

Union Calendar No. 127

105TH CONGRESS
1ST SESSION

H. R. 2266

[Report No. 105-206]

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

IN THE HOUSE OF REPRESENTATIVES

JULY 25, 1997

Mr. YOUNG of Florida, from the Committee on Appropriations, reported the following bill; which was committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

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

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

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TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; \$20,445,381,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), to section 229(b)

1 of the Social Security Act (42 U.S.C. 429(b)), and to the
2 Department of Defense Military Retirement Fund;
3 \$16,504,911,000.

4 MILITARY PERSONNEL, MARINE CORPS

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

16 MILITARY PERSONNEL, AIR FORCE

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

1 229(b) of the Social Security Act (42 U.S.C. 429(b)), and
2 to the Department of Defense Military Retirement Fund;
3 \$17,044,874,000.

4 RESERVE PERSONNEL, ARMY

5 For pay, allowances, clothing, subsistence, gratuities,
6 travel, and related expenses for personnel of the Army Re-
7 serve on active duty under sections 10211, 10302, and
8 3038 of title 10, United States Code, or while serving on
9 active duty under section 12301(d) of title 10, United
10 States Code, in connection with performing duty specified
11 in section 12310(a) of title 10, United States Code, or
12 while undergoing reserve training, or while performing
13 drills or equivalent duty or other duty, and for members
14 of the Reserve Officers' Training Corps, and expenses au-
15 thorized by section 16131 of title 10, United States Code;
16 and for payments to the Department of Defense Military
17 Retirement Fund; \$2,045,615,000.

18 RESERVE PERSONNEL, NAVY

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

1 serve training, or while performing drills or equivalent
2 duty, and for members of the Reserve Officers' Training
3 Corps, and expenses authorized by section 16131 of title
4 10, United States Code; and for payments to the Depart-
5 ment of Defense Military Retirement Fund;
6 \$1,377,249,000.

7 RESERVE PERSONNEL, MARINE CORPS

8 For pay, allowances, clothing, subsistence, gratuities,
9 travel, and related expenses for personnel of the Marine
10 Corps Reserve on active duty under section 10211 of title
11 10, United States Code, or while serving on active duty
12 under section 12301(d) of title 10, United States Code,
13 in connection with performing duty specified in section
14 12310(a) of title 10, United States Code, or while under-
15 going reserve training, or while performing drills or equiv-
16 alent duty, and for members of the Marine Corps platoon
17 leaders class, and expenses authorized by section 16131
18 of title 10, United States Code; and for payments to the
19 Department of Defense Military Retirement Fund;
20 \$391,953,000.

21 RESERVE PERSONNEL, AIR FORCE

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

1 active duty under section 12301(d) of title 10, United
2 States Code, in connection with performing duty specified
3 in section 12310(a) of title 10, United States Code, or
4 while undergoing reserve training, or while performing
5 drills or equivalent duty or other duty, and for members
6 of the Air Reserve Officers' Training Corps, and expenses
7 authorized by section 16131 of title 10, United States
8 Code; and for payments to the Department of Defense
9 Military Retirement Fund; \$814,772,000.

10 NATIONAL GUARD PERSONNEL, ARMY

11 For pay, allowances, clothing, subsistence, gratuities,
12 travel, and related expenses for personnel of the Army Na-
13 tional Guard while on duty under section 10211, 10302,
14 or 12402 of title 10 or section 708 of title 32, United
15 States Code, or while serving on duty under section
16 12301(d) of title 10 or section 502(f) of title 32, United
17 States Code, in connection with performing duty specified
18 in section 12310(a) of title 10, United States Code, or
19 while undergoing training, or while performing drills or
20 equivalent duty or other duty, and expenses authorized by
21 section 16131 of title 10, United States Code; and for pay-
22 ments to the Department of Defense Military Retirement
23 Fund; \$3,245,387,000.

1 NATIONAL GUARD PERSONNEL, AIR FORCE

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

15 TITLE II

16 OPERATION AND MAINTENANCE

17 OPERATION AND MAINTENANCE, ARMY

18 (INCLUDING TRANSFER OF FUNDS)

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

1 \$17,078,218,000 and, in addition, \$50,000,000 shall be
2 derived by transfer from the National Defense Stockpile
3 Transaction Fund: *Provided*, That of the funds appro-
4 priated in this paragraph, not less than \$300,000,000
5 shall be made available only for conventional ammunition
6 care and maintenance.

7 OPERATION AND MAINTENANCE, NAVY

8 (INCLUDING TRANSFER OF FUNDS)

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

22 OPERATION AND MAINTENANCE, MARINE CORPS

23 For expenses, not otherwise provided for, necessary
24 for the operation and maintenance of the Marine Corps,
25 as authorized by law; \$2,598,032,000: *Provided*, That of

1 the funds appropriated in this paragraph, \$216,787,000
2 shall not be obligated or expended until authorized by law.

3 OPERATION AND MAINTENANCE, AIR FORCE

4 (INCLUDING TRANSFER OF FUNDS)

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

15 OPERATION AND MAINTENANCE, DEFENSE-WIDE

16 For expenses, not otherwise provided for, necessary
17 for the operation and maintenance of activities and agen-
18 cies of the Department of Defense (other than the military
19 departments), as authorized by law; \$10,066,956,000, of
20 which not to exceed \$25,000,000 may be available for the
21 CINC initiative fund account; and of which not to exceed
22 \$28,850,000 can be used for emergencies and extraor-
23 dinary expenses, to be expended on the approval or author-
24 ity of the Secretary of Defense, and payments may be
25 made on his certificate of necessity for confidential mili-

1 tary purposes: *Provided*, That of the funds appropriated
2 in this paragraph, \$36,899,000 shall not be obligated or
3 expended until authorized by law.

4 OPERATION AND MAINTENANCE, ARMY RESERVE

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

15 OPERATION AND MAINTENANCE, NAVY RESERVE

16 For expenses, not otherwise provided for, necessary
17 for the operation and maintenance, including training, or-
18 ganization, and administration, of the Navy Reserve; re-
19 pair of facilities and equipment; hire of passenger motor
20 vehicles; travel and transportation; care of the dead; re-
21 cruiting; procurement of services, supplies, and equip-
22 ment; and communications; \$924,711,000: *Provided*, That
23 of the funds appropriated in this paragraph, \$75,000,000
24 shall not be obligated or expended until authorized by law.

1 OPERATION AND MAINTENANCE, MARINE CORPS

2 RESERVE

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

12 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

13 For expenses, not otherwise provided for, necessary
14 for the operation and maintenance, including training, or-
15 ganization, and administration, of the Air Force Reserve;
16 repair of facilities and equipment; hire of passenger motor
17 vehicles; travel and transportation; care of the dead; re-
18 cruiting; procurement of services, supplies, and equip-
19 ment; and communications; \$1,635,250,000: *Provided*,
20 That of the funds appropriated in this paragraph,
21 \$6,130,000 shall not be obligated or expended until au-
22 thorized by law.

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

18 OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND

19 (INCLUDING TRANSFER OF FUNDS)

20 For expenses directly relating to Overseas Contin-
21 gency Operations by United States military forces;
22 \$1,855,400,000: *Provided*, That the Secretary of Defense
23 may transfer these funds only to operation and mainte-
24 nance accounts within this title, and working capital
25 funds: *Provided further*, That the funds transferred shall

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

9 UNITED STATES COURT OF APPEALS FOR THE ARMED
10 FORCES

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

15 ENVIRONMENTAL RESTORATION, ARMY
16 (INCLUDING TRANSFER OF FUNDS)

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

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

7 ENVIRONMENTAL RESTORATION, NAVY

8 (INCLUDING TRANSFER OF FUNDS)

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

1 TITLE III
2 PROCUREMENT
3 AIRCRAFT PROCUREMENT, ARMY
4 For construction, procurement, production, modifica-
5 tion, and modernization of aircraft, equipment, including
6 ordnance, ground handling equipment, spare parts, and
7 accessories therefor; specialized equipment and training
8 devices; expansion of public and private plants, including
9 the land necessary therefor, for the foregoing purposes,
10 and such lands and interests therein, may be acquired,
11 and construction prosecuted thereon prior to approval of
12 title; and procurement and installation of equipment, ap-
13 pliances, and machine tools in public and private plants;
14 reserve plant and Government and contractor-owned
15 equipment layaway; and other expenses necessary for the
16 foregoing purposes; \$1,541,217,000, to remain available
17 for obligation until September 30, 2000: *Provided*, That
18 of the \$309,231,000 appropriated in this paragraph for
19 the procurement of UH-60 helicopters, \$253,231,000
20 shall be available only for the procurement of 26 such air-
21 craft to be provided to the Army National Guard and
22 \$56,000,000 shall be available only for the procurement
23 of four such aircraft to be reconfigured as CH-60 heli-
24 copters and provided to the Navy Reserve: *Provided fur-*
25 *ther*, 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, title 10, United States Code, and
15 the land necessary therefor, for the foregoing purposes,
16 and such lands and interests therein, may be acquired,
17 and construction prosecuted thereon prior to approval of
18 title; and procurement and installation of equipment, ap-
19 pliances, and machine tools in public and private plants;
20 reserve plant and Government and contractor-owned
21 equipment layaway; and other expenses necessary for the
22 foregoing purposes; \$1,062,802,000, to remain available
23 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, title 10, United States Code, and
2 the land necessary therefor, for the foregoing purposes,
3 and such lands and interests therein, may be acquired,
4 and construction prosecuted thereon prior to approval of
5 title; and procurement and installation of equipment, ap-
6 pliances, and machine tools in public and private plants;
7 reserve plant and Government and contractor-owned
8 equipment layaway; and other expenses necessary for the
9 foregoing purposes; \$423,797,000, to remain available for
10 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, to remain avail-
12 able for obligation until September 30, 1999: *Provided*,
13 That of the funds made available in this paragraph,
14 \$4,000,000 shall be only for development of coal-derived
15 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, to remain available for obligation until

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

24

the exercise of an option in a contract awarded through

25

the obligation of previously appropriated funds shall not

1 be considered to be the award of a new contract: *Provided*
2 *further*, That the Secretary of the military department re-
3 sponsible for such procurement may waive 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 cronesia, 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;

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;

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;

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;

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;

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;

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. 8101. The budget of the President for fiscal
9 year 1999 submitted to Congress pursuant to section 1105
10 of title 31, United States Code, and each annual budget
11 request thereafter, shall include budget activity groups
12 (known as “subactivities”) in the operation and mainte-
13 nance accounts of the military departments and other ap-
14 propriation accounts, as may be necessary, to separately
15 identify all costs incurred by the Department of Defense
16 to support the expansion of the North Atlantic Treaty Or-
17 ganization. The budget justification materials submitted
18 to Congress in support of the budget of the Department
19 of Defense for fiscal year 1999, and subsequent fiscal
20 years, shall provide complete, detailed estimates for the
21 incremental costs of such expansion.

22 SEC. 8102. (a) LIMITATION.—Funds appropriated or
23 otherwise made available for the Department of Defense
24 for any fiscal year may not be obligated for the deploy-

1 ment of any ground elements of the United States Armed
2 Forces in the Republic of Bosnia and Herzegovina after—

3 (1) June 30, 1998; or

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

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

17 (c) CONSTRUCTION OF SECTION.—Nothing in this
18 section shall be deemed to restrict the authority of the
19 President under the Constitution to protect the lives of
20 United States citizens.

21 (d) LIMITATION ON SUPPORT FOR LAW ENFORCE-
22 MENT ACTIVITIES IN BOSNIA.—None of the funds appro-
23 priated or otherwise made available to the Department of
24 Defense for any fiscal year may be obligated or expended
25 after the date of the enactment of this Act for the conduct

1 of, or direct support for, law enforcement activities in the
2 Republic of Bosnia and Herzegovina, except for the train-
3 ing of law enforcement personnel or to prevent imminent
4 loss of life.

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

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

18 (A) An identification of the specific steps taken
19 by the United States Government to transfer the
20 United States portion of the peacekeeping mission in
21 the Republic of Bosnia and Herzegovina to Euro-
22 pean allied nations or organizations.

23 (B) A detailed discussion of the proposed role
24 and involvement of the United States in supporting
25 peacekeeping activities in the Republic of Bosnia

1 and Herzegovina following the withdrawal of United
2 States ground forces from the Republic of Bosnia
3 and Herzegovina pursuant to subsection (a).

4 (C) A detailed explanation and timetable for
5 carrying out the President's commitment to with-
6 draw all United States ground forces from Bosnia-
7 Herzegovina by the end of June 1998, including the
8 planned date of commencement and completion of
9 the withdrawal.

10 (D) The date on which the transition from the
11 multinational force known as the Stabilization Force
12 to the planned multinational successor force to be
13 known as the Deterrence Force will occur and how
14 the decision as to that date will impact the estimates
15 of costs associated with the operation of United
16 States ground forces in Bosnia-Herzegovina during
17 fiscal year 1998 as contained in the President's
18 budget for fiscal year 1998.

19 (E) The military and political considerations
20 that will affect the decision to carry out such a tran-
21 sition.

22 (F) Any plan to maintain or expand other
23 Bosnia-related operations (such as the operation
24 designated as Operation Deliberate Guard) if ten-
25 sions in Bosnia-Herzegovina remain sufficient to

1 delay the transition from the Stabilization Force to
2 the Deterrence Force and the estimated cost associ-
3 ated with each such operation.

4 (G) Whether allied nations participating in the
5 Bosnia mission have similar plans to increase and
6 maintain troop strength or maintain ground forces
7 in Bosnia-Herzegovina and, if so, the identity of
8 each such country and a description of that coun-
9 try's plans.

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

16 This Act may be cited as the "Department of Defense
17 Appropriations Act, 1998".

Union Calendar No. 127

105TH CONGRESS
1ST Session

H. R. 2266

[Report No. 105-206]

A BILL

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

JULY 25, 1997

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed