnia and Herzegovina to Euro-  
5           pean allied nations or organizations.

6           (B) A detailed discussion of the proposed role  
7           and involvement of the United States in supporting  
8           peacekeeping activities in the Republic of Bosnia  
9           and Herzegovina following the withdrawal of United  
10          States ground forces from the Republic of Bosnia  
11          and Herzegovina pursuant to subsection (a).

12          (C) A detailed explanation and timetable for  
13          carrying out the President's commitment to with-  
14          draw all United States ground forces from Bosnia-  
15          Herzegovina by the end of June 1998, including the  
16          planned date of commencement and completion of  
17          the withdrawal.

18          (D) The date on which the transition from the  
19          multinational force known as the Stabilization Force  
20          to the planned multinational successor force to be  
21          known as the Deterrence Force will occur and how  
22          the decision as to that date will impact the estimates  
23          of costs associated with the operation of United  
24          States ground forces in Bosnia-Herzegovina during

1 fiscal year 1998 as contained in the President's  
2 budget for fiscal year 1998.

3 (E) The military and political considerations  
4 that will affect the decision to carry out such a tran-  
5 sition.

6 (F) Any plan to maintain or expand other  
7 Bosnia-related operations (such as the operation  
8 designated as Operation Deliberate Guard) if ten-  
9 sions in Bosnia-Herzegovina remain sufficient to  
10 delay the transition from the Stabilization Force to  
11 the Deterrence Force and the estimated cost associ-  
12 ated with each such operation.

13 (G) Whether allied nations participating in the  
14 Bosnia mission have similar plans to increase and  
15 maintain troop strength or maintain ground forces  
16 in Bosnia-Herzegovina and, if so, the identity of  
17 each such country and a description of that coun-  
18 try's plans.

19 (3) As used in this subsection, the term "Stabiliza-  
20 tion Force" (referred to as "SFOR") means the follow-  
21 on force to the Implementation Force (known as "IFOR")  
22 in the Republic of Bosnia and Herzegovina and other  
23 countries in the region, authorized under United Nations  
24 Security Council Resolution 1008 (December 12, 1996).



1           (2) Internal quality assurance activities to vali-  
2           date processes for collection, maintenance and analy-  
3           sis of samples.

4           (3) A purpose for which the donor of the sam-  
5           ple (or surviving next-of-kin) provides consent.

6           (4) As compelled by other applicable law in a  
7           case in which all of the following conditions are  
8           present:

9                   (A) The responsible Department of De-  
10                  fense official has received a proper judicial  
11                  order or judicial authorization.

12                  (B) The specimen sample is needed for the  
13                  investigation or prosecution of a crime punish-  
14                  able by one year or more of confinement.

15                  (C) No reasonable alternative means for  
16                  obtaining a specimen for DNA profile analysis  
17                  is available.

18                  (D) The use is approved by the Assistant  
19                  Secretary of Defense (Health Affairs) after con-  
20                  sultation with the Department of Defense Gen-  
21                  eral Counsel.

22           (b) The specimen repository referred to in subsection  
23           (a) is the repository that was established pursuant to Dep-  
24           uty Secretary of Defense Memorandum 47803, dated De-  
25           cember 16, 1991, and designated as the “Armed Forces

1 Repository of Specimen Samples for the Identification of  
2 Remains” by paragraph numbered 4 in the covered De-  
3 partment of Defense policy memorandum.

4 (c) For purposes of this section, the covered Depart-  
5 ment of Defense policy memorandum is the memorandum  
6 of the Assistant Secretary of Defense (Health Affairs) for  
7 the Secretary of the Army, dated April 2, 1996, issued  
8 pursuant to law which states as its subject “Policy Refine-  
9 ments for the Armed Forces Repository of Specimen Sam-  
10 ples for the Identification of Remains”.

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

Passed the House of Representatives July 29, 1997.

Attest:

ROBIN H. CARLE,

*Clerk.*