

Union Calendar No. 322

107TH CONGRESS
2^D SESSION**H. R. 5010****[Report No. 107-532]**

Making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 25, 2002

Mr. LEWIS of California, 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, 2003, 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, 2003, for military func-
6 tions administered by the Department of Defense, and for
7 other purposes, namely:

1 TITLE I

2 MILITARY PERSONNEL

3 MILITARY PERSONNEL, ARMY

4 For pay, allowances, individual clothing, subsistence,
5 interest on deposits, gratuities, permanent change of sta-
6 tion travel (including all expenses thereof for organiza-
7 tional movements), and expenses of temporary duty travel
8 between permanent duty stations, for members of the
9 Army on active duty (except members of reserve compo-
10 nents provided for elsewhere), cadets, and aviation cadets;
11 and for payments pursuant to section 156 of Public Law
12 97–377, as amended (42 U.S.C. 402 note), and to the De-
13 partment of Defense Military Retirement Fund,
14 \$26,832,217,000.

15 MILITARY PERSONNEL, NAVY

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

1 ment of Defense Military Retirement Fund,
2 \$21,874,395,000.

3 MILITARY PERSONNEL, MARINE CORPS

4 For pay, allowances, individual clothing, subsistence,
5 interest on deposits, gratuities, permanent change of sta-
6 tion travel (including all expenses thereof for organiza-
7 tional movements), and expenses of temporary duty travel
8 between permanent duty stations, for members of the Ma-
9 rine Corps on active duty (except members of the Reserve
10 provided for elsewhere); and for payments pursuant to sec-
11 tion 156 of Public Law 97-377, as amended (42 U.S.C.
12 402 note), and to the Department of Defense Military Re-
13 tirement Fund, \$8,504,172,000.

14 MILITARY PERSONNEL, AIR FORCE

15 For pay, allowances, individual clothing, subsistence,
16 interest on deposits, gratuities, permanent change of sta-
17 tion travel (including all expenses thereof for organiza-
18 tional movements), and expenses of temporary duty travel
19 between permanent duty stations, for members of the Air
20 Force on active duty (except members of reserve compo-
21 nents provided for elsewhere), cadets, and aviation cadets;
22 and for payments pursuant to section 156 of Public Law
23 97-377, as amended (42 U.S.C. 402 note), and to the De-
24 partment of Defense Military Retirement Fund,
25 \$21,957,757,000.

1 RESERVE PERSONNEL, ARMY

2 For pay, allowances, clothing, subsistence, gratuities,
3 travel, and related expenses for personnel of the Army Re-
4 serve on active duty under sections 10211, 10302, and
5 3038 of title 10, United States Code, or while serving on
6 active duty under section 12301(d) of title 10, United
7 States Code, in connection with performing duty specified
8 in section 12310(a) of title 10, United States Code, or
9 while undergoing reserve training, or while performing
10 drills or equivalent duty or other duty, and for members
11 of the Reserve Officers' Training Corps, and expenses au-
12 thorized by section 16131 of title 10, United States Code;
13 and for payments to the Department of Defense Military
14 Retirement Fund, \$3,373,455,000.

15 RESERVE PERSONNEL, NAVY

16 For pay, allowances, clothing, subsistence, gratuities,
17 travel, and related expenses for personnel of the Navy Re-
18 serve on active duty under section 10211 of title 10,
19 United States Code, or while serving on active duty under
20 section 12301(d) of title 10, United States Code, in con-
21 nection with performing duty specified in section 12310(a)
22 of title 10, United States Code, or while undergoing re-
23 serve training, or while performing drills or equivalent
24 duty, and for members of the Reserve Officers' Training
25 Corps, and expenses authorized by section 16131 of title

1 10, United States Code; and for payments to the Depart-
2 ment of Defense Military Retirement Fund,
3 \$1,897,352,000.

4 RESERVE PERSONNEL, MARINE CORPS

5 For pay, allowances, clothing, subsistence, gratuities,
6 travel, and related expenses for personnel of the Marine
7 Corps Reserve on active duty under section 10211 of title
8 10, United States Code, or while serving on active duty
9 under section 12301(d) of title 10, United States Code,
10 in connection with performing duty specified in section
11 12310(a) of title 10, United States Code, or while under-
12 going reserve training, or while performing drills or equiv-
13 alent duty, and for members of the Marine Corps platoon
14 leaders class, and expenses authorized by section 16131
15 of title 10, United States Code; and for payments to the
16 Department of Defense Military Retirement Fund,
17 \$553,983,000.

18 RESERVE PERSONNEL, AIR FORCE

19 For pay, allowances, clothing, subsistence, gratuities,
20 travel, and related expenses for personnel of the Air Force
21 Reserve on active duty under sections 10211, 10305, and
22 8038 of title 10, United States Code, or while serving on
23 active duty under section 12301(d) of title 10, United
24 States Code, in connection with performing duty specified
25 in section 12310(a) of title 10, United States Code, or

1 while undergoing reserve training, or while performing
2 drills or equivalent duty or other duty, and for members
3 of the Air Reserve Officers' Training Corps, and expenses
4 authorized by section 16131 of title 10, United States
5 Code; and for payments to the Department of Defense
6 Military Retirement Fund, \$1,236,904,000.

7 NATIONAL GUARD PERSONNEL, ARMY

8 For pay, allowances, clothing, subsistence, gratuities,
9 travel, and related expenses for personnel of the Army Na-
10 tional Guard while on duty under section 10211, 10302,
11 or 12402 of title 10 or section 708 of title 32, United
12 States Code, or while serving on duty under section
13 12301(d) of title 10 or section 502(f) of title 32, United
14 States Code, in connection with performing duty specified
15 in section 12310(a) of title 10, United States Code, or
16 while undergoing training, or while performing drills or
17 equivalent duty or other duty, and expenses authorized by
18 section 16131 of title 10, United States Code; and for pay-
19 ments to the Department of Defense Military Retirement
20 Fund, \$5,070,188,000.

21 NATIONAL GUARD PERSONNEL, AIR FORCE

22 For pay, allowances, clothing, subsistence, gratuities,
23 travel, and related expenses for personnel of the Air Na-
24 tional Guard on duty under section 10211, 10305, or
25 12402 of title 10 or section 708 of title 32, United States

1 Code, or while serving on duty under section 12301(d) of
2 title 10 or section 502(f) of title 32, United States Code,
3 in connection with performing duty specified in section
4 12310(a) of title 10, United States Code, or while under-
5 going training, or while performing drills or equivalent
6 duty or other duty, and expenses authorized by section
7 16131 of title 10, United States Code; and for payments
8 to the Department of Defense Military Retirement Fund,
9 \$2,124,411,000.

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TITLE II

11

OPERATION AND MAINTENANCE

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OPERATION AND MAINTENANCE, ARMY

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For expenses, not otherwise provided for, necessary
for the operation and maintenance of the Army, as author-
ized by law; and not to exceed \$10,818,000 can be used
for emergencies and extraordinary expenses, to be ex-
pended on the approval or authority of the Secretary of
the Army, and payments may be made on his certificate
of necessity for confidential military purposes,
\$23,942,768,000: *Provided*, That of the funds appro-
priated in this paragraph, not less than \$355,000,000
shall be made available only for conventional ammunition
care and maintenance.

1 OPERATION AND MAINTENANCE, NAVY

2 For expenses, not otherwise provided for, necessary
3 for the operation and maintenance of the Navy and the
4 Marine Corps, as authorized by law; and not to exceed
5 \$4,415,000 can be used for emergencies and extraordinary
6 expenses, to be expended on the approval or authority of
7 the Secretary of the Navy, and payments may be made
8 on his certificate of necessity for confidential military pur-
9 poses, \$29,121,836,000.

10 OPERATION AND MAINTENANCE, MARINE CORPS

11 For expenses, not otherwise provided for, necessary
12 for the operation and maintenance of the Marine Corps,
13 as authorized by law, \$3,579,359,000.

14 OPERATION AND MAINTENANCE, AIR FORCE

15 For expenses, not otherwise provided for, necessary
16 for the operation and maintenance of the Air Force, as
17 authorized by law; and not to exceed \$7,902,000 can be
18 used for emergencies and extraordinary expenses, to be ex-
19 pended on the approval or authority of the Secretary of
20 the Air Force, and payments may be made on his certifi-
21 cate of necessity for confidential military purposes,
22 \$27,587,959,000: *Provided*, That notwithstanding any
23 other provision of law, that of the funds available under
24 this heading, \$750,000 shall only be available to the Sec-
25 retary of the Air Force for a grant to Florida Memorial

1 College for the purpose of funding minority aviation train-
2 ing: *Provided further*, That of the amount provided under
3 this heading, not less than \$2,000,000 shall be obligated
4 for the deployment of Air Force active and Reserve air-
5 crews that perform combat search and rescue operations
6 to operate and evaluate the United Kingdom's Royal Air
7 Force EH-101 helicopter, to receive training using that
8 helicopter, and to exchange operational techniques and
9 procedures regarding that helicopter.

10 OPERATION AND MAINTENANCE, DEFENSE-WIDE
11 (INCLUDING TRANSFER OF FUNDS)

12 For expenses, not otherwise provided for, necessary
13 for the operation and maintenance of activities and agen-
14 cies of the Department of Defense (other than the military
15 departments), as authorized by law, \$14,850,377,000, of
16 which not to exceed \$25,000,000 may be available for the
17 CINC initiative fund account; and of which not to exceed
18 \$34,500,000 can be used for emergencies and extraor-
19 dinary expenses, to be expended on the approval or author-
20 ity of the Secretary of Defense, and payments may be
21 made on his certificate of necessity for confidential mili-
22 tary purposes: *Provided*, That notwithstanding any other
23 provision of law, of the funds provided in this Act for Civil
24 Military programs under this heading, \$750,000 shall be
25 available for a grant for Outdoor Odyssey, Roaring Run,

1 Pennsylvania, to support the Youth Development and
2 Leadership program and Department of Defense
3 STARBASE program: *Provided further*, That none of the
4 funds appropriated or otherwise made available by this
5 Act may be used to plan or implement the consolidation
6 of a budget or appropriations liaison office of the Office
7 of the Secretary of Defense, the office of the Secretary
8 of a military department, or the service headquarters of
9 one of the Armed Forces into a legislative affairs or legis-
10 lative liaison office: *Provided further*, That \$4,675,000, to
11 remain available until expended, is available only for ex-
12 penses relating to certain classified activities, and may be
13 transferred as necessary by the Secretary to operation and
14 maintenance appropriations or research, development, test
15 and evaluation appropriations, to be merged with and to
16 be available for the same time period as the appropriations
17 to which transferred: *Provided further*, That any ceiling
18 on the investment item unit cost of items that may be pur-
19 chased with operation and maintenance funds shall not
20 apply to the funds described in the preceding proviso: *Pro-*
21 *vided further*, That the transfer authority provided under
22 this heading is in addition to any other transfer authority
23 provided elsewhere in this Act.

1 OPERATION AND MAINTENANCE, ARMY RESERVE

2 For expenses, not otherwise provided for, necessary
3 for the operation and maintenance, including training, or-
4 ganization, and administration, of the Army Reserve; re-
5 pair of facilities and equipment; hire of passenger motor
6 vehicles; travel and transportation; care of the dead; re-
7 cruiting; procurement of services, supplies, and equip-
8 ment; and communications, \$1,976,710,000.

9 OPERATION AND MAINTENANCE, NAVY RESERVE

10 For expenses, not otherwise provided for, necessary
11 for the operation and maintenance, including training, or-
12 ganization, and administration, of the Navy Reserve; re-
13 pair of facilities and equipment; hire of passenger motor
14 vehicles; travel and transportation; care of the dead; re-
15 cruiting; procurement of services, supplies, and equip-
16 ment; and communications, \$1,239,309,000.

17 OPERATION AND MAINTENANCE, MARINE CORPS

18 RESERVE

19 For expenses, not otherwise provided for, necessary
20 for the operation and maintenance, including training, or-
21 ganization, and administration, of the Marine Corps Re-
22 serve; repair of facilities and equipment; hire of passenger
23 motor vehicles; travel and transportation; care of the dead;
24 recruiting; procurement of services, supplies, and equip-
25 ment; and communications, \$189,532,000.

1 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

2 For expenses, not otherwise provided for, necessary
3 for the operation and maintenance, including training, or-
4 ganization, and administration, of the Air Force Reserve;
5 repair of facilities and equipment; hire of passenger motor
6 vehicles; travel and transportation; care of the dead; re-
7 cruiting; procurement of services, supplies, and equip-
8 ment; and communications, \$2,165,604,000.

9 OPERATION AND MAINTENANCE, ARMY NATIONAL

10 GUARD

11 For expenses of training, organizing, and admin-
12 istering the Army National Guard, including medical and
13 hospital treatment and related expenses in non-Federal
14 hospitals; maintenance, operation, and repairs to struc-
15 tures and facilities; hire of passenger motor vehicles; per-
16 sonnel services in the National Guard Bureau; travel ex-
17 penses (other than mileage), as authorized by law for
18 Army personnel on active duty, for Army National Guard
19 division, regimental, and battalion commanders while in-
20 specting units in compliance with National Guard Bureau
21 regulations when specifically authorized by the Chief, Na-
22 tional Guard Bureau; supplying and equipping the Army
23 National Guard as authorized by law; and expenses of re-
24 pair, modification, maintenance, and issue of supplies and
25 equipment (including aircraft), \$4,231,967,000.

1 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

2 For operation and maintenance of the Air National
3 Guard, including medical and hospital treatment and re-
4 lated expenses in non-Federal hospitals; maintenance, op-
5 eration, repair, and other necessary expenses of facilities
6 for the training and administration of the Air National
7 Guard, including repair of facilities, maintenance, oper-
8 ation, and modification of aircraft; transportation of
9 things, hire of passenger motor vehicles; supplies, mate-
10 rials, and equipment, as authorized by law for the Air Na-
11 tional Guard; and expenses incident to the maintenance
12 and use of supplies, materials, and equipment, including
13 such as may be furnished from stocks under the control
14 of agencies of the Department of Defense; travel expenses
15 (other than mileage) on the same basis as authorized by
16 law for Air National Guard personnel on active Federal
17 duty, for Air National Guard commanders while inspecting
18 units in compliance with National Guard Bureau regula-
19 tions when specifically authorized by the Chief, National
20 Guard Bureau, \$4,113,010,000.

21 UNITED STATES COURT OF APPEALS FOR THE ARMED

22 FORCES

23 For salaries and expenses necessary for the United
24 States Court of Appeals for the Armed Forces,

1 \$9,614,000, of which not to exceed \$2,500 can be used
2 for official representation purposes.

3 ENVIRONMENTAL RESTORATION, ARMY
4 (INCLUDING TRANSFER OF FUNDS)

5 For the Department of the Army, \$395,900,000, to
6 remain available until transferred: *Provided*, That the Sec-
7 retary of the Army shall, upon determining that such
8 funds are required for environmental restoration, reduc-
9 tion and recycling of hazardous waste, removal of unsafe
10 buildings and debris of the Department of the Army, or
11 for similar purposes, transfer the funds made available by
12 this appropriation to other appropriations made available
13 to the Department of the Army, to be merged with and
14 to be available for the same purposes and for the same
15 time period as the appropriations to which transferred:
16 *Provided further*, That upon a determination that all or
17 part of the funds transferred from this appropriation are
18 not necessary for the purposes provided herein, such
19 amounts may be transferred back to this appropriation.

20 ENVIRONMENTAL RESTORATION, NAVY
21 (INCLUDING TRANSFER OF FUNDS)

22 For the Department of the Navy, \$256,948,000, to
23 remain available until transferred: *Provided*, That the Sec-
24 retary of the Navy shall, upon determining that such
25 funds are required for environmental restoration, reduc-

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

12 ENVIRONMENTAL RESTORATION, AIR FORCE

13 (INCLUDING TRANSFER OF FUNDS)

14 For the Department of the Air Force, \$389,773,000,
15 to remain available until transferred: *Provided*, That the
16 Secretary of the Air Force shall, upon determining that
17 such funds are required for environmental restoration, re-
18 duction and recycling of hazardous waste, removal of un-
19 safe buildings and debris of the Department of the Air
20 Force, or for similar purposes, transfer the funds made
21 available by this appropriation to other appropriations
22 made available to the Department of the Air Force, to be
23 merged with and to be available for the same purposes
24 and for the same time period as the appropriations to
25 which transferred: *Provided further*, That upon a deter-

1 mination that all or part of the funds transferred from
2 this appropriation are not necessary for the purposes pro-
3 vided herein, such amounts may be transferred back to
4 this appropriation.

5 ENVIRONMENTAL RESTORATION, DEFENSE-WIDE
6 (INCLUDING TRANSFER OF FUNDS)

7 For the Department of Defense, \$23,498,000, to re-
8 main available until transferred: *Provided*, That the Sec-
9 retary of Defense shall, upon determining that such funds
10 are required for environmental restoration, reduction and
11 recycling of hazardous waste, removal of unsafe buildings
12 and debris of the Department of Defense, or for similar
13 purposes, transfer the funds made available by this appro-
14 priation to other appropriations made available to the De-
15 partment of Defense, to be merged with and to be avail-
16 able for the same purposes and for the same time period
17 as the appropriations to which transferred: *Provided fur-*
18 *ther*, That upon a determination that all or part of the
19 funds transferred from this appropriation are not nec-
20 essary for the purposes provided herein, such amounts
21 may be transferred back to this appropriation.

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

4 For the Department of the Army, \$212,102,000, to
5 remain available until transferred: *Provided*, That the Sec-
6 retary of the Army shall, upon determining that such
7 funds are required for environmental restoration, reduc-
8 tion and recycling of hazardous waste, removal of unsafe
9 buildings and debris at sites formerly used by the Depart-
10 ment of Defense, transfer the funds made available by this
11 appropriation to other appropriations made available to
12 the Department of the Army, to be merged with and to
13 be available for the same purposes and for the same time
14 period as the appropriations to which transferred: *Pro-*
15 *vided further*, That upon a determination that all or part
16 of the funds transferred from this appropriation are not
17 necessary for the purposes provided herein, such amounts
18 may be transferred back to this appropriation.

19 OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

20 For expenses relating to the Overseas Humanitarian,
21 Disaster, and Civic Aid programs of the Department of
22 Defense (consisting of the programs provided under sec-
23 tions 401, 402, 404, 2547, and 2551 of title 10, United
24 States Code), \$58,400,000, to remain available until Sep-
25 tember 30, 2004.

1 FORMER SOVIET UNION THREAT REDUCTION

2 For assistance to the republics of the former Soviet
3 Union, including assistance provided by contract or by
4 grants, for facilitating the elimination and the safe and
5 secure transportation and storage of nuclear, chemical and
6 other weapons; for establishing programs to prevent the
7 proliferation of weapons, weapons components, and weap-
8 on-related technology and expertise; for programs relating
9 to the training and support of defense and military per-
10 sonnel for demilitarization and protection of weapons,
11 weapons components and weapons technology and exper-
12 tise, and for defense and military contacts, \$416,700,000,
13 to remain available until September 30, 2005.

14 SUPPORT FOR INTERNATIONAL SPORTING

15 COMPETITIONS, DEFENSE

16 For logistical and security support for international
17 sporting competitions (including pay and non-travel re-
18 lated allowances only for members of the Reserve Compo-
19 nents of the Armed Forces of the United States called or
20 ordered to active duty in connection with providing such
21 support), \$19,000,000, to remain available until expended.

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TITLE III

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$2,214,369,000, to remain available for obligation until September 30, 2005, of which not less than \$225,675,000 shall be available for the Army National Guard and Army Reserve: *Provided*, That of the funds made available under this heading, \$45,000,000 shall be available only to support a restructured CH-47F helicopter upgrade program that increases the production rate to 48 helicopters per fiscal year by fiscal year 2005: *Provided further*, That funds in the immediately preceding proviso shall not be made available until the Secretary of

1 the Army has certified to the congressional defense com-
2 mittees that the Army intends to budget for the upgrade
3 of the entire CH-47 fleet that is planned to be part of
4 the Objective Force.

5 MISSILE PROCUREMENT, ARMY

6 For construction, procurement, production, modifica-
7 tion, and modernization of missiles, equipment, including
8 ordnance, ground handling equipment, spare parts, and
9 accessories therefor; specialized equipment and training
10 devices; expansion of public and private plants, including
11 the land necessary therefor, for the foregoing purposes,
12 and such lands and interests therein, may be acquired,
13 and construction prosecuted thereon prior to approval of
14 title; and procurement and installation of equipment, ap-
15 pliances, and machine tools in public and private plants;
16 reserve plant and Government and contractor-owned
17 equipment layaway; and other expenses necessary for the
18 foregoing purposes, \$1,112,772,000, to remain available
19 for obligation until September 30, 2005, of which not less
20 than \$168,580,000 shall be available for the Army Na-
21 tional Guard and Army Reserve.

22 PROCUREMENT OF WEAPONS AND TRACKED COMBAT
23 VEHICLES, ARMY

24 For construction, procurement, production, and
25 modification of weapons and tracked combat vehicles,

1 equipment, including ordnance, spare parts, and acces-
2 sories therefor; specialized equipment and training devices;
3 expansion of public and private plants, including the land
4 necessary therefor, for the foregoing purposes, and such
5 lands and interests therein, may be acquired, and con-
6 struction prosecuted thereon prior to approval of title; and
7 procurement and installation of equipment, appliances,
8 and machine tools in public and private plants; reserve
9 plant and Government and contractor-owned equipment
10 layaway; and other expenses necessary for the foregoing
11 purposes, \$2,248,358,000, to remain available for obliga-
12 tion until September 30, 2005, of which not less than
13 \$40,849,000 shall be available for the Army National
14 Guard and Army Reserve.

15 PROCUREMENT OF AMMUNITION, ARMY

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

1 plants; reserve plant and Government and contractor-
2 owned equipment layaway; and other expenses necessary
3 for the foregoing purposes, \$1,207,560,000, to remain
4 available for obligation until September 30, 2005, of which
5 not less than \$124,716,000 shall be available for the Army
6 National Guard and Army Reserve.

7 OTHER PROCUREMENT, ARMY

8 For construction, procurement, production, and
9 modification of vehicles, including tactical, support, and
10 non-tracked combat vehicles; the purchase of not to exceed
11 40 passenger motor vehicles for replacement only; and the
12 purchase of 6 vehicles required for physical security of
13 personnel, notwithstanding price limitations applicable to
14 passenger vehicles but not to exceed \$180,000 per vehicle;
15 communications and electronic equipment; other support
16 equipment; spare parts, ordnance, and accessories there-
17 for; specialized equipment and training devices; expansion
18 of public and private plants, including the land necessary
19 therefor, for the foregoing purposes, and such lands and
20 interests therein, may be acquired, and construction pros-
21 ecuted thereon prior to approval of title; and procurement
22 and installation of equipment, appliances, and machine
23 tools in public and private plants; reserve plant and Gov-
24 ernment and contractor-owned equipment layaway; and
25 other expenses necessary for the foregoing purposes,

1 \$6,017,380,000, to remain available for obligation until
2 September 30, 2005, of which not less than
3 \$1,129,578,000 shall be available for the Army National
4 Guard and Army Reserve.

5 AIRCRAFT PROCUREMENT, NAVY

6 For construction, procurement, production, modifica-
7 tion, and modernization of aircraft, equipment, including
8 ordnance, spare parts, and accessories therefor; specialized
9 equipment; expansion of public and private plants, includ-
10 ing the land necessary therefor, and such lands and inter-
11 ests therein, may be acquired, and construction prosecuted
12 thereon prior to approval of title; and procurement and
13 installation of equipment, appliances, and machine tools
14 in public and private plants; reserve plant and Govern-
15 ment and contractor-owned equipment layaway,
16 \$8,682,655,000, to remain available for obligation until
17 September 30, 2005, of which not less than \$19,644,000
18 shall be available for the Navy Reserve and Marine Corps
19 Reserve.

20 WEAPONS PROCUREMENT, NAVY

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

8 PROCUREMENT OF AMMUNITION, NAVY AND MARINE
9 CORPS

SHIPBUILDING AND CONVERSION, NAVY

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

Carrier Replacement Program (CY),
\$250,000,000;

Carrier Replacement Program (AP-CY),
\$243,703,000;

Virginia Class Submarine, \$1,490,652,000;

Virginia Class Submarine (AP-CY),
\$706,309,000;

SSGN Conversion, \$404,305,000;

SSGN Conversion (AP-CY), \$421,000,000;

CVN Refueling Overhauls (AP-CY),
\$296,781,000;

Submarine Refueling Overhauls, \$231,292,000;

1 Submarine Refueling Overhauls (AP–CY),
2 \$88,257,000;
3 DDG–51, \$2,273,002,000;
4 DDG–51 (AP–CY), \$74,000,000;
5 LPD–17, \$596,492,000;
6 LPD–17 (AP–CY), \$8,000,000;
7 LCU (X), \$9,756,000;
8 Outfitting, \$300,608,000;
9 LCAC SLEP, \$81,638,000;
10 Mine Hunter SWATH, \$7,000,000; and
11 Completion of Prior Year Shipbuilding Pro-
12 grams, \$644,899,000;
13 In all: \$8,127,694,000, to remain available for obliga-
14 tion until September 30, 2007: *Provided*, That additional
15 obligations may be incurred after September 30, 2007, for
16 engineering services, tests, evaluations, and other such
17 budgeted work that must be performed in the final stage
18 of ship construction: *Provided further*, That none of the
19 funds provided under this heading for the construction or
20 conversion of any naval vessel to be constructed in ship-
21 yards in the United States shall be expended in foreign
22 facilities for the construction of major components of such
23 vessel: *Provided further*, That none of the funds provided
24 under this heading shall be used for the construction of
25 any naval vessel in foreign shipyards.

1 OTHER PROCUREMENT, NAVY

2 For procurement, production, and modernization of
3 support equipment and materials not otherwise provided
4 for, Navy ordnance (except ordnance for new aircraft, new
5 ships, and ships authorized for conversion); the purchase
6 of not to exceed 141 passenger motor vehicles for replace-
7 ment only, and the purchase of 3 vehicles required for
8 physical security of personnel, notwithstanding price limi-
9 tations applicable to passenger vehicles but not to exceed
10 \$240,000 per unit for one unit and not to exceed \$125,000
11 per unit for the remaining two units; expansion of public
12 and private plants, including the land necessary therefor,
13 and such lands and interests therein, may be acquired,
14 and construction prosecuted thereon prior to approval of
15 title; and procurement and installation of equipment, ap-
16 pliances, and machine tools in public and private plants;
17 reserve plant and Government and contractor-owned
18 equipment layaway, \$4,631,299,000, to remain available
19 for obligation until September 30, 2005, of which not less
20 than \$19,869,000 shall be for the Naval Reserve.

21 PROCUREMENT, MARINE CORPS

22 For expenses necessary for the procurement, manu-
23 facture, and modification of missiles, armament, military
24 equipment, spare parts, and accessories therefor; plant
25 equipment, appliances, and machine tools, and installation

1 thereof in public and private plants; reserve plant and
2 Government and contractor-owned equipment layaway; ve-
3 hicles for the Marine Corps, including the purchase of not
4 to exceed 28 passenger motor vehicles for replacement
5 only; and expansion of public and private plants, including
6 land necessary therefor, and such lands and interests
7 therein, may be acquired, and construction prosecuted
8 thereon prior to approval of title, \$1,369,383,000, to re-
9 main available for obligation until September 30, 2005,
10 of which not less than \$253,724,000 shall be available for
11 the Marine Corps Reserve.

12 AIRCRAFT PROCUREMENT, AIR FORCE

13 For construction, procurement, lease, and modifica-
14 tion of aircraft and equipment, including armor and arma-
15 ment, specialized ground handling equipment, and train-
16 ing devices, spare parts, and accessories therefor; special-
17 ized equipment; expansion of public and private plants,
18 Government-owned equipment and installation thereof in
19 such plants, erection of structures, and acquisition of land,
20 for the foregoing purposes, and such lands and interests
21 therein, may be acquired, and construction prosecuted
22 thereon prior to approval of title; reserve plant and Gov-
23 ernment and contractor-owned equipment layaway; and
24 other expenses necessary for the foregoing purposes in-
25 cluding rents and transportation of things,

1 \$12,492,730,000, to remain available for obligation until
2 September 30, 2005, of which not less than \$312,700,000
3 shall be available for the Air National Guard and Air
4 Force Reserve: *Provided*, That of the amount provided
5 under this heading, not less than \$207,000,000 shall be
6 used only for the producability improvement program di-
7 rectly related to the F-22 aircraft program: *Provided fur-*
8 *ther*, That amounts provided under this heading shall be
9 used for the advance procurement of 15 C-17 aircraft.

10 MISSILE PROCUREMENT, AIR FORCE

11 For construction, procurement, and modification of
12 missiles, spacecraft, rockets, and related equipment, in-
13 cluding spare parts and accessories therefor, ground han-
14 dling equipment, and training devices; expansion of public
15 and private plants, Government-owned equipment and in-
16 stallation thereof in such plants, erection of structures,
17 and acquisition of land, for the foregoing purposes, and
18 such lands and interests therein, may be acquired, and
19 construction prosecuted thereon prior to approval of title;
20 reserve plant and Government and contractor-owned
21 equipment layaway; and other expenses necessary for the
22 foregoing purposes including rents and transportation of
23 things, \$3,185,439,000, to remain available for obligation
24 until September 30, 2005.

1 PROCUREMENT OF AMMUNITION, AIR FORCE

2 For construction, procurement, production, and
3 modification of ammunition, and accessories therefor; spe-
4 cialized equipment and training devices; expansion of pub-
5 lic and private plants, including ammunition facilities au-
6 thorized by section 2854 of title 10, United States Code,
7 and the land necessary therefor, for the foregoing pur-
8 poses, and such lands and interests therein, may be ac-
9 quired, and construction prosecuted thereon prior to ap-
10 proval of title; and procurement and installation of equip-
11 ment, appliances, and machine tools in public and private
12 plants; reserve plant and Government and contractor-
13 owned equipment layaway; and other expenses necessary
14 for the foregoing purposes, \$1,290,764,000, to remain
15 available for obligation until September 30, 2005, of which
16 not less than \$120,200,000 shall be available for the Air
17 National Guard and Air Force Reserve.

18 OTHER PROCUREMENT, AIR FORCE

19 For procurement and modification of equipment (in-
20 cluding ground guidance and electronic control equipment,
21 and ground electronic and communication equipment),
22 and supplies, materials, and spare parts therefor, not oth-
23 erwise provided for; the purchase of not to exceed 263 pas-
24 senger motor vehicles for replacement only, and the pur-
25 chase of 2 vehicles required for physical security of per-

1 sonnel, notwithstanding price limitations applicable to pas-
2 senger vehicles but not to exceed \$232,000 per vehicle;
3 lease of passenger motor vehicles; and expansion of public
4 and private plants, Government-owned equipment and in-
5 stallation thereof in such plants, erection of structures,
6 and acquisition of land, for the foregoing purposes, and
7 such lands and interests therein, may be acquired, and
8 construction prosecuted thereon, prior to approval of title;
9 reserve plant and Government and contractor-owned
10 equipment layaway, \$10,622,660,000, to remain available
11 for obligation until September 30, 2005, of which not less
12 than \$167,600,000 shall be available for the Air National
13 Guard and Air Force Reserve.

14 PROCUREMENT, DEFENSE-WIDE

15 For expenses of activities and agencies of the Depart-
16 ment of Defense (other than the military departments)
17 necessary for procurement, production, and modification
18 of equipment, supplies, materials, and spare parts there-
19 for, not otherwise provided for; the purchase of not to ex-
20 ceed 99 passenger motor vehicles for replacement only; the
21 purchase of 4 vehicles required for physical security of
22 personnel, notwithstanding price limitations applicable to
23 passenger vehicles but not to exceed \$250,000 per vehicle;
24 expansion of public and private plants, equipment, and in-
25 stallation thereof in such plants, erection of structures,

1 and acquisition of land for the foregoing purposes, and
2 such lands and interests therein, may be acquired, and
3 construction prosecuted thereon prior to approval of title;
4 reserve plant and Government and contractor-owned
5 equipment layaway, \$3,457,405,000, to remain available
6 for obligation until September 30, 2005: *Provided*, That
7 funds provided under this heading for Patriot Advanced
8 Capability-3 (PAC-3) missiles may be used for procure-
9 ment of critical parts for PAC-3 missiles to support pro-
10 duction of such missiles in future fiscal years.

11 DEFENSE PRODUCTION ACT PURCHASES

12 For activities by the Department of Defense pursuant
13 to sections 108, 301, 302, and 303 of the Defense Produc-
14 tion Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and
15 2093), \$73,057,000 to remain available until expended.

16 TITLE IV

17 RESEARCH, DEVELOPMENT, TEST AND
18 EVALUATION

19 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

20 ARMY

21 For expenses necessary for basic and applied sci-
22 entific research, development, test and evaluation, includ-
23 ing maintenance, rehabilitation, lease, and operation of fa-
24 cilities and equipment, \$7,447,160,000, to remain avail-
25 able for obligation until September 30, 2004.

1 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
2 NAVY

3 For expenses necessary for basic and applied sci-
4 entific research, development, test and evaluation, includ-
5 ing maintenance, rehabilitation, lease, and operation of fa-
6 cilities and equipment, \$13,562,218,000, to remain avail-
7 able for obligation until September 30, 2004: *Provided*,
8 That funds appropriated in this paragraph which are
9 available for the V-22 may be used to meet unique oper-
10 ational requirements of the Special Operations Forces.

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

13 For expenses necessary for basic and applied sci-
14 entific research, development, test and evaluation, includ-
15 ing maintenance, rehabilitation, lease, and operation of fa-
16 cilities and equipment, \$18,639,392,000, to remain avail-
17 able for obligation until September 30, 2004.

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

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

1 lease, and operation of facilities and equipment,
2 \$17,863,462,000, to remain available for obligation until
3 September 30, 2004.

4 OPERATIONAL TEST AND EVALUATION, DEFENSE

5 For expenses, not otherwise provided for, necessary
6 for the independent activities of the Director, Operational
7 Test and Evaluation, in the direction and supervision of
8 operational test and evaluation, including initial oper-
9 ational test and evaluation which is conducted prior to,
10 and in support of, production decisions; joint operational
11 testing and evaluation; and administrative expenses in
12 connection therewith, \$242,054,000, to remain available
13 for obligation until September 30, 2004.

14 TITLE V

15 REVOLVING AND MANAGEMENT FUNDS

16 DEFENSE WORKING CAPITAL FUNDS

17 For the Defense Working Capital Funds,
18 \$1,832,956,000: *Provided*, That during fiscal year 2003,
19 funds in the Defense Working Capital Funds may be used
20 for the purchase of not to exceed 315 passenger carrying
21 motor vehicles for replacement only for the Defense Secu-
22 rity Service, and the purchase of not to exceed 7 vehicles
23 for replacement only for the Defense Logistics Agency.

1 NATIONAL DEFENSE SEALIFT FUND

2 For National Defense Sealift Fund programs,
3 projects, and activities, and for expenses of the National
4 Defense Reserve Fleet, as established by section 11 of the
5 Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744),
6 and for the necessary expenses to maintain and preserve
7 a U.S.-flag merchant fleet to serve the national security
8 needs of the United States, \$944,129,000, to remain avail-
9 able until expended: *Provided*, That none of the funds pro-
10 vided in this paragraph shall be used to award a new con-
11 tract that provides for the acquisition of any of the fol-
12 lowing major components unless such components are
13 manufactured in the United States: auxiliary equipment,
14 including pumps, for all shipboard services; propulsion
15 system components (that is; engines, reduction gears, and
16 propellers); shipboard cranes; and spreaders for shipboard
17 cranes: *Provided further*, That the exercise of an option
18 in a contract awarded through the obligation of previously
19 appropriated funds shall not be considered to be the award
20 of a new contract: *Provided further*, That the Secretary
21 of the military department responsible for such procure-
22 ment may waive the restrictions in the first proviso on
23 a case-by-case basis by certifying in writing to the Com-
24 mittees on Appropriations of the House of Representatives
25 and the Senate that adequate domestic supplies are not

1 available to meet Department of Defense requirements on
2 a timely basis and that such an acquisition must be made
3 in order to acquire capability for national security pur-
4 poses: *Provided further*, That, notwithstanding any other
5 provision of law, \$10,000,000 of the funds available under
6 this heading shall be available in addition to other
7 amounts otherwise available, only to finance the cost of
8 constructing additional sealift capacity.

9 TITLE VI
10 OTHER DEPARTMENT OF DEFENSE PROGRAMS
11 DEFENSE HEALTH PROGRAM

12 For expenses, not otherwise provided for, for medical
13 and health care programs of the Department of Defense,
14 as authorized by law, \$14,600,748,000, of which
15 \$13,916,791,000 shall be for Operation and maintenance,
16 of which not to exceed 2 percent shall remain available
17 until September 30, 2004; of which \$283,743,000, to re-
18 main available for obligation until September 30, 2005,
19 shall be for Procurement; of which \$400,214,000, to re-
20 main available for obligation until September 30, 2004,
21 shall be for Research, development, test and evaluation,
22 and of which not less than \$10,000,000 shall be available
23 for HIV prevention educational activities undertaken in
24 connection with U.S. military training, exercises, and hu-

1 humanitarian assistance activities conducted primarily in Af-
2 rican nations.

3 CHEMICAL AGENTS AND MUNITIONS DESTRUCTION,
4 ARMY

5 For expenses, not otherwise provided for, necessary
6 for the destruction of the United States stockpile of lethal
7 chemical agents and munitions in accordance with the pro-
8 visions of section 1412 of the Department of Defense Au-
9 thorization Act, 1986 (50 U.S.C. 1521), and for the de-
10 struction of other chemical warfare materials that are not
11 in the chemical weapon stockpile, \$1,490,199,000, of
12 which \$974,238,000 shall be for Operation and mainte-
13 nance to remain available until September 30, 2004,
14 \$213,278,000 shall be for Procurement to remain avail-
15 able until September 30, 2005, and \$302,683,000 shall
16 be for Research, development, test and evaluation to re-
17 main available until September 30, 2004.

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

21 For drug interdiction and counter-drug activities of
22 the Department of Defense, for transfer to appropriations
23 available to the Department of Defense for military per-
24 sonnel of the reserve components serving under the provi-
25 sions of title 10 and title 32, United States Code; for Op-

1 eration and maintenance; for Procurement; and for Re-
2 search, development, test and evaluation, \$859,907,000:
3 *Provided*, That the funds appropriated under this heading
4 shall be available for obligation for the same time period
5 and for the same purpose as the appropriation to which
6 transferred: *Provided further*, That upon a determination
7 that all or part of the funds transferred from this appro-
8 priation are not necessary for the purposes provided here-
9 in, such amounts may be transferred back to this appro-
10 priation: *Provided further*, That the transfer authority pro-
11 vided under this heading is in addition to any other trans-
12 fer authority contained elsewhere in this Act.

13 OFFICE OF THE INSPECTOR GENERAL

14 For expenses and activities of the Office of the In-
15 spector General in carrying out the provisions of the In-
16 spector General Act of 1978, as amended, \$157,165,000,
17 of which \$155,165,000 shall be for Operation and mainte-
18 nance, of which not to exceed \$700,000 is available for
19 emergencies and extraordinary expenses to be expended on
20 the approval or authority of the Inspector General, and
21 payments may be made on the Inspector General's certifi-
22 cate of necessity for confidential military purposes; and
23 of which \$2,000,000 to remain available until September
24 30, 2005, shall be for Procurement.

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 the
7 proper funding level for continuing the operation of the
8 Central Intelligence Agency Retirement and Disability
9 System, \$212,000,000.

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

12 For necessary expenses of the Intelligence Commu-
13 nity Management Account, \$162,254,000, of which
14 \$24,252,000 for the Advanced Research and Development
15 Committee shall remain available until September 30,
16 2004: *Provided*, That of the funds appropriated under this
17 heading, \$34,100,000 shall be transferred to the Depart-
18 ment of Justice for the National Drug Intelligence Center
19 to support the Department of Defense's counter-drug in-
20 telligence responsibilities, and of the said amount,
21 \$1,500,000 for Procurement shall remain available until
22 September 30, 2005 and \$1,000,000 for Research, devel-
23 opment, test and evaluation shall remain available until
24 September 30, 2004: *Provided further*, That the National
25 Drug Intelligence Center shall maintain the personnel and

1 technical resources to provide timely support to law en-
2 forcement authorities and the intelligence community by
3 conducting document and computer exploitation of mate-
4 rials collected in Federal, State, and local law enforcement
5 activity associated with counter-drug, counter-terrorism,
6 and national security investigations and operations.

7 PAYMENT TO KAHO'OLAWÉ

8 ISLAND CONVEYANCE, REMEDIATION, AND
9 ENVIRONMENTAL RESTORATION FUND

10 For payment to Kaho'olawe Island Conveyance, Re-
11 mediation, and Environmental Restoration Fund, as au-
12 thorized by law, \$25,000,000, to remain available until ex-
13 pended.

14 NATIONAL SECURITY EDUCATION TRUST FUND

15 For the purposes of title VIII of Public Law 102–
16 183, \$8,000,000, to be derived from the National Security
17 Education Trust Fund, to remain available until ex-
18 pended.

19 TITLE VIII

20 GENERAL PROVISIONS

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

24 SEC. 8002. During the current fiscal year, provisions
25 of law prohibiting the payment of compensation to, or em-

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

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

22 SEC. 8004. No more than 20 percent of the appro-
23 priations in this Act which are limited for obligation dur-
24 ing the current fiscal year shall be obligated during the
25 last 2 months of the fiscal year: *Provided*, That this sec-

tion shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps.

(TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed \$2,500,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided*, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: *Provided further*, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: *Provided further*, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropria-

1 tions for reprogramming of funds, unless for higher pri-
2 ority items, based on unforeseen military requirements,
3 than those for which originally appropriated and in no
4 case where the item for which reprogramming is requested
5 has been denied by the Congress: *Provided further*, That
6 a request for multiple reprogrammings of funds using au-
7 thority provided in this section must be made prior to May
8 1, 2003.

9 (TRANSFER OF FUNDS)

10 SEC. 8006. During the current fiscal year, cash bal-
11 ances in working capital funds of the Department of De-
12 fense established pursuant to section 2208 of title 10,
13 United States Code, may be maintained in only such
14 amounts as are necessary at any time for cash disburse-
15 ments to be made from such funds: *Provided*, That trans-
16 fers may be made between such funds: *Provided further*,
17 That transfers may be made between working capital
18 funds and the “Foreign Currency Fluctuations, Defense”
19 appropriation and the “Operation and Maintenance” ap-
20 propriation accounts in such amounts as may be deter-
21 mined by the Secretary of Defense, with the approval of
22 the Office of Management and Budget, except that such
23 transfers may not be made unless the Secretary of Defense
24 has notified the Congress of the proposed transfer. Except
25 in amounts equal to the amounts appropriated to working

1 capital funds in this Act, no obligations may be made
2 against a working capital fund to procure or increase the
3 value of war reserve material inventory, unless the Sec-
4 retary of Defense has notified the Congress prior to any
5 such obligation.

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

10 SEC. 8008. None of the funds provided in this Act
11 shall be available to initiate: (1) a multiyear contract that
12 employs economic order quantity procurement in excess of
13 \$20,000,000 in any 1 year of the contract or that includes
14 an unfunded contingent liability in excess of \$20,000,000;
15 or (2) a contract for advance procurement leading to a
16 multiyear contract that employs economic order quantity
17 procurement in excess of \$20,000,000 in any 1 year, un-
18 less the congressional defense committees have been noti-
19 fied at least 30 days in advance of the proposed contract
20 award: *Provided*, That no part of any appropriation con-
21 tained in this Act shall be available to initiate a multiyear
22 contract for which the economic order quantity advance
23 procurement is not funded at least to the limits of the
24 Government's liability: *Provided further*, That no part of
25 any appropriation contained in this Act shall be available

1 to initiate multiyear procurement contracts for any sys-
2 tems or component thereof if the value of the multiyear
3 contract would exceed \$500,000,000 unless specifically
4 provided in this Act: *Provided further*, That no multiyear
5 procurement contract can be terminated without 10-day
6 prior notification to the congressional defense committees:
7 *Provided further*, That the execution of multiyear author-
8 ity shall require the use of a present value analysis to de-
9 termine lowest cost compared to an annual procurement.

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

12 C-130 aircraft; and

13 F/A-18E and F engine.

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

1 manitarian and similar assistance by using Civic Action
2 Teams in the Trust Territories of the Pacific Islands and
3 freely associated states of Micronesia, pursuant to the
4 Compact of Free Association as authorized by Public Law
5 99-239: *Provided further*, That upon a determination by
6 the Secretary of the Army that such action is beneficial
7 for graduate medical education programs conducted at
8 Army medical facilities located in Hawaii, the Secretary
9 of the Army may authorize the provision of medical serv-
10 ices at such facilities and transportation to such facilities,
11 on a nonreimbursable basis, for civilian patients from
12 American Samoa, the Commonwealth of the Northern
13 Mariana Islands, the Marshall Islands, the Federated
14 States of Micronesia, Palau, and Guam.

15 SEC. 8010. (a) During fiscal year 2003, the civilian
16 personnel of the Department of Defense may not be man-
17 aged on the basis of any end-strength, and the manage-
18 ment of such personnel during that fiscal year shall not
19 be subject to any constraint or limitation (known as an
20 end-strength) on the number of such personnel who may
21 be employed on the last day of such fiscal year.

22 (b) The fiscal year 2004 budget request for the De-
23 partment of Defense as well as all justification material
24 and other documentation supporting the fiscal year 2004
25 Department of Defense budget request shall be prepared

1 and submitted to the Congress as if subsections (a) and
2 (b) of this provision were effective with regard to fiscal
3 year 2004.

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

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

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

20 SEC. 8013. None of the funds appropriated by this
21 Act shall be available for the basic pay and allowances of
22 any member of the Army participating as a full-time stu-
23 dent and receiving benefits paid by the Secretary of Vet-
24 erans Affairs from the Department of Defense Education
25 Benefits Fund when time spent as a full-time student is

1 credited toward completion of a service commitment: *Pro-*
2 *vided*, That this subsection shall not apply to those mem-
3 bers who have reenlisted with this option prior to October
4 1, 1987: *Provided further*, That this subsection applies
5 only to active components of the Army.

6 SEC. 8014. None of the funds appropriated by this
7 Act shall be available to convert to contractor performance
8 an activity or function of the Department of Defense that,
9 on or after the date of the enactment of this Act, is per-
10 formed by more than 10 Department of Defense civilian
11 employees until a most efficient and cost-effective organi-
12 zation analysis is completed on such activity or function
13 and certification of the analysis is made to the Committees
14 on Appropriations of the House of Representatives and the
15 Senate: *Provided*, That this section and subsections (a),
16 (b), and (c) of 10 U.S.C. 2461 shall not apply to a com-
17 mercial or industrial type function of the Department of
18 Defense that: (1) is included on the procurement list es-
19 tablished pursuant to section 2 of the Act of June 25,
20 1938 (41 U.S.C. 47), popularly referred to as the Javits-
21 Wagner-O'Day Act; (2) is planned to be converted to per-
22 formance by a qualified nonprofit agency for the blind or
23 by a qualified nonprofit agency for other severely handi-
24 capped individuals in accordance with that Act; or (3) is
25 planned to be converted to performance by a qualified firm

1 under 51 percent ownership by an Indian tribe, as defined
2 in section 450b(e) of title 25, United States Code, or a
3 Native Hawaiian organization, as defined in section
4 637(a)(15) of title 15, United States Code.

5 (TRANSFER OF FUNDS)

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

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

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

15 SEC. 8017. None of the funds appropriated by this
16 Act available for the Civilian Health and Medical Program
17 of the Uniformed Services (CHAMPUS) or TRICARE
18 shall be available for the reimbursement of any health care
19 provider for inpatient mental health service for care re-
20 ceived when a patient is referred to a provider of inpatient
21 mental health care or residential treatment care by a med-
22 ical or health care professional having an economic inter-
23 est in the facility to which the patient is referred: *Pro-*
24 *vided*, That this limitation does not apply in the case of
25 inpatient mental health services provided under the pro-

1 gram for persons with disabilities under subsection (d) of
2 section 1079 of title 10, United States Code, provided as
3 partial hospital care, or provided pursuant to a waiver au-
4 thorized by the Secretary of Defense because of medical
5 or psychological circumstances of the patient that are con-
6 firmed by a health professional who is not a Federal em-
7 ployee after a review, pursuant to rules prescribed by the
8 Secretary, which takes into account the appropriate level
9 of care for the patient, the intensity of services required
10 by the patient, and the availability of that care.

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

1 2004 shall identify such sums anticipated in residual value
2 settlements, and identify such construction, real property
3 maintenance or base operating costs that shall be funded
4 by the host nation through such credits: *Provided further*,
5 That all military construction projects to be executed from
6 such accounts must be previously approved in a prior Act
7 of Congress: *Provided further*, That each such executive
8 agreement with a NATO member host nation shall be re-
9 ported to the congressional defense committees, the Com-
10 mittee on International Relations of the House of Rep-
11 resentatives and the Committee on Foreign Relations of
12 the Senate 30 days prior to the conclusion and endorse-
13 ment of any such agreement established under this provi-
14 sion.

15 SEC. 8019. None of the funds available to the De-
16 partment of Defense may be used to demilitarize or dis-
17 pose of M-1 Carbines, M-1 Garand rifles, M-14 rifles,
18 .22 caliber rifles, .30 caliber rifles, or M-1911 pistols.

19 SEC. 8020. No more than \$500,000 of the funds ap-
20 propriated or made available in this Act shall be used dur-
21 ing a single fiscal year for any single relocation of an orga-
22 nization, unit, activity or function of the Department of
23 Defense into or within the National Capital Region: *Pro-*
24 *vided*, That the Secretary of Defense may waive this re-
25 striction on a case-by-case basis by certifying in writing

1 to the congressional defense committees that such a relo-
2 cation is required in the best interest of the Government.

3 SEC. 8021. In addition to the funds provided else-
4 where in this Act, \$8,000,000 is appropriated only for in-
5 centive payments authorized by section 504 of the Indian
6 Financing Act of 1974 (25 U.S.C. 1544): *Provided*, That
7 a subcontractor at any tier shall be considered a con-
8 tractor for the purposes of being allowed additional com-
9 pensation under section 504 of the Indian Financing Act
10 of 1974 (25 U.S.C. 1544).

11 SEC. 8022. None of the funds appropriated by this
12 Act shall be available to perform any cost study pursuant
13 to the provisions of OMB Circular A-76 if the study being
14 performed exceeds a period of 24 months after initiation
15 of such study with respect to a single function activity or
16 48 months after initiation of such study for a multi-func-
17 tion activity.

18 SEC. 8023. Funds appropriated by this Act for the
19 American Forces Information Service shall not be used for
20 any national or international political or psychological ac-
21 tivities.

22 SEC. 8024. Notwithstanding any other provision of
23 law or regulation, the Secretary of Defense may adjust
24 wage rates for civilian employees hired for certain health
25 care occupations as authorized for the Secretary of Vet-

1 erans Affairs by section 7455 of title 38, United States
2 Code.

3 SEC. 8025. (a) Of the funds for the procurement of
4 supplies or services appropriated by this Act, qualified
5 nonprofit agencies for the blind or other severely handi-
6 capped shall be afforded the maximum practicable oppor-
7 tunity to participate as subcontractors and suppliers in the
8 performance of contracts let by the Department of De-
9 fense.

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

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

1 SEC. 8026. During the current fiscal year, net re-
2 cepts pursuant to collections from third party payers pur-
3 suant to section 1095 of title 10, United States Code, shall
4 be made available to the local facility of the uniformed
5 services responsible for the collections and shall be over
6 and above the facility's direct budget amount.

7 SEC. 8027. During the current fiscal year, and from
8 any funds available to the Department of Defense, the De-
9 partment is authorized to incur obligations of not to ex-
10 ceed \$350,000,000 for purposes specified in section
11 2350j(e) of title 10, United States Code, in anticipation
12 of receipt of contributions, only from the Government of
13 Kuwait, under that section: *Provided*, That upon receipt,
14 such contributions from the Government of Kuwait shall
15 be credited to the appropriations or fund which incurred
16 such obligations.

17 SEC. 8028. Of the funds made available in this Act,
18 not less than \$23,003,000 shall be available for the Civil
19 Air Patrol Corporation, of which \$21,503,000 shall be
20 available for Civil Air Patrol Corporation operation and
21 maintenance to support readiness activities which includes
22 \$1,500,000 for the Civil Air Patrol counterdrug program:
23 *Provided*, That funds identified for "Civil Air Patrol"
24 under this section are intended for and shall be for the

1 exclusive use of the Civil Air Patrol Corporation and not
2 for the Air Force or any unit thereof.

3 SEC. 8029. (a) None of the funds appropriated in this
4 Act are available to establish a new Department of De-
5 fense (department) federally funded research and develop-
6 ment center (FFRDC), either as a new entity, or as a
7 separate entity administrated by an organization man-
8 aging another FFRDC, or as a nonprofit membership cor-
9 poration consisting of a consortium of other FFRDCs and
10 other non-profit entities.

11 (b) No member of a Board of Directors, Trustees,
12 Overseers, Advisory Group, Special Issues Panel, Visiting
13 Committee, or any similar entity of a defense FFRDC,
14 and no paid consultant to any defense FFRDC, except
15 when acting in a technical advisory capacity, may be com-
16 pensated for his or her services as a member of such enti-
17 ty, or as a paid consultant by more than one FFRDC in
18 a fiscal year: *Provided*, That a member of any such entity
19 referred to previously in this subsection shall be allowed
20 travel expenses and per diem as authorized under the Fed-
21 eral Joint Travel Regulations, when engaged in the per-
22 formance of membership duties.

23 (c) Notwithstanding any other provision of law, none
24 of the funds available to the department from any source
25 during fiscal year 2003 may be used by a defense FFRDC,

1 through a fee or other payment mechanism, for construc-
2 tion of new buildings, for payment of cost sharing for
3 projects funded by Government grants, for absorption of
4 contract overruns, or for certain charitable contributions,
5 not to include employee participation in community service
6 and/or development.

7 (d) Notwithstanding any other provision of law, of
8 the funds available to the department during fiscal year
9 2003, not more than 6,277 staff years of technical effort
10 (staff years) may be funded for defense FFRDCs: *Pro-*
11 *vided*, That of the specific amount referred to previously
12 in this subsection, not more than 1,029 staff years may
13 be funded for the defense studies and analysis FFRDCs.

14 (e) The Secretary of Defense shall, with the submis-
15 sion of the department's fiscal year 2004 budget request,
16 submit a report presenting the specific amounts of staff
17 years of technical effort to be allocated for each defense
18 FFRDC during that fiscal year.

19 SEC. 8030. None of the funds appropriated or made
20 available in this Act shall be used to procure carbon, alloy
21 or armor steel plate for use in any Government-owned fa-
22 cility or property under the control of the Department of
23 Defense which were not melted and rolled in the United
24 States or Canada: *Provided*, That these procurement re-
25 strictions shall apply to any and all Federal Supply Class

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

15 SEC. 8031. For the purposes of this Act, the term
16 “congressional defense committees” means the Armed
17 Services Committee of the House of Representatives, the
18 Armed Services Committee of the Senate, the Sub-
19 committee on Defense of the Committee on Appropriations
20 of the Senate, and the Subcommittee on Defense of the
21 Committee on Appropriations of the House of Representa-
22 tives.

23 SEC. 8032. During the current fiscal year, the De-
24 partment of Defense may acquire the modification, depot
25 maintenance and repair of aircraft, vehicles and vessels

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

12 SEC. 8033. (a)(1) If the Secretary of Defense, after
13 consultation with the United States Trade Representative,
14 determines that a foreign country which is party to an
15 agreement described in paragraph (2) has violated the
16 terms of the agreement by discriminating against certain
17 types of products produced in the United States that are
18 covered by the agreement, the Secretary of Defense shall
19 rescind the Secretary's blanket waiver of the Buy Amer-
20 ican Act with respect to such types of products produced
21 in that foreign country.

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

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

3 (b) The Secretary of Defense shall submit to the Con-
4 gress a report on the amount of Department of Defense
5 purchases from foreign entities in fiscal year 2002. Such
6 report shall separately indicate the dollar value of items
7 for which the Buy American Act was waived pursuant to
8 any agreement described in subsection (a)(2), the Trade
9 Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any
10 international agreement to which the United States is a
11 party.

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

18 SEC. 8034. Appropriations contained in this Act that
19 remain available at the end of the current fiscal year as
20 a result of energy cost savings realized by the Department
21 of Defense shall remain available for obligation for the
22 next fiscal year to the extent, and for the purposes, pro-
23 vided in section 2865 of title 10, United States Code.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8035. Amounts deposited during the current fiscal year to the special account established under 40 U.S.C. 485(h)(2) and to the special account established under 10 U.S.C. 2667(d)(1) are appropriated and shall be available until transferred by the Secretary of Defense to current applicable appropriations or funds of the Department of Defense under the terms and conditions specified by 40 U.S.C. 485(h)(2)(A) and (B) and 10 U.S.C. 2667(d)(1)(B), to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred.

SEC. 8036. The President shall include with each budget for a fiscal year submitted to the Congress under section 1105 of title 31, United States Code, materials that shall identify clearly and separately the amounts requested in the budget for appropriation for that fiscal year for salaries and expenses related to administrative activities of the Department of Defense, the military departments, and the defense agencies.

SEC. 8037. Notwithstanding any other provision of law, funds available for “Drug Interdiction and Counter-Drug Activities, Defense” may be obligated for the Young Marines program.

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 8038. During the current fiscal year, amounts
3 contained in the Department of Defense Overseas Military
4 Facility Investment Recovery Account established by sec-
5 tion 2921(c)(1) of the National Defense Authorization Act
6 of 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall
7 be available until expended for the payments specified by
8 section 2921(c)(2) of that Act.

9 SEC. 8039. (a) IN GENERAL.—Notwithstanding any
10 other provision of law, the Secretary of the Air Force may
11 convey at no cost to the Air Force, without consideration,
12 to Indian tribes located in the States of North Dakota,
13 South Dakota, Montana, and Minnesota relocatable mili-
14 tary housing units located at Grand Forks Air Force Base
15 and Minot Air Force Base that are excess to the needs
16 of the Air Force.

17 (b) PROCESSING OF REQUESTS.—The Secretary of
18 the Air Force shall convey, at no cost to the Air Force,
19 military housing units under subsection (a) in accordance
20 with the request for such units that are submitted to the
21 Secretary by the Operation Walking Shield Program on
22 behalf of Indian tribes located in the States of North Da-
23 kota, South Dakota, Montana, and Minnesota.

24 (c) RESOLUTION OF HOUSING UNIT CONFLICTS.—
25 The Operation Walking Shield program shall resolve any

1 conflicts among requests of Indian tribes for housing units
2 under subsection (a) before submitting requests to the
3 Secretary of the Air Force under subsection (b).

4 (d) INDIAN TRIBE DEFINED.—In this section, the
5 term “Indian tribe” means any recognized Indian tribe in-
6 cluded on the current list published by the Secretary of
7 the Interior under section 104 of the Federally Recognized
8 Indian Tribe Act of 1994 (Public Law 103–454; 108 Stat.
9 4792; 25 U.S.C. 479a–1).

10 SEC. 8040. During the current fiscal year, appropria-
11 tions which are available to the Department of Defense
12 for operation and maintenance may be used to purchase
13 items having an investment item unit cost of not more
14 than \$100,000.

15 SEC. 8041. (a) During the current fiscal year, none
16 of the appropriations or funds available to the Department
17 of Defense Working Capital Funds shall be used for the
18 purchase of an investment item for the purpose of acquir-
19 ing a new inventory item for sale or anticipated sale dur-
20 ing the current fiscal year or a subsequent fiscal year to
21 customers of the Department of Defense Working Capital
22 Funds if such an item would not have been chargeable
23 to the Department of Defense Business Operations Fund
24 during fiscal year 1994 and if the purchase of such an
25 investment item would be chargeable during the current

1 fiscal year to appropriations made to the Department of
2 Defense for procurement.

3 (b) The fiscal year 2004 budget request for the De-
4 partment of Defense as well as all justification material
5 and other documentation supporting the fiscal year 2004
6 Department of Defense budget shall be prepared and sub-
7 mitted to the Congress on the basis that any equipment
8 which was classified as an end item and funded in a pro-
9 curement appropriation contained in this Act shall be
10 budgeted for in a proposed fiscal year 2004 procurement
11 appropriation and not in the supply management business
12 area or any other area or category of the Department of
13 Defense Working Capital Funds.

14 SEC. 8042. None of the funds appropriated by this
15 Act for programs of the Central Intelligence Agency shall
16 remain available for obligation beyond the current fiscal
17 year, except for funds appropriated for the Reserve for
18 Contingencies, which shall remain available until Sep-
19 tember 30, 2004: *Provided*, That funds appropriated,
20 transferred, or otherwise credited to the Central Intel-
21 ligence Agency Central Services Working Capital Fund
22 during this or any prior or subsequent fiscal year shall
23 remain available until expended: *Provided further*, That
24 any funds appropriated or transferred to the Central Intel-
25 ligence Agency for agent operations and for covert action

1 programs authorized by the President under section 503
2 of the National Security Act of 1947, as amended, shall
3 remain available until September 30, 2004.

4 SEC. 8043. Notwithstanding any other provision of
5 law, funds made available in this Act for the Defense In-
6 telligence Agency may be used for the design, develop-
7 ment, and deployment of General Defense Intelligence
8 Program intelligence communications and intelligence in-
9 formation systems for the Services, the Unified and Speci-
10 fied Commands, and the component commands.

11 SEC. 8044. Of the funds appropriated to the Depart-
12 ment of Defense under the heading “Operation and Main-
13 tenance, Defense-Wide”, not less than \$10,000,000 shall
14 be made available only for the mitigation of environmental
15 impacts, including training and technical assistance to
16 tribes, related administrative support, the gathering of in-
17 formation, documenting of environmental damage, and de-
18 veloping a system for prioritization of mitigation and cost
19 to complete estimates for mitigation, on Indian lands re-
20 sulting from Department of Defense activities.

21 SEC. 8045. Amounts collected for the use of the fa-
22 cilities of the National Science Center for Communications
23 and Electronics during the current fiscal year and here-
24 after pursuant to section 1459(g) of the Department of
25 Defense Authorization Act, 1986, and deposited to the

1 special account established under subsection 1459(g)(2) of
2 that Act are appropriated and shall be available until ex-
3 pended for the operation and maintenance of the Center
4 as provided for in subsection 1459(g)(2).

5 SEC. 8046. (a) None of the funds appropriated in this
6 Act may be expended by an entity of the Department of
7 Defense unless the entity, in expending the funds, com-
8 plies with the Buy American Act. For purposes of this
9 subsection, the term “Buy American Act” means title III
10 of the Act entitled “An Act making appropriations for the
11 Treasury and Post Office Departments for the fiscal year
12 ending June 30, 1934, and for other purposes”, approved
13 March 3, 1933 (41 U.S.C. 10a et seq.).

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

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

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

5 SEC. 8047. None of the funds appropriated by this
6 Act shall be available for a contract for studies, analysis,
7 or consulting services entered into without competition on
8 the basis of an unsolicited proposal unless the head of the
9 activity responsible for the procurement determines—

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

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

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

23 *Provided*, That this limitation shall not apply to con-
24 tracts in an amount of less than \$25,000, contracts re-
25 lated to improvements of equipment that is in development

1 or production, or contracts as to which a civilian official
2 of the Department of Defense, who has been confirmed
3 by the Senate, determines that the award of such contract
4 is in the interest of the national defense.

5 SEC. 8048. (a) Except as provided in subsections (b)
6 and (c), none of the funds made available by this Act may
7 be used—

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

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

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

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

24 SEC. 8049. Notwithstanding section 303 of Public
25 Law 96–487 or any other provision of law, the Secretary

1 of the Navy is authorized to lease real and personal prop-
 2 erty at Naval Air Facility, Adak, Alaska, pursuant to 10
 3 U.S.C. 2667(f), for commercial, industrial or other pur-
 4 poses: *Provided*, That notwithstanding any other provision
 5 of law, the Secretary of the Navy may remove hazardous
 6 materials from facilities, buildings, and structures at
 7 Adak, Alaska, and may demolish or otherwise dispose of
 8 such facilities, buildings, and structures.

9 (RESCISSIONS)

10 SEC. 8050. Of the funds provided in Department of
 11 Defense Appropriations Acts, the following funds are here-
 12 by rescinded from the following accounts and programs
 13 in the specified amounts:

14 “Aircraft Procurement, Army, 2002/2004”,
 15 \$3,000,000;

16 “Missile Procurement, Army, 2002/2004”,
 17 \$28,350,000;

18 “Procurement of Weapons and Tracked Combat
 19 Vehicles, Army, 2002/2004”, \$9,500,000;

20 “Procurement of Ammunition, Army, 2002/
 21 2004”, \$25,500,000;

22 “Procurement, Marine Corps, 2002/2004”,
 23 \$4,682,000;

24 “Aircraft Procurement, Air Force, 2002/2004”,
 25 \$23,500,000;

1 “Missile Procurement, Air Force, 2002/2004”,
2 \$26,900,000;

3 “Research, Development, Test and Evaluation,
4 Army, 2002/2003”, \$2,500,000;

5 “Research, Development, Test and Evaluation,
6 Navy, 2002/2003”, \$2,000,000; and

7 “Research, Development, Test and Evaluation,
8 Air Force, 2002/2003”, \$67,000,000.

9 SEC. 8051. None of the funds available in this Act
10 may be used to reduce the authorized positions for mili-
11 tary (civilian) technicians of the Army National Guard,
12 the Air National Guard, Army Reserve and Air Force Re-
13 serve for the purpose of applying any administratively im-
14 posed civilian personnel ceiling, freeze, or reduction on
15 military (civilian) technicians, unless such reductions are
16 a direct result of a reduction in military force structure.

17 SEC. 8052. None of the funds appropriated or other-
18 wise made available in this Act may be obligated or ex-
19 pended for assistance to the Democratic People’s Republic
20 of North Korea unless specifically appropriated for that
21 purpose.

22 SEC. 8053. During the current fiscal year, funds ap-
23 propriated in this Act are available to compensate mem-
24 bers of the National Guard for duty performed pursuant
25 to a plan submitted by a Governor of a State and approved

1 by the Secretary of Defense under section 112 of title 32,
2 United States Code: *Provided*, That during the perform-
3 ance of such duty, the members of the National Guard
4 shall be under State command and control: *Provided fur-*
5 *ther*, That such duty shall be treated as full-time National
6 Guard duty for purposes of sections 12602(a)(2) and
7 (b)(2) of title 10, United States Code.

8 SEC. 8054. Funds appropriated in this Act for oper-
9 ation and maintenance of the Military Departments, Com-
10 batant Commands and Defense Agencies shall be available
11 for reimbursement of pay, allowances and other expenses
12 which would otherwise be incurred against appropriations
13 for the National Guard and Reserve when members of the
14 National Guard and Reserve provide intelligence or coun-
15 terintelligence support to Combatant Commands, Defense
16 Agencies and Joint Intelligence Activities, including the
17 activities and programs included within the National For-
18 eign Intelligence Program (NFIP), the Joint Military In-
19 telligence Program (JMIP), and the Tactical Intelligence
20 and Related Activities (TIARA) aggregate: *Provided*, That
21 nothing in this section authorizes deviation from estab-
22 lished Reserve and National Guard personnel and training
23 procedures.

24 SEC. 8055. During the current fiscal year, none of
25 the funds appropriated in this Act may be used to reduce

1 the civilian medical and medical support personnel as-
2 signed to military treatment facilities below the September
3 30, 2002 level: *Provided*, That the Service Surgeons Gen-
4 eral may waive this section by certifying to the congres-
5 sional defense committees that the beneficiary population
6 is declining in some catchment areas and civilian strength
7 reductions may be consistent with responsible resource
8 stewardship and capitation-based budgeting.

9 SEC. 8056. (a) LIMITATION ON PENTAGON RENOVA-
10 TION COSTS.—Not later than the date each year on which
11 the President submits to Congress the budget under sec-
12 tion 1105 of title 31, United States Code, the Secretary
13 of Defense shall submit to Congress a certification that
14 the total cost for the planning, design, construction, and
15 installation of equipment for the renovation of wedges 2
16 through 5 of the Pentagon Reservation, cumulatively, will
17 not exceed four times the total cost for the planning, de-
18 sign, construction, and installation of equipment for the
19 renovation of wedge 1.

20 (b) ANNUAL ADJUSTMENT.—For purposes of apply-
21 ing the limitation in subsection (a), the Secretary shall
22 adjust the cost for the renovation of wedge 1 by any in-
23 crease or decrease in costs attributable to economic infla-
24 tion, based on the most recent economic assumptions
25 issued by the Office of Management and Budget for use

1 in preparation of the budget of the United States under
2 section 1104 of title 31, United States Code.

3 (c) EXCLUSION OF CERTAIN COSTS.—For purposes
4 of calculating the limitation in subsection (a), the total
5 cost for wedges 2 through 5 shall not include—

6 (1) any repair or reconstruction cost incurred
7 as a result of the terrorist attack on the Pentagon
8 that occurred on September 11, 2001;

9 (2) any increase in costs for wedges 2 through
10 5 attributable to compliance with new requirements
11 of Federal, State, or local laws; and

12 (3) any increase in costs attributable to addi-
13 tional security requirements that the Secretary of
14 Defense considers essential to provide a safe and se-
15 cure working environment.

16 (d) CERTIFICATION COST REPORTS.—As part of the
17 annual certification under subsection (a), the Secretary
18 shall report the projected cost (as of the time of the certifi-
19 cation) for—

20 (1) the renovation of each wedge, including the
21 amount adjusted or otherwise excluded for such
22 wedge under the authority of paragraphs (2) and (3)
23 of subsection (c) for the period covered by the cer-
24 tification; and

1 (2) the repair and reconstruction of wedges 1
2 and 2 in response to the terrorist attack on the Pen-
3 tagon that occurred on September 11, 2001.

4 (e) DURATION OF CERTIFICATION REQUIREMENT.—
5 The requirement to make an annual certification under
6 subsection (a) shall apply until the Secretary certifies to
7 Congress that the renovation of the Pentagon Reservation
8 is completed.

9 SEC. 8057. Notwithstanding any other provision of
10 law, that not more than 35 percent of funds provided in
11 this Act for environmental remediation may be obligated
12 under indefinite delivery/indefinite quantity contracts with
13 a total contract value of \$130,000,000 or higher.

14 SEC. 8058. (a) None of the funds available to the
15 Department of Defense for any fiscal year for drug inter-
16 diction or counter-drug activities may be transferred to
17 any other department or agency of the United States ex-
18 cept as specifically provided in an appropriations law.

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

(TRANSFER OF FUNDS)

1
2 SEC. 8059. Appropriations available in this Act under
3 the heading “Operation and Maintenance, Defense-Wide”
4 for increasing energy and water efficiency in Federal
5 buildings may, during their period of availability, be trans-
6 ferred to other appropriations or funds of the Department
7 of Defense for projects related to increasing energy and
8 water efficiency, to be merged with and to be available
9 for the same general purposes, and for the same time pe-
10 riod, as the appropriation or fund to which transferred.

11 SEC. 8060. None of the funds appropriated by this
12 Act may be used for the procurement of ball and roller
13 bearings other than those produced by a domestic source
14 and of domestic origin: *Provided*, That the Secretary of
15 the military department responsible for such procurement
16 may waive this restriction on a case-by-case basis by certi-
17 fying in writing to the Committees on Appropriations of
18 the House of Representatives and the Senate, that ade-
19 quate domestic supplies are not available to meet Depart-
20 ment of Defense requirements on a timely basis and that
21 such an acquisition must be made in order to acquire ca-
22 pability for national security purposes: *Provided further*,
23 That this restriction shall not apply to the purchase of
24 “commercial items”, as defined by section 4(12) of the
25 Office of Federal Procurement Policy Act, except that the

1 restriction shall apply to ball or roller bearings purchased
2 as end items.

3 SEC. 8061. Notwithstanding any other provision of
4 law, funds available to the Department of Defense shall
5 be made available to provide transportation of medical
6 supplies and equipment, on a nonreimbursable basis, to
7 American Samoa, and funds available to the Department
8 of Defense shall be made available to provide transpor-
9 tation of medical supplies and equipment, on a non-
10 reimbursable basis, to the Indian Health Service when it
11 is in conjunction with a civil-military project.

12 SEC. 8062. None of the funds in this Act may be
13 used to purchase any supercomputer which is not manu-
14 factured in the United States, unless the Secretary of De-
15 fense certifies to the congressional defense committees
16 that such an acquisition must be made in order to acquire
17 capability for national security purposes that is not avail-
18 able from United States manufacturers.

19 SEC. 8063. Notwithstanding any other provision of
20 law, the Naval shipyards of the United States shall be eli-
21 gible to participate in any manufacturing extension pro-
22 gram financed by funds appropriated in this or any other
23 Act.

24 SEC. 8064. Notwithstanding any other provision of
25 law, each contract awarded by the Department of Defense

1 during the current fiscal year for construction or service
2 performed in whole or in part in a State (as defined in
3 section 381(d) of title 10, United States Code) which is
4 not contiguous with another State and has an unemploy-
5 ment rate in excess of the national average rate of unem-
6 ployment as determined by the Secretary of Labor, shall
7 include a provision requiring the contractor to employ, for
8 the purpose of performing that portion of the contract in
9 such State that is not contiguous with another State, indi-
10 viduals who are residents of such State and who, in the
11 case of any craft or trade, possess or would be able to
12 acquire promptly the necessary skills: *Provided*, That the
13 Secretary of Defense may waive the requirements of this
14 section, on a case-by-case basis, in the interest of national
15 security.

16 SEC. 8065. None of the funds made available in this
17 or any other Act may be used to pay the salary of any
18 officer or employee of the Department of Defense who ap-
19 proves or implements the transfer of administrative re-
20 sponsibilities or budgetary resources of any program,
21 project, or activity financed by this Act to the jurisdiction
22 of another Federal agency not financed by this Act with-
23 out the express authorization of Congress: *Provided*, That
24 this limitation shall not apply to transfers of funds ex-
25 pressly provided for in Defense Appropriations Acts, or

1 provisions of Acts providing supplemental appropriations
2 for the Department of Defense.

3 SEC. 8066. (a) LIMITATION ON TRANSFER OF DE-
4 FENSE ARTICLES AND SERVICES.—Notwithstanding any
5 other provision of law, none of the funds available to the
6 Department of Defense for the current fiscal year may be
7 obligated or expended to transfer to another nation or an
8 international organization any defense articles or services
9 (other than intelligence services) for use in the activities
10 described in subsection (b) unless the congressional de-
11 fense committees, the Committee on International Rela-
12 tions of the House of Representatives, and the Committee
13 on Foreign Relations of the Senate are notified 15 days
14 in advance of such transfer.

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

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

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

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

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

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

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

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

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

16 SEC. 8067. To the extent authorized by subchapter
17 VI of chapter 148 of title 10, United States Code, the
18 Secretary of Defense may issue loan guarantees in support
19 of United States defense exports not otherwise provided
20 for: *Provided*, That the total contingent liability of the
21 United States for guarantees issued under the authority
22 of this section may not exceed \$15,000,000,000: *Provided*
23 *further*, That the exposure fees charged and collected by
24 the Secretary for each guarantee shall be paid by the
25 country involved and shall not be financed as part of a

1 loan guaranteed by the United States: *Provided further*,
2 That the Secretary shall provide quarterly reports to the
3 Committees on Appropriations, Armed Services, and For-
4 eign Relations of the Senate and the Committees on Ap-
5 propriations, Armed Services, and International Relations
6 in the House of Representatives on the implementation of
7 this program: *Provided further*, That amounts charged for
8 administrative fees and deposited to the special account
9 provided for under section 2540c(d) of title 10, shall be
10 available for paying the costs of administrative expenses
11 of the Department of Defense that are attributable to the
12 loan guarantee program under subchapter VI of chapter
13 148 of title 10, United States Code.

14 SEC. 8068. None of the funds available to the De-
15 partment of Defense under this Act shall be obligated or
16 expended to pay a contractor under a contract with the
17 Department of Defense for costs of any amount paid by
18 the contractor to an employee when—

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

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

24 SEC. 8069. (a) None of the funds appropriated or
25 otherwise made available in this Act may be used to trans-

1 port or provide for the transportation of chemical muni-
2 tions or agents to the Johnston Atoll for the purpose of
3 storing or demilitarizing such munitions or agents.

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

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

11 (INCLUDING TRANSFER OF FUNDS)

12 SEC. 8070. During the current fiscal year, no more
13 than \$30,000,000 of appropriations made in this Act
14 under the heading “Operation and Maintenance, Defense-
15 Wide” may be transferred to appropriations available for
16 the pay of military personnel, to be merged with, and to
17 be available for the same time period as the appropriations
18 to which transferred, to be used in support of such per-
19 sonnel in connection with support and services for eligible
20 organizations and activities outside the Department of De-
21 fense pursuant to section 2012 of title 10, United States
22 Code.

23 SEC. 8071. During the current fiscal year, in the case
24 of an appropriation account of the Department of Defense
25 for which the period of availability for obligation has ex-

1 pired or which has closed under the provisions of section
2 1552 of title 31, United States Code, and which has a
3 negative unliquidated or unexpended balance, an obliga-
4 tion or an adjustment of an obligation may be charged
5 to any current appropriation account for the same purpose
6 as the expired or closed account if—

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

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

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

1 count: *Provided further*, That the total amount
2 charged to a current appropriation under this sec-
3 tion may not exceed an amount equal to 1 percent
4 of the total appropriation for that account.

5 SEC. 8072. Funds appropriated in title II of this Act
6 and for the Defense Health Program in title VI of this
7 Act for supervision and administration costs for facilities
8 maintenance and repair, minor construction, or design
9 projects may be obligated at the time the reimbursable
10 order is accepted by the performing activity: *Provided*,
11 That for the purpose of this section, supervision and ad-
12 ministration costs includes all in-house Government cost.

13 SEC. 8073. During the current fiscal year, the Sec-
14 retary of Defense may waive reimbursement of the cost
15 of conferences, seminars, courses of instruction, or similar
16 educational activities of the Asia-Pacific Center for Secu-
17 rity Studies for military officers and civilian officials of
18 foreign nations if the Secretary determines that attend-
19 ance by such personnel, without reimbursement, is in the
20 national security interest of the United States: *Provided*,
21 That costs for which reimbursement is waived pursuant
22 to this section shall be paid from appropriations available
23 for the Asia-Pacific Center.

24 SEC. 8074. (a) Notwithstanding any other provision
25 of law, the Chief of the National Guard Bureau may per-

1 mit the use of equipment of the National Guard Distance
2 Learning Project by any person or entity on a space-avail-
3 able, reimbursable basis. The Chief of the National Guard
4 Bureau shall establish the amount of reimbursement for
5 such use on a case-by-case basis.

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

12 SEC. 8075. Using funds available by this Act or any
13 other Act, the Secretary of the Air Force, pursuant to a
14 determination under section 2690 of title 10, United
15 States Code, may implement cost-effective agreements for
16 required heating facility modernization in the
17 Kaiserslautern Military Community in the Federal Repub-
18 lic of Germany: *Provided*, That in the City of
19 Kaiserslautern such agreements will include the use of
20 United States anthracite as the base load energy for mu-
21 nicipal district heat to the United States Defense installa-
22 tions: *Provided further*, That at Landstuhl Army Regional
23 Medical Center and Ramstein Air Base, furnished heat
24 may be obtained from private, regional or municipal serv-

1 ices, if provisions are included for the consideration of
2 United States coal as an energy source.

3 SEC. 8076. None of the funds appropriated in title
4 IV of this Act may be used to procure end-items for deliv-
5 ery to military forces for operational training, operational
6 use or inventory requirements: *Provided*, That this restric-
7 tion does not apply to end-items used in development,
8 prototyping, and test activities preceding and leading to
9 acceptance for operational use: *Provided further*, That this
10 restriction does not apply to programs funded within the
11 National Foreign Intelligence Program: *Provided further*,
12 That the Secretary of Defense may waive this restriction
13 on a case-by-case basis by certifying in writing to the
14 Committees on Appropriations of the House of Represent-
15 atives and the Senate that it is in the national security
16 interest to do so.

17 SEC. 8077. None of the funds made available in this
18 Act may be used to approve or license the sale of the F-
19 22 advanced tactical fighter to any foreign government.

20 SEC. 8078. (a) The Secretary of Defense may, on a
21 case-by-case basis, waive with respect to a foreign country
22 each limitation on the procurement of defense items from
23 foreign sources provided in law if the Secretary determines
24 that the application of the limitation with respect to that
25 country would invalidate cooperative programs entered

1 into between the Department of Defense and the foreign
2 country, or would invalidate reciprocal trade agreements
3 for the procurement of defense items entered into under
4 section 2531 of title 10, United States Code, and the
5 country does not discriminate against the same or similar
6 defense items produced in the United States for that coun-
7 try.

8 (b) Subsection (a) applies with respect to—

9 (1) contracts and subcontracts entered into on
10 or after the date of the enactment of this Act; and

11 (2) options for the procurement of items that
12 are exercised after such date under contracts that
13 are entered into before such date if the option prices
14 are adjusted for any reason other than the applica-
15 tion of a waiver granted under subsection (a).

16 (c) Subsection (a) does not apply to a limitation re-
17 garding construction of public vessels, ball and roller bear-
18 ings, food, and clothing or textile materials as defined by
19 section 11 (chapters 50–65) of the Harmonized Tariff
20 Schedule and products classified under headings 4010,
21 4202, 4203, 6401 through 6406, 6505, 7019, 7218
22 through 7229, 7304.41 through 7304.49, 7306.40, 7502
23 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

24 SEC. 8079. Funds made available to the Civil Air Pa-
25 trol in this Act under the heading “Drug Interdiction and

1 Counter-Drug Activities, Defense” may be used for the
2 Civil Air Patrol Corporation’s counterdrug program, in-
3 cluding its demand reduction program involving youth
4 programs, as well as operational and training drug recon-
5 naissance missions for Federal, State, and local govern-
6 ment agencies; and for equipment needed for mission sup-
7 port or performance: *Provided*, That the Department of
8 the Air Force should waive reimbursement from the Fed-
9 eral, State, and local government agencies for the use of
10 these funds.

11 SEC. 8080. (a) PROHIBITION.—None of the funds
12 made available by this Act may be used to support any
13 training program involving a unit of the security forces
14 of a foreign country if the Secretary of Defense has re-
15 ceived credible information from the Department of State
16 that the unit has committed a gross violation of human
17 rights, unless all necessary corrective steps have been
18 taken.

19 (b) MONITORING.—The Secretary of Defense, in con-
20 sultation with the Secretary of State, shall ensure that
21 prior to a decision to conduct any training program re-
22 ferred to in subsection (a), full consideration is given to
23 all credible information available to the Department of
24 State relating to human rights violations by foreign secu-
25 rity forces.

1 (c) WAIVER.—The Secretary of Defense, after con-
2 sultation with the Secretary of State, may waive the prohi-
3 bition in subsection (a) if he determines that such waiver
4 is required by extraordinary circumstances.

5 (d) REPORT.—Not more than 15 days after the exer-
6 cise of any waiver under subsection (c), the Secretary of
7 Defense shall submit a report to the congressional defense
8 committees describing the extraordinary circumstances,
9 the purpose and duration of the training program, the
10 United States forces and the foreign security forces in-
11 volved in the training program, and the information relat-
12 ing to human rights violations that necessitates the waiv-
13 er.

14 SEC. 8081. The Secretary of Defense, in coordination
15 with the Secretary of Health and Human Services, may
16 carry out a program to distribute surplus dental equip-
17 ment of the Department of Defense, at no cost to the De-
18 partment of Defense, to Indian health service facilities and
19 to federally-qualified health centers (within the meaning
20 of section 1905(l)(2)(B) of the Social Security Act (42
21 U.S.C. 1396d(l)(2)(B))).

22 SEC. 8082. The total amount appropriated in this Act
23 is hereby reduced by \$615,000,000 to reflect savings from
24 favorable foreign currency fluctuations, to be derived as
25 follows:

1 “Military Personnel, Army”, \$154,000,000;
2 “Military Personnel, Navy”, \$11,000,000;
3 “Military Personnel, Marine Corps”,
4 \$21,000,000;
5 “Military Personnel, Air Force”, \$49,000,000;
6 “Operation and Maintenance, Army”,
7 \$189,000,000;
8 “Operation and Maintenance, Navy”,
9 \$40,000,000;
10 “Operation and Maintenance, Marine Corps”,
11 \$3,000,000;
12 “Operation and Maintenance, Air Force”,
13 \$80,000,000; and
14 “Operation and Maintenance, Defense-Wide”,
15 \$68,000,000.

16 SEC. 8083. None of the funds appropriated or made
17 available in this Act to the Department of the Navy shall
18 be used to develop, lease or procure the T-AKE class of
19 ships unless the main propulsion diesel engines and
20 propulsors are manufactured in the United States by a
21 domestically operated entity: *Provided*, That the Secretary
22 of Defense may waive this restriction on a case-by-case
23 basis by certifying in writing to the Committees on Appro-
24 priations of the House of Representatives and the Senate
25 that adequate domestic supplies are not available to meet

1 Department of Defense requirements on a timely basis
2 and that such an acquisition must be made in order to
3 acquire capability for national security purposes or there
4 exists a significant cost or quality difference.

5 SEC. 8084. None of the funds appropriated or other-
6 wise made available by this or other Department of De-
7 fense Appropriations Acts may be obligated or expended
8 for the purpose of performing repairs or maintenance to
9 military family housing units of the Department of De-
10 fense, including areas in such military family housing
11 units that may be used for the purpose of conducting offi-
12 cial Department of Defense business.

13 SEC. 8085. Notwithstanding any other provision of
14 law, funds appropriated in this Act under the heading
15 “Research, Development, Test and Evaluation, Defense-
16 Wide” for any advanced concept technology demonstration
17 project may only be obligated 30 days after a report, in-
18 cluding a description of the project and its estimated an-
19 nual and total cost, has been provided in writing to the
20 congressional defense committees: *Provided*, That the Sec-
21 retary of Defense may waive this restriction on a case-
22 by-case basis by certifying to the congressional defense
23 committees that it is in the national interest to do so.

24 SEC. 8086. Notwithstanding any other provision of
25 law, for the purpose of establishing all Department of De-

1 fense policies governing the provision of care provided by
2 and financed under the military health care system's case
3 management program under 10 U.S.C. 1079(a)(17), the
4 term "custodial care" shall be defined as care designed
5 essentially to assist an individual in meeting the activities
6 of daily living and which does not require the supervision
7 of trained medical, nursing, paramedical or other specially
8 trained individuals: *Provided*, That the case management
9 program shall provide that members and retired members
10 of the military services, and their dependents and sur-
11 vivors, have access to all medically necessary health care
12 through the health care delivery system of the military
13 services regardless of the health care status of the person
14 seeking the health care: *Provided further*, That the case
15 management program shall be the primary obligor for pay-
16 ment of medically necessary services and shall not be con-
17 sidered as secondarily liable to title XIX of the Social Se-
18 curity Act, other welfare programs or charity based care.

19 SEC. 8087. During the current fiscal year, refunds
20 attributable to the use of the Government travel card, re-
21 funds attributable to the use of the Government Purchase
22 Card and refunds attributable to official Government trav-
23 el arranged by Government Contracted Travel Manage-
24 ment Centers may be credited to operation and mainte-

1 nance accounts of the Department of Defense which are
2 current when the refunds are received.

3 SEC. 8088. (a) REGISTERING FINANCIAL MANAGE-
4 MENT INFORMATION TECHNOLOGY SYSTEMS WITH DOD
5 CHIEF INFORMATION OFFICER.—None of the funds ap-
6 propriated in this Act may be used for a mission critical
7 or mission essential financial management information
8 technology system (including a system funded by the de-
9 fense working capital fund) that is not registered with the
10 Chief Information Officer of the Department of Defense.
11 A system shall be considered to be registered with that
12 officer upon the furnishing to that officer of notice of the
13 system, together with such information concerning the
14 system as the Secretary of Defense may prescribe. A fi-
15 nancial management information technology system shall
16 be considered a mission critical or mission essential infor-
17 mation technology system as defined by the Under Sec-
18 retary of Defense (Comptroller).

19 (b) CERTIFICATIONS AS TO COMPLIANCE WITH FI-
20 NANCIAL MANAGEMENT MODERNIZATION PLAN.—(1)
21 During the current fiscal year, a financial management
22 major automated information system may not receive
23 Milestone A approval, Milestone B approval, or full rate
24 production, or their equivalent, within the Department of
25 Defense until the Under Secretary of Defense (Comp-

1 troller) certifies, with respect to that milestone, that the
2 system is being developed and managed in accordance with
3 the Department's Financial Management Modernization
4 Plan. The Under Secretary of Defense (Comptroller) may
5 require additional certifications, as appropriate, with re-
6 spect to any such system.

7 (2) The Chief Information Officer shall provide the
8 congressional defense committees timely notification of
9 certifications under paragraph (1).

10 (c) CERTIFICATIONS AS TO COMPLIANCE WITH
11 CLINGER-COHEN ACT.—(1) During the current fiscal
12 year, a major automated information system may not re-
13 ceive Milestone A approval, Milestone B approval, or full
14 rate production approval, or their equivalent, within the
15 Department of Defense until the Chief Information Offi-
16 cer certifies, with respect to that milestone, that the sys-
17 tem is being developed in accordance with the Clinger-
18 Cohen Act of 1996 (40 U.S.C. 1401 et seq.). The Chief
19 Information Officer may require additional certifications,
20 as appropriate, with respect to any such system.

21 (2) The Chief Information Officer shall provide the
22 congressional defense committees timely notification of
23 certifications under paragraph (1). Each such notification
24 shall include, at a minimum, the funding baseline and
25 milestone schedule for each system covered by such a cer-

1 tification and confirmation that the following steps have
2 been taken with respect to the system:

3 (A) Business process reengineering.

4 (B) An analysis of alternatives.

5 (C) An economic analysis that includes a cal-
6 culation of the return on investment.

7 (D) Performance measures.

8 (E) An information assurance strategy con-
9 sistent with the Department's Global Information
10 Grid.

11 (d) DEFINITIONS.—For purposes of this section:

12 (1) The term “Chief Information Officer”
13 means the senior official of the Department of De-
14 fense designated by the Secretary of Defense pursu-
15 ant to section 3506 of title 44, United States Code.

16 (2) The term “information technology system”
17 has the meaning given the term “information tech-
18 nology” in section 5002 of the Clinger-Cohen Act of
19 1996 (40 U.S.C. 1401).

20 (3) The term “major automated information
21 system” has the meaning given that term in Depart-
22 ment of Defense Directive 5000.1.

23 SEC. 8089. During the current fiscal year, none of
24 the funds available to the Department of Defense may be
25 used to provide support to another department or agency

1 of the United States if such department or agency is more
2 than 90 days in arrears in making payment to the Depart-
3 ment of Defense for goods or services previously provided
4 to such department or agency on a reimbursable basis:
5 *Provided*, That this restriction shall not apply if the de-
6 partment is authorized by law to provide support to such
7 department or agency on a nonreimbursable basis, and is
8 providing the requested support pursuant to such author-
9 ity: *Provided further*, That the Secretary of Defense may
10 waive this restriction on a case-by-case basis by certifying
11 in writing to the Committees on Appropriations of the
12 House of Representatives and the Senate that it is in the
13 national security interest to do so.

14 SEC. 8090. None of the funds provided in this Act
15 may be used to transfer to any nongovernmental entity
16 ammunition held by the Department of Defense that has
17 a center-fire cartridge and a United States military no-
18 menclature designation of “armor penetrator”, “armor
19 piercing (AP)”, “armor piercing incendiary (API)”, or
20 “armor-piercing incendiary-tracer (API-T)”, except to an
21 entity performing demilitarization services for the Depart-
22 ment of Defense under a contract that requires the entity
23 to demonstrate to the satisfaction of the Department of
24 Defense that armor piercing projectiles are either: (1) ren-
25 dered incapable of reuse by the demilitarization process;

1 or (2) used to manufacture ammunition pursuant to a con-
2 tract with the Department of Defense or the manufacture
3 of ammunition for export pursuant to a License for Per-
4 manent Export of Unclassified Military Articles issued by
5 the Department of State.

6 SEC. 8091. Notwithstanding any other provision of
7 law, the Chief of the National Guard Bureau, or his des-
8 ignee, may waive payment of all or part of the consider-
9 ation that otherwise would be required under 10 U.S.C.
10 2667, in the case of a lease of personal property for a
11 period not in excess of 1 year to any organization specified
12 in 32 U.S.C. 508(d), or any other youth, social, or fra-
13 ternal non-profit organization as may be approved by the
14 Chief of the National Guard Bureau, or his designee, on
15 a case-by-case basis.

16 SEC. 8092. None of the funds appropriated by this
17 Act shall be used for the support of any nonappropriated
18 funds activity of the Department of Defense that procures
19 malt beverages and wine with nonappropriated funds for
20 resale (including such alcoholic beverages sold by the
21 drink) on a military installation located in the United
22 States unless such malt beverages and wine are procured
23 within that State, or in the case of the District of Colum-
24 bia, within the District of Columbia, in which the military
25 installation is located: *Provided*, That in a case in which

1 the military installation is located in more than one State,
2 purchases may be made in any State in which the installa-
3 tion is located: *Provided further*, That such local procure-
4 ment requirements for malt beverages and wine shall
5 apply to all alcoholic beverages only for military installa-
6 tions in States which are not contiguous with another
7 State: *Provided further*, That alcoholic beverages other
8 than wine and malt beverages, in contiguous States and
9 the District of Columbia shall be procured from the most
10 competitive source, price and other factors considered.

11 SEC. 8093. During the current fiscal year, under reg-
12 ulations prescribed by the Secretary of Defense, the Cen-
13 ter of Excellence for Disaster Management and Humaniti-
14 tarian Assistance may also pay, or authorize payment for,
15 the expenses of providing or facilitating education and
16 training for appropriate military and civilian personnel of
17 foreign countries in disaster management, peace oper-
18 ations, and humanitarian assistance.

19 SEC. 8094. (a) The Department of Defense is author-
20 ized to enter into agreements with the Veterans Adminis-
21 tration and federally-funded health agencies providing
22 services to Native Hawaiians for the purpose of estab-
23 lishing a partnership similar to the Alaska Federal Health
24 Care Partnership, in order to maximize Federal resources
25 in the provision of health care services by federally-funded

1 health agencies, applying telemedicine technologies. For
2 the purpose of this partnership, Native Hawaiians shall
3 have the same status as other Native Americans who are
4 eligible for the health care services provided by the Indian
5 Health Service.

6 (b) The Department of Defense is authorized to de-
7 velop a consultation policy, consistent with Executive
8 Order No. 13084 (issued May 14, 1998), with Native Ha-
9 waiians for the purpose of assuring maximum Native Ha-
10 waiian participation in the direction and administration of
11 governmental services so as to render those services more
12 responsive to the needs of the Native Hawaiian commu-
13 nity.

14 (c) For purposes of this section, the term “Native
15 Hawaiian” means any individual who is a descendant of
16 the aboriginal people who, prior to 1778, occupied and ex-
17 ercised sovereignty in the area that now comprises the
18 State of Hawaii.

19 SEC. 8095. Of the amounts appropriated in this Act
20 for the Arrow missile defense program under the heading
21 “Research, Development, Test and Evaluation, Defense-
22 Wide”, \$131,700,000 shall be made available for the pur-
23 pose of continuing the Arrow System Improvement Pro-
24 gram (ASIP), continuing ballistic missile defense inter-

1 operability with Israel, and continuing development of an
2 Arrow production capability in the United States.

3 SEC. 8096. Funds available to the Department of De-
4 fense for the Global Positioning System during the current
5 fiscal year may be used to fund civil requirements associ-
6 ated with the satellite and ground control segments of
7 such system's modernization program.

8 (INCLUDING TRANSFER OF FUNDS)

9 SEC. 8097. Of the amounts appropriated in this Act
10 under the heading, "Operation and Maintenance, Defense-
11 Wide", \$68,000,000 shall remain available until expended:
12 *Provided*, That notwithstanding any other provision of
13 law, the Secretary of Defense is authorized to transfer
14 such funds to other activities of the Federal Government.

15 SEC. 8098. Section 8106 of the Department of De-
16 fense Appropriations Act, 1997 (titles I through VIII of
17 the matter under subsection 101(b) of Public Law 104-
18 208; 110 Stat. 3009-111; 10 U.S.C. 113 note) shall con-
19 tinue in effect to apply to disbursements that are made
20 by the Department of Defense in fiscal year 2003.

21 SEC. 8099. In addition to amounts provided in this
22 Act, \$2,000,000 is hereby appropriated for "Defense
23 Health Program", to remain available for obligation until
24 expended: *Provided*, That notwithstanding any other pro-
25 vision of law, these funds shall be available only for a

1 grant to the Fisher House Foundation, Inc., only for the
2 construction and furnishing of additional Fisher Houses
3 to meet the needs of military family members when con-
4 fronted with the illness or hospitalization of an eligible
5 military beneficiary.

6 SEC. 8100. The total amount appropriated in Title
7 II of this Act is hereby reduced by \$51,000,000, to reflect
8 savings attributable to improvements in the management
9 of advisory and assistance services contracted by the mili-
10 tary departments, to be derived as follows:

11 “Operation and Maintenance, Army”,
12 \$11,000,000;

13 “Operation and Maintenance, Navy”,
14 \$10,000,000; and

15 “Operation and Maintenance, Air Force”,
16 \$30,000,000.

17 (INCLUDING TRANSFER OF FUNDS)

18 SEC. 8101. Of the amounts appropriated in this Act
19 under the heading “Shipbuilding and Conversion, Navy,”
20 \$644,899,000 shall be available until September 30, 2003,
21 to fund prior year shipbuilding cost increases: *Provided*,
22 That upon enactment of this Act, the Secretary of Defense
23 shall transfer such funds to the following appropriations
24 in the amount specified: *Provided further*, That the
25 amounts transferred shall be merged with and shall be

1 available for the same purposes as the appropriations to
2 which transferred:

3 To:

4 Under the heading, “Shipbuilding and
5 Conversion, Navy, 1996/2003”:

6 LPD–17 Amphibious Transport Dock Ship
7 Program, \$232,681,000;

8 Under the heading, “Shipbuilding and
9 Conversion, Navy, 1998/2003”:

10 DDG–51 Destroyer Program,
11 \$47,400,000;

12 New SSN, \$156,682,000;

13 Under the heading, “Shipbuilding and
14 Conversion, Navy, 1999/2003”:

15 LPD–17 Amphibious Transport Dock Ship
16 Program, \$10,000,000;

17 DDG–51 Destroyer Program,
18 \$56,736,000;

19 New SSN, \$120,000,000;

20 Under the heading, “Shipbuilding and
21 Conversion, Navy, 2000/2003”:

22 DDG–51 Destroyer Program,
23 \$21,200,000;

24 Under the heading, “Shipbuilding and
25 Conversion, Navy, 2001/2008”:

1 DDG–51 Destroyer Program, \$200,000.

2 SEC. 8102. The Secretary of the Navy may settle,
3 or compromise, and pay any and all admiralty claims
4 under 10 U.S.C. 7622 arising out of the collision involving
5 the U.S.S. GREENEVILLE and the EHIME MARU, in
6 any amount and without regard to the monetary limita-
7 tions in subsections (a) and (b) of that section: *Provided*,
8 That such payments shall be made from funds available
9 to the Department of the Navy for operation and mainte-
10 nance.

11 SEC. 8103. The total amount appropriated in Title
12 II of this Act is hereby reduced by \$97,000,000, to reflect
13 savings attributable to improved supervision in deter-
14 mining appropriate purchases to be made using the Gov-
15 ernment purchase card, to be derived as follows:

16 “Operation and Maintenance, Army”,
17 \$24,000,000;

18 “Operation and Maintenance, Navy”,
19 \$29,000,000;

20 “Operation and Maintenance, Marine Corps”,
21 \$3,000,000;

22 “Operation and Maintenance, Air Force”,
23 \$27,000,000; and

24 “Operation and Maintenance, Defense-Wide”,
25 \$14,000,000.

1 SEC. 8104. Funds provided for the current fiscal year
2 or hereafter for Operation and Maintenance for the Armed
3 Forces may be used, notwithstanding any other provision
4 of law, for the purchase of ultralightweight camouflage net
5 systems as unit spares.

6 (INCLUDING TRANSFER OF FUNDS)

7 SEC. 8105. During the current fiscal year and here-
8 after, notwithstanding any other provision of law, the Sec-
9 retary of Defense may transfer not more than
10 \$20,000,000 of unobligated balances remaining in a Re-
11 search, Development, Test and Evaluation, Army appro-
12 priation account during the last fiscal year before the ac-
13 count closes under section 1552 of title 31 United States
14 Code, to a current Research, Development, Test and Eval-
15 uation, Army appropriation account to be used only for
16 the continuation of the Venture Capital Fund demonstra-
17 tion, as originally approved in Section 8150 of Public Law
18 107–117, to pursue high payoff technology and innova-
19 tions in science and technology: *Provided*, That any such
20 transfer shall be made not later than July 31 of each year:
21 *Provided further*, That funds so transferred shall be
22 merged with and shall be available for the same purposes
23 and for the same time period as the appropriation to which
24 transferred: *Provided further*, That the transfer authority
25 provided in this section is in addition to any other transfer
26 authority available to the Department of Defense: *Pro-*

1 *vided further*, That, no funds for programs, projects, or
2 activities designated as special congressional interest items
3 in DD Form 1414 shall be eligible for transfer under the
4 authority of this section: *Provided further*, That any unob-
5 ligated balances transferred under this authority may be
6 restored to the original appropriation if required to cover
7 unexpected upward adjustments: *Provided further*, That
8 the Secretary of the Army shall provide an annual report
9 to the House and Senate Appropriations Committees no
10 later than 15 days prior to the annual transfer of funds
11 under authority of this section describing the sources and
12 amounts of funds proposed to be transferred, summarizing
13 the projects funded under this demonstration program (in-
14 cluding the name and location of project sponsors) to date,
15 a description of the major program accomplishments to
16 date, and an overall assessment of the benefits of this
17 demonstration program compared to the goals expressed
18 in the legislative history accompanying Section 8150 of
19 Public Law 107–117.

20 SEC. 8106. Notwithstanding any other provision of
21 law or regulation, the Secretary of Defense may exercise
22 the provisions of 38 U.S.C. 7403(g) for occupations listed
23 in 38 U.S.C. 7403(a)(2) as well as the following:

24 Pharmacists, Audiologists, and Dental Hygien-
25 ists.

1 (A) The requirements of 38 U.S.C.
2 7403(g)(1)(A) shall apply.

3 (B) The limitations of 38 U.S.C.
4 7403(g)(1)(B) shall not apply.

5 SEC. 8107. Funds appropriated by this Act, or made
6 available by the transfer of funds in this Act, for intel-
7 ligence activities are deemed to be specifically authorized
8 by the Congress for purposes of section 504 of the Na-
9 tional Security Act of 1947 (50 U.S.C. 414) during fiscal
10 year 2003 until the enactment of the Intelligence Author-
11 ization Act for fiscal year 2003.

12 SEC. 8108. Section 1111(c) of title 10 is amended
13 in the first sentence by striking “may” after the Secretary
14 of Defense and inserting “shall” after the Secretary of De-
15 fense.

16 (INCLUDING TRANSFER OF FUNDS)

17 SEC. 8109. During the current fiscal year, amounts
18 in or credited to the Defense Cooperation Account under
19 10 U.S.C. 2608(b) are hereby appropriated and shall be
20 available for obligation and expenditure consistent with
21 the purposes for which such amounts were contributed and
22 accepted for transfer by the Secretary of Defense to such
23 appropriations or funds of the Department of Defense as
24 the Secretary shall determine, to be merged with and to
25 be available for the same purposes and for the same time
26 period as the appropriation or fund to which transferred:

1 *Provided*, That the Secretary shall provide written notifi-
2 cation to the congressional defense committees 30 days
3 prior to such transfer: *Provided further*, That the Sec-
4 retary of Defense shall report to the Congress quarterly
5 all transfers made pursuant to this authority: *Provided*
6 *further*, That this transfer authority is in addition to any
7 other transfer authority available to the Department of
8 Defense.

9 SEC. 8110. Notwithstanding section 1116(c) of title
10 10, United States Code, payments into the Department
11 of Defense Medicare-Eligible Retiree Health Care Fund
12 for fiscal year 2003 under section 1116(a) of such title
13 shall be made from funds available in this Act for the pay
14 of military personnel.

15 SEC. 8111. None of the funds in this Act may be
16 used to initiate a new start program without prior notifica-
17 tion to the Office of Secretary of Defense and the congres-
18 sional defense committees.

19 SEC. 8112. The amount appropriated in title II of
20 this Act is hereby reduced by \$470,000,000 to reflect
21 Working Capital Fund cash balance and rate stabilization
22 adjustments, to be derived as follows:

23 “Operation and Maintenance, Navy”,
24 \$440,000,000; and

1 “Operation and Maintenance, Air Force”,
2 \$30,000,000.

3 SEC. 8113. Notwithstanding any other provision in
4 this Act, the total amount appropriated in this Act is here-
5 by reduced by \$475,000,000, to reduce excess funded car-
6 ryover, to be derived as follows:

7 “Operation and Maintenance, Army”,
8 \$48,000,000;

9 “Operation and Maintenance, Navy”,
10 \$285,000,000;

11 “Operation and Maintenance, Marine Corps”,
12 \$8,000,000; and

13 “Operation and Maintenance, Air Force”,
14 \$134,000,000.

15 SEC. 8114. Notwithstanding any other provision of
16 law, none of the funds appropriated or otherwise made
17 available by this or any other appropriations Acts may be
18 obligated for the purpose of transferring the Medical Free
19 Electron Laser (MFEL) Program from the Department
20 of Defense to any other Government agency.

21 SEC. 8115. (a) In addition to the amounts provided
22 elsewhere in this Act, the amount of \$4,000,000 is hereby
23 appropriated to the Department of Defense for “Oper-
24 ation and Maintenance, Army National Guard”. Such
25 amount shall be made available to the Secretary of the

1 Army only to make a grant in the amount of \$4,000,000
2 to the entity specified in subsection (b) to facilitate access
3 by veterans to opportunities for skilled employment in the
4 construction industry.

5 (b) The entity referred to in subsection (a) is the
6 Center for Military Recruitment, Assessment and Vet-
7 erans Employment, a nonprofit labor-management co-op-
8 eration committee provided for by section 302(c)(9) of the
9 Labor-Management Relations Act, 1947 (29 U.S.C.
10 186(c)(9)), for the purposes set forth in section 6(b) of
11 the Labor Management Cooperation Act of 1978 (29
12 U.S.C. 175a note).

13 SEC. 8116. (a) During the current fiscal year, funds
14 available to the Secretary of a military department for Op-
15 eration and Maintenance may be used for the purposes
16 stated in subsection (b) to support chaplain-led programs
17 to assist members of the Armed Forces and their imme-
18 diate family members in building and maintaining a
19 strong family structure.

20 (b) The purposes referred to in subsection (a) are
21 costs of transportation, food, lodging, supplies, fees, and
22 training materials for members of the Armed Forces and
23 their family members while participating in such pro-
24 grams, including participation at retreats and conferences.

1 SEC. 8117. (a) COMMISSION ON ADEQUACY OF
2 ARMED FORCES TRAINING FACILITIES.—The Secretary
3 of Defense shall establish an advisory committee under
4 section 173 of title 10, United States Code, to assess the
5 availability of adequate training facilities for the Armed
6 Forces in the United States and overseas and the adverse
7 impact of residential and industrial encroachment, re-
8 quirements of environmental laws, and other factors on
9 military training and the coordination of military training
10 among the United States and its allies.

11 (b) MEMBERS.—The advisory committee shall be
12 composed of persons who are not active-duty members of
13 the Armed Forces or officers or employees of the Depart-
14 ment of Defense.

15 (c) REPORT.—Not later than July 31, 2003, the advi-
16 sory committee shall submit to the Secretary of Defense
17 and the congressional defense committees a report con-
18 taining the results of the assessment and such rec-
19 ommendations as the committee considers necessary.

20 (d) FUNDING.—Funds for the activities of the advi-
21 sory committee shall be provided from amounts appro-
22 priated for operation and maintenance for Defense-Wide
23 activities for fiscal year 2003.

24 SEC. 8118. (a) LIMITATION ON ADDITIONAL NMCI
25 CONTRACT WORK STATIONS.—Notwithstanding section

1 814 of the Floyd D. Spence National Defense Authoriza-
2 tion Act for Fiscal Year 2001 (as enacted into law by Pub-
3 lic Law 106–398; 114 Stat. 1654A–215) or any other pro-
4 vision of law, the total number of work stations provided
5 under the Navy-Marine Corps Intranet contract (as de-
6 fined in subsection (i) of such section 814) may not exceed
7 160,000 work stations until the Under Secretary of De-
8 fense for Acquisition, Technology, and Logistics and the
9 Chief Information Officer of the Department of Defense
10 certify to the congressional defense committees that all of
11 the conditions specified in subsection (b) have been satis-
12 fied.

13 (b) CONDITIONS.—The conditions referred to in sub-
14 section (a) are the following:

15 (1) There is a full transition of not less than
16 20,000 work stations to the Navy-Marine Corps
17 Intranet.

18 (2) Those work stations undergo operational
19 test and evaluation—

20 (A) to evaluate and demonstrate the ability
21 of the infrastructure and services of the Navy-
22 Marine Corps Intranet to support Department
23 of the Navy operational, office, and business
24 functionality and processes; and

1 (B) to evaluate the effectiveness and suit-
2 ability of the Navy-Marine Corps Intranet to
3 support accomplishment of Navy and Marine
4 Corps missions.

5 (3) The Director of Operational Test and Eval-
6 uation of the Department of Defense completes an
7 assessment of the operational test and evaluation
8 and provides the results of the assessment and rec-
9 ommendations to the Under Secretary of Defense for
10 Acquisition, Technology, and Logistics and the Chief
11 Information Officer of the Department of Defense.

12 (4) The Under Secretary of Defense for Acqui-
13 sition, Technology, and Logistics and the Chief In-
14 formation Officer of the Department of Defense de-
15 termine that the results of the test and evaluation
16 are acceptable.

17 SEC. 8119. None of the funds in this Act, excluding
18 funds provided for advance procurement of fiscal year
19 2004 aircraft, may be obligated for acquisition of more
20 than 16 F-22 aircraft until the Under Secretary of De-
21 fense for Acquisition, Technology, and Logistics has pro-
22 vided to the congressional defense committees:

23 (a) A formal risk assessment which identifies and
24 characterizes the potential cost, technical, schedule or
25 other significant risks resulting from increasing the F-22

1 procurement quantities prior to the conclusion of Dedi-
2 cated Initial Operational Test and Evaluation (DIOT&E)
3 of the aircraft: *Provided*, That such risk assessment shall
4 evaluate based on the best available current information
5 (1) the range of potential additional program costs (com-
6 pared to the program costs assumed in the President's fis-
7 cal year 2003 budget) that could result from retrofit modi-
8 fications to F-22 production aircraft that are placed
9 under contract or delivered to the government prior to the
10 conclusion of DIOT&E and (2) a cost-benefit analysis
11 comparing, in terms of unit cost and total program cost,
12 the cost advantages of increasing aircraft production at
13 this time to the potential cost of retrofitting production
14 aircraft once DIOT&E has been completed;

15 (b) Certification that any future retrofit costs to F-
16 22 production aircraft, ordered or delivered prior to the
17 conclusion of DIOT&E, that result from changes required
18 from developmental or operational test and evaluation will
19 not increase the total F-22 program cost as estimated in
20 the President's fiscal year 2003 budget; and

21 (c) Certification that increasing the F-22 production
22 quantity for fiscal year 2003 beyond 16 airplanes involves
23 lower risk and lower total program cost than staying at
24 that quantity, or he submits a revised production plan,
25 funding plan and test schedule.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8120. Section 305(a) of the Emergency Supplemental Act, 2002 (division B of Public Law 107–117; 115 Stat. 2300), is amended by adding at the end the following new sentences: “From amounts transferred to the Pentagon Reservation Maintenance Revolving Fund pursuant to the preceding sentence, not to exceed \$305,000,000 may be transferred to the Defense Emergency Response Fund, but only in amounts necessary to reimburse that fund (and the category of that fund designated as ‘Pentagon Repair/Upgrade’) for expenses charged to that fund (and that category) between September 11, 2001, and January 10, 2002, for reconstruction costs of the Pentagon Reservation. Funds transferred to the Defense Emergency Response Fund pursuant to this section shall be available only for reconstruction, recovery, force protection, or security enhancements for the Pentagon Reservation.”.

SEC. 8121. (a) TERMINATION OF CRUSADER ARTILLERY SYSTEM.—Consistent with the budget amendment to the fiscal year 2003 President’s Budget submitted to Congress on May 29, 2002, for termination of the Crusader Artillery System, the Department of Defense is authorized to terminate the Crusader program. Such termination shall be carried out in a prudent and deliberate

1 manner in order to provide for the orderly termination of
2 the program.

3 (b) ACCELERATION OF OTHER INDIRECT FIRE SYS-
4 TEMS.—Of the funds appropriated or otherwise made
5 available in this Act, under the heading “Research, Devel-
6 opment, Test, and Evaluation, Army”, \$305,109,000 shall
7 be available only to accelerate the development, dem-
8 onstration, and fielding of indirect fire platforms, preci-
9 sion munitions, and related technology.

10 (c) ACCELERATION OF OBJECTIVE FORCE ARTIL-
11 LERY AND RESUPPLY SYSTEMS.—(1) Immediately upon
12 termination of the Crusader Artillery System program, the
13 Department of the Army shall enter into a contract to le-
14 verage technologies developed with funds invested in fiscal
15 year 2002 and prior years under the Crusader Artillery
16 System program, the Future Scout and Cavalry System
17 program, the Composite Armored Vehicle program, and
18 other Army development programs in order to develop and
19 field, by 2008, a Non-Line of Sight (NLOS) Objective
20 Force artillery system and Resupply Vehicle variants of
21 the Future Combat System.

22 (2) Of the funds appropriated or otherwise made
23 available in this Act under the heading “Research, Devel-
24 opment, Test, and Evaluation, Army”, \$368,500,000 is
25 available only for the Objective Force Indirect Fire Sys-

1 tems for the Army to implement this subsection: *Provided*,
2 That none of the funds in this or any other Act shall be
3 available for research, development, test, or evaluation of
4 any Objective Force or Future Combat System indirect
5 fire system until the Secretary of the Army has submitted
6 a written certification to the congressional defense com-
7 mittees that a contract has been awarded pursuant to sub-
8 section (c)(1) containing a program plan and schedule for
9 production and fielding a Future Combat System Non-
10 Line of Sight Objective Force artillery system and Resup-
11 ply Vehicle variants by 2008.

12 SEC. 8122. None of the funds made available in this
13 Act may be transferred to any department, agency, or in-
14 strumentality of the United States Government, except
15 pursuant to a transfer made by, or transfer authority pro-
16 vided in, this Act or any other appropriations Act.

17 This Act may be cited as the “Department of Defense
18 Appropriations Act, 2003”.

Union Calendar No. 322

107TH CONGRESS
2^D SESSION

H. R. 5010

[Report No. 107-532]

A BILL

Making appropriations for the Department of Defense for the fiscal year ending September 30, 2003, and for other purposes.

JUNE 25, 2002

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