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.

Be it enacted by the Senate and House of Representa-

Be it enacted by the Senate and House of Representa-

tives of the United States of America in Congress assembled,

That the following sums are appropriated, out of any

money in the Treasury not otherwise appropriated, for the

fiscal year ending September 30, 2003, for military func-

tions administered by the Department of Defense, and for

other purposes, namely:
TITLE I

MILITARY PERSONNEL

Military Personnel, Army

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $26,832,217,000.

Military Personnel, Navy

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Depart-
ment of Defense Military Retirement Fund, $21,874,395,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $8,504,172,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, $21,957,757,000.
RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Reserve Officers’ Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $3,373,455,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Reserve Officers’ Training Corps, and expenses authorized by section 16131 of title
10, United States Code; and for payments to the Depart-
ment of Defense Military Retirement Fund, $1,897,352,000.

**Reserve Personnel, Marine Corps**

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $553,983,000.

**Reserve Personnel, Air Force**

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 10211, 10305, and 8038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or
while undergoing reserve training, or while performing 
drills or equivalent duty or other duty, and for members 
of the Air Reserve Officers’ Training Corps, and expenses 
authorized by section 16131 of title 10, United States 
Code; and for payments to the Department of Defense 
Military Retirement Fund, $1,236,904,000.

NATIONAL GUARD PERSONNEL, ARMY

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

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, 
travel, and related expenses for personnel of the Air Na-
tional Guard on duty under section 10211, 10305, or 
12402 of title 10 or section 708 of title 32, United States
Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, $2,124,411,000.

TITLE II

OPERATION AND MAINTENANCE

Operation and Maintenance, Army

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

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

Operation and Maintenance, Marine Corps

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

Operation and Maintenance, Air Force

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed $7,902,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes, $27,587,959,000: Provided, That notwithstanding any other provision of law, that of the funds available under this heading, $750,000 shall only be available to the Secretary of the Air Force for a grant to Florida Memorial
College for the purpose of funding minority aviation training: Provided further, That of the amount provided under this heading, not less than $2,000,000 shall be obligated for the deployment of Air Force active and Reserve aircrews that perform combat search and rescue operations to operate and evaluate the United Kingdom’s Royal Air Force EH–101 helicopter, to receive training using that helicopter, and to exchange operational techniques and procedures regarding that helicopter.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law, $14,850,377,000, of which not to exceed $25,000,000 may be available for the CINC initiative fund account; and of which not to exceed $34,500,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes: Provided, That notwithstanding any other provision of law, of the funds provided in this Act for Civil Military programs under this heading, $750,000 shall be available for a grant for Outdoor Odyssey, Roaring Run,
Pennsylvania, to support the Youth Development and Leadership program and Department of Defense STARBASE program: Provided further, That none of the funds appropriated or otherwise made available by this Act may be used to plan or implement the consolidation of a budget or appropriations liaison office of the Office of the Secretary of Defense, the office of the Secretary of a military department, or the service headquarters of one of the Armed Forces into a legislative affairs or legislative liaison office: Provided further, That $4,675,000, to remain available until expended, is available only for expenses relating to certain classified activities, and may be transferred as necessary by the Secretary to operation and maintenance appropriations or research, development, test and evaluation appropriations, to be merged with and to be available for the same time period as the appropriations to which transferred: Provided further, That any ceiling on the investment item unit cost of items that may be purchased with operation and maintenance funds shall not apply to the funds described in the preceding proviso: Provided further, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.
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OPERATION AND MAINTENANCE, ARMY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $1,976,710,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $1,239,309,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $189,532,000.
Operation and Maintenance, Air Force Reserve

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, $2,165,604,000.

Operation and Maintenance, Army National Guard

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft), $4,231,967,000.
1. **Operation and Maintenance, Air National Guard**

   For operation and maintenance of the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, repair, and other necessary expenses of facilities for the training and administration of the Air National Guard, including repair of facilities, maintenance, operation, and modification of aircraft; transportation of things, hire of passenger motor vehicles; supplies, materials, and equipment, as authorized by law for the Air National Guard; and expenses incident to the maintenance and use of supplies, materials, and equipment, including such as may be furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau, $4,113,010,000.

2. **United States Court of Appeals for the Armed Forces**

   For salaries and expenses necessary for the United States Court of Appeals for the Armed Forces,
$9,614,000, of which not to exceed $2,500 can be used
for official representation purposes.

**Environmental Restoration, Army**

**(INCLUDING TRANSFER OF FUNDS)**

For the Department of the Army, $395,900,000, to
remain available until transferred: *Provided*, That the Sec-
retary of the Army shall, upon determining that such
funds are required for environmental restoration, reduc-
tion and recycling of hazardous waste, removal of unsafe
buildings and debris of the Department of the Army, or
for similar purposes, transfer the funds made available by
this appropriation to other appropriations made available
to the Department of the Army, to be merged with and
to be available for the same purposes and for the same
time period as the appropriations to which transferred:

*Provided further*, That upon a determination that all or
part of the funds transferred from this appropriation are
not necessary for the purposes provided herein, such
amounts may be transferred back to this appropriation.

**Environmental Restoration, Navy**

**(INCLUDING TRANSFER OF FUNDS)**

For the Department of the Navy, $256,948,000, to
remain available until transferred: *Provided*, That the Sec-
retary of the Navy shall, upon determining that such
funds are required for environmental restoration, reduc-
tion and recycling of hazardous waste, removal of unsafe
buildings and debris of the Department of the Navy, or
for similar purposes, transfer the funds made available by
this appropriation to other appropriations made available
to the Department of the Navy, to be merged with and
to be available for the same purposes and for the same
time period as the appropriations to which transferred:

*Provided further*, That upon a determination that all or
part of the funds transferred from this appropriation are
not necessary for the purposes provided herein, such
amounts may be transferred back to this appropriation.

**Environmental Restoration, Air Force**

*(including transfer of funds)*

For the Department of the Air Force, $389,773,000,
to remain available until transferred: *Provided*, That the
Secretary of the Air Force shall, upon determining that
such funds are required for environmental restoration, re-
duction and recycling of hazardous waste, removal of un-
safe buildings and debris of the Department of the Air
Force, or for similar purposes, transfer the funds made
available by this appropriation to other appropriations
made available to the Department of the Air Force, to be
merged with and to be available for the same purposes
and for the same time period as the appropriations to
which transferred: *Provided further*, That upon a deter-
mination that all or part of the funds transferred from
this appropriation are not necessary for the purposes pro-
vided herein, such amounts may be transferred back to
this appropriation.

ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For the Department of Defense, $23,498,000, to re-
main available until transferred: Provided, That the Sec-
retary of Defense shall, upon determining that such funds
are required for environmental restoration, reduction and
recycling of hazardous waste, removal of unsafe buildings
and debris of the Department of Defense, or for similar
purposes, transfer the funds made available by this appro-
priation to other appropriations made available to the De-
partment of Defense, to be merged with and to be avail-
able for the same purposes and for the same time period
as the appropriations to which transferred: Provided fur-
ther, That upon a determination that all or part of the
funds transferred from this appropriation are not nec-
essary for the purposes provided herein, such amounts
may be transferred back to this appropriation.
ENVIRONMENTAL RESTORATION, FORMERLY USED
DEFENSE SITES
(INCLUDING TRANSFER OF FUNDS)
For the Department of the Army, $212,102,000, to remain available until transferred: Provided, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris at sites formerly used by the Department of Defense, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID
For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 2547, and 2551 of title 10, United States Code), $58,400,000, to remain available until September 30, 2004.
Former Soviet Union Threat Reduction

For assistance to the republics of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for establishing programs to prevent the proliferation of weapons, weapons components, and weapon-related technology and expertise; for programs relating to the training and support of defense and military personnel for demilitarization and protection of weapons, weapons components and weapons technology and expertise, and for defense and military contacts, $416,700,000, to remain available until September 30, 2005.

Support for International Sporting Competitions, Defense

For logistical and security support for international sporting competitions (including pay and non-travel related allowances only for members of the Reserve Components of the Armed Forces of the United States called or ordered to active duty in connection with providing such support), $19,000,000, to remain available until expended.
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
the Army has certified to the congressional defense committees that the Army intends to budget for the upgrade of the entire CH–47 fleet that is planned to be part of the Objective Force.

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,112,772,000, to remain available for obligation until September 30, 2005, of which not less than $168,580,000 shall be available for the Army National Guard and Army Reserve.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles,
equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $2,248,358,000, to remain available for obligation until September 30, 2005, of which not less than $40,849,000 shall be available for the Army National Guard and Army Reserve.

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private
plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,207,560,000, to remain available for obligation until September 30, 2005, of which not less than $124,716,000 shall be available for the Army National Guard and Army Reserve.

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; the purchase of not to exceed 40 passenger motor vehicles for replacement only; and the purchase of 6 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $180,000 per vehicle; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes,
$6,017,380,000, to remain available for obligation until September 30, 2005, of which not less than $1,129,578,000 shall be available for the Army National Guard and Army Reserve.

**AIRCRAFT PROCUREMENT, NAVY**

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, $8,682,655,000, to remain available for obligation until September 30, 2005, of which not less than $19,644,000 shall be available for the Navy Reserve and Marine Corps Reserve.

**WEAPONS PROCUREMENT, NAVY**

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such
lands and interests therein, may be acquired, and con-
struction 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, $2,384,617,000, to remain available for obliga-
tion until September 30, 2005.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE
Corps

For construction, procurement, production, and
modification of ammunition, and accessories therefor; spe-
cialized equipment and training devices; expansion of pub-
lic and private plants, including ammunition facilities au-
thorized by section 2854 of title 10, United States Code,
and the land necessary therefor, for the foregoing pur-
poses, and such lands and interests therein, may be ac-
quired, and construction prosecuted thereon prior to ap-
proval of title; and procurement and installation of equip-
ment, appliances, and machine tools in public and private
plants; reserve plant and Government and contractor-
owned equipment layaway; and other expenses necessary
for the foregoing purposes, $1,167,130,000, to remain
available for obligation until September 30, 2005, of which
not less than $18,162,000 shall be for the Navy Reserve
and Marine Corps Reserve.
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;
Submarine Refueling Overhauls (AP–CY), $88,257,000;

DDG–51, $2,273,002,000;

DDG–51 (AP–CY), $74,000,000;

LPD–17, $596,492,000;

LPD–17 (AP–CY), $8,000,000;

LCU (X), $9,756,000;

Outfitting, $300,608,000;

LCAC SLEP, $81,638,000;

Mine Hunter SWATH, $7,000,000; and

Completion of Prior Year Shipbuilding Programs, $644,899,000;

In all: $8,127,694,000, to remain available for obligation until September 30, 2007: Provided, That additional obligations may be incurred after September 30, 2007, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: Provided further, That none of the funds provided under this heading for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: Provided further, That none of the funds provided under this heading shall be used for the construction of any naval vessel in foreign shipyards.
Other Procurement, Navy

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

Procurement, Marine Corps

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation
thereof in public and private plants; reserve plant and
Government and contractor-owned equipment layaway; ve-
hicles for the Marine Corps, including the purchase of not
to exceed 28 passenger motor vehicles for replacement
only; and expansion of public and private plants, including
land necessary therefor, and such lands and interests
therein, may be acquired, and construction prosecuted
thereon prior to approval of title, $1,369,383,000, to re-
main available for obligation until September 30, 2005,
of which not less than $253,724,000 shall be available for
the Marine Corps Reserve.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, lease, and modifica-
tion of aircraft and equipment, including armor and arma-
ment, specialized ground handling equipment, and train-
ing devices, spare parts, and accessories therefor; special-
ized equipment; expansion of public and private plants,
Government-owned equipment and installation thereof in
such plants, erection of structures, and acquisition of land,
for the foregoing purposes, and such lands and interests
therein, may be acquired, and construction prosecuted
thereon prior to approval of title; reserve plant and Gov-
ernment and contractor-owned equipment layaway; and
other expenses necessary for the foregoing purposes in-
cluding rents and transportation of things,
$12,492,730,000, to remain available for obligation until September 30, 2005, of which not less than $312,700,000 shall be available for the Air National Guard and Air Force Reserve: Provided, That of the amount provided under this heading, not less than $207,000,000 shall be used only for the producability improvement program directly related to the F–22 aircraft program: Provided further, That amounts provided under this heading shall be used for the advance procurement of 15 C–17 aircraft.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, $3,185,439,000, to remain available for obligation until September 30, 2005.
PROCUREMENT OF AMMUNITION, AIR FORCE

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, $1,290,764,000, to remain available for obligation until September 30, 2005, of which not less than $120,200,000 shall be available for the Air National Guard and Air Force Reserve.

OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed 263 passenger motor vehicles for replacement only, and the purchase of 2 vehicles required for physical security of per-
sonnel, notwithstanding price limitations applicable to pas-

senger vehicles but not to exceed $232,000 per vehicle;

lease of passenger motor vehicles; and expansion of public

and private plants, Government-owned equipment and in-

stallation thereof in such plants, erection of structures,

and acquisition of land, for the foregoing purposes, and

such lands and interests therein, may be acquired, and

construction prosecuted thereon, prior to approval of title;

reserve plant and Government and contractor-owned

equipment layaway, $10,622,660,000, to remain available

for obligation until September 30, 2005, of which not less

than $167,600,000 shall be available for the Air National

Guard and Air Force Reserve.

PROCUREMENT, DEFENSE-WIDE

For expenses of activities and agencies of the Depart-

ment of Defense (other than the military departments)

necessary for procurement, production, and modification

of equipment, supplies, materials, and spare parts there-

for, not otherwise provided for; the purchase of not to ex-

ceed 99 passenger motor vehicles for replacement only; the

purchase of 4 vehicles required for physical security of

personnel, notwithstanding price limitations applicable to

passenger vehicles but not to exceed $250,000 per vehicle;

expansion of public and private plants, equipment, and in-

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

DEFENSE PRODUCTION ACT PURCHASES

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

TITLE IV

RESEARCH, DEVELOPMENT, TEST AND
EVALUATION

Research, Development, Test and Evaluation,
Army

For expenses necessary for basic and applied sci-
etific research, development, test and evaluation, includ-
ing maintenance, rehabilitation, lease, and operation of fa-
cilities and equipment, $7,447,160,000, to remain avail-
able for obligation until September 30, 2004.
RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $13,562,218,000, to remain available for obligation until September 30, 2004: Provided,

That funds appropriated in this paragraph which are available for the V–22 may be used to meet unique operational requirements of the Special Operations Forces.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

AIR FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, $18,639,392,000, to remain available for obligation until September 30, 2004.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION,

DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation,
lease, and operation of facilities and equipment, $17,863,462,000, to remain available for obligation until September 30, 2004.

Operational Test and Evaluation, Defense

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation, in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith, $242,054,000, to remain available for obligation until September 30, 2004.

Title V

Revolving and Management Funds

Defense Working Capital Funds

NATIONAL DEFENSE SEALIFT FUND

For National Defense Sealift Fund programs, projects, and activities, and for expenses of the National Defense Reserve Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744), and for the necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $944,129,000, to remain available until expended: Provided, That none of the funds provided in this paragraph shall be used to award a new contract that provides for the acquisition of any of the following major components unless such components are manufactured in the United States: auxiliary equipment, including pumps, for all shipboard services; propulsion system components (that is; engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes: Provided further, That the exercise of an option in a contract awarded through the obligation of previously appropriated funds shall not be considered to be the award of a new contract: Provided further, That the Secretary of the military department responsible for such procurement may waive the restrictions in the first proviso on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not
available to meet Department of Defense requirements on
a timely basis and that such an acquisition must be made
in order to acquire capability for national security pur-
poses: Provided further, That, notwithstanding any other
provision of law, $10,000,000 of the funds available under
this heading shall be available in addition to other
amounts otherwise available, only to finance the cost of
constructing additional sealift capacity.

TITLE VI

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

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

**Chemical Agents and Munitions Destruction, Army**

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, $1,490,199,000, of which $974,238,000 shall be for Operation and maintenance to remain available until September 30, 2004, $213,278,000 shall be for Procurement to remain available until September 30, 2005, and $302,683,000 shall be for Research, development, test and evaluation to remain available until September 30, 2004.

**Drug Interdiction and Counter-Drug Activities, Defense**

**(Including Transfer of Funds)**

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for Op-
eration and maintenance; for Procurement; and for Res-
search, development, test and evaluation, $859,907,000:

Provided, That the funds appropriated under this heading
shall be available for obligation for the same time period
and for the same purpose as the appropriation to which
transferred: Provided further, That upon a determination
that all or part of the funds transferred from this appro-
priation are not necessary for the purposes provided here-
in, such amounts may be transferred back to this appro-
priation: Provided further, That the transfer authority pro-
vided under this heading is in addition to any other trans-
fer authority contained elsewhere in this Act.

Office of the Inspector General

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

RELATED AGENCIES

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain the proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System, $212,000,000.

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Intelligence Community Management Account, $162,254,000, of which $24,252,000 for the Advanced Research and Development Committee shall remain available until September 30, 2004: Provided, That of the funds appropriated under this heading, $34,100,000 shall be transferred to the Department of Justice for the National Drug Intelligence Center to support the Department of Defense’s counter-drug intelligence responsibilities, and of the said amount, $1,500,000 for Procurement shall remain available until September 30, 2005 and $1,000,000 for Research, development, test and evaluation shall remain available until September 30, 2004: Provided further, That the National Drug Intelligence Center shall maintain the personnel and
technical resources to provide timely support to law enforce-
ment authorities and the intelligence community by con-
ducting document and computer exploitation of mate-
rials collected in Federal, State, and local law enforce-
ment activity associated with counter-drug, counter-terrorism,
and national security investigations and operations.

PAYMENT TO Kaho‘olawe

ISLAND CONVEYANCE, REMEDIATION, AND
ENVIRONMENTAL RESTORATION FUND

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

NATIONAL SECURITY EDUCATION TRUST FUND

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

TITLE VIII

GENERAL PROVISIONS

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

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

Sec. 8003. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein. Sec. 8004. No more than 20 percent of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year: Provided, That this 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 inter-
est, he may, with the approval of the Office of Manage-
ment 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 con-
struction) 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 re-
quirements, than those for which originally appropriated
and in no case where the item for which funds are re-
quested 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 pre-
pare or present a request to the Committees on Appropria-
tions for reprogramming of funds, unless for higher prior-
ity items, based on unforeseen military requirements,
than those for which originally appropriated and in no
case where the item for which reprogramming is requested
has been denied by the Congress: Provided further, That
a request for multiple reprogrammings of funds using au-
thority provided in this section must be made prior to May
1, 2003.

(TRANSFER OF FUNDS)

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

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

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

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

C–130 aircraft; and 

F/A–18E and F engine.

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

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

(b) The fiscal year 2004 budget request for the De-
partment of Defense as well as all justification material
and other documentation supporting the fiscal year 2004
Department of Defense budget request shall be prepared
and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 2004.

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

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

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

SEC. 8013. None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is
credited toward completion of a service commitment: Provided, That this subsection shall not apply to those members who have reenlisted with this option prior to October 1, 1987: Provided further, That this subsection applies only to active components of the Army.

SEC. 8014. None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by more than 10 Department of Defense civilian employees until a most efficient and cost-effective organization analysis is completed on such activity or function and certification of the analysis is made to the Committees on Appropriations of the House of Representatives and the Senate: Provided, That this section and subsections (a), (b), and (c) of 10 U.S.C. 2461 shall not apply to a commercial or industrial type function of the Department of Defense that: (1) is included on the procurement list established pursuant to section 2 of the Act of June 25, 1938 (41 U.S.C. 47), popularly referred to as the Javits-Wagner-O’Day Act; (2) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or (3) is planned to be converted to performance by a qualified firm
Section 8015. Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protege Program may be transferred to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protege Program developmental assistance agreement pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2301 note), as amended, under the authority of this provision or any other transfer authority contained in this Act.

Section 8016. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: Provided, That for the purpose of this section manufactured will include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process):
Provided further, That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: Provided further, that when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

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

SEC. 8018. Notwithstanding any other provision of law, during the current fiscal year, the Secretary of Defense may, by executive agreement, establish with host nation governments in NATO member states a separate account into which such residual value amounts negotiated in the return of United States military installations in NATO member states may be deposited, in the currency of the host nation, in lieu of direct monetary transfers to the United States Treasury: Provided, That such credits may be utilized only for the construction of facilities to support United States military forces in that host nation, or such real property maintenance and base operating costs that are currently executed through monetary transfers to such host nations: Provided further, That the Department of Defense’s budget submission for fiscal year
2004 shall identify such sums anticipated in residual value
settlements, and identify such construction, real property
maintenance or base operating costs that shall be funded
by the host nation through such credits: Provided further,
That all military construction projects to be executed from
such accounts must be previously approved in a prior Act
of Congress: Provided further, That each such executive
agreement with a NATO member host nation shall be re-
ported to the congressional defense committees, the Com-
mittee on International Relations of the House of Rep-
resentatives and the Committee on Foreign Relations of
the Senate 30 days prior to the conclusion and endorse-
ment of any such agreement established under this provi-
sion.

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

SEC. 8020. No more than $500,000 of the funds ap-
propriated or made available in this Act shall be used dur-
ing a single fiscal year for any single relocation of an orga-
nization, unit, activity or function of the Department of
Defense into or within the National Capital Region: Pro-
vided, That the Secretary of Defense may waive this re-
striction on a case-by-case basis by certifying in writing
to the congressional defense committees that such a relocation is required in the best interest of the Government.

Sec. 8021. In addition to the funds provided elsewhere in this Act, $8,000,000 is appropriated only for incentive payments authorized by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544): Provided, That a subcontractor at any tier shall be considered a contractor for the purposes of being allowed additional compensation under section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544).

Sec. 8022. None of the funds appropriated by this Act shall be available to perform any cost study pursuant to the provisions of OMB Circular A–76 if the study being performed exceeds a period of 24 months after initiation of such study with respect to a single function activity or 48 months after initiation of such study for a multi-function activity.

Sec. 8023. Funds appropriated by this Act for the American Forces Information Service shall not be used for any national or international political or psychological activities.

Sec. 8024. Notwithstanding any other provision of law or regulation, the Secretary of Defense may adjust wage rates for civilian employees hired for certain health care occupations as authorized for the Secretary of Vet-
Sec. 8025. (a) Of the funds for the procurement of supplies or services appropriated by this Act, qualified nonprofit agencies for the blind or other severely handicapped shall be afforded the maximum practicable opportunity to participate as subcontractors and suppliers in the performance of contracts let by the Department of Defense.

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

(c) For the purpose of this section, the phrase “qualified nonprofit agency for the blind or other severely handicapped” means a nonprofit agency for the blind or other severely handicapped that has been approved by the Committee for the Purchase from the Blind and Other Severely Handicapped under the Javits-Wagner-O’Day Act (41 U.S.C. 46–48).
Sec. 8026. During the current fiscal year, net receipts pursuant to collections from third party payers pursuant to section 1095 of title 10, United States Code, shall be made available to the local facility of the uniformed services responsible for the collections and shall be over and above the facility’s direct budget amount.

Sec. 8027. During the current fiscal year, and from any funds available to the Department of Defense, the Department is authorized to incur obligations of not to exceed $350,000,000 for purposes specified in section 2350j(e) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: Provided, That upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriations or fund which incurred such obligations.

Sec. 8028. Of the funds made available in this Act, not less than $23,003,000 shall be available for the Civil Air Patrol Corporation, of which $21,503,000 shall be available for Civil Air Patrol Corporation operation and maintenance to support readiness activities which includes $1,500,000 for the Civil Air Patrol counterdrug program: Provided, That funds identified for “Civil Air Patrol” under this section are intended for and shall be for the
exclusive use of the Civil Air Patrol Corporation and not
for the Air Force or any unit thereof.

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

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

(e) Notwithstanding any other provision of law, none
of the funds available to the department from any source
during fiscal year 2003 may be used by a defense FFRDC,
through a fee or other payment mechanism, for construction of new buildings, for payment of cost sharing for projects funded by Government grants, for absorption of contract overruns, or for certain charitable contributions, not to include employee participation in community service and/or development.

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

(e) The Secretary of Defense shall, with the submission of the department’s fiscal year 2004 budget request, submit a report presenting the specific amounts of staff years of technical effort to be allocated for each defense FFRDC during that fiscal year.

Sec. 8030. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: Provided, That these procurement restrictions shall apply to any and all Federal Supply Class
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Provided further, that the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: Provided further, that these restrictions shall not apply to contracts which are in being as of the date of the enactment of this Act.

SEC. 8031. For the purposes of this Act, the term “congressional defense committees” means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

SEC. 8032. During the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels
as well as the production of components and other De-
fense-related articles, through competition between De-
partment of Defense depot maintenance activities and pri-
vate firms: Provided, That the Senior Acquisition Execu-
tive of the military department or defense agency con-
cerned, with power of delegation, shall certify that success-
ful bids include comparable estimates of all direct and in-
direct costs for both public and private bids: Provided fur-
ther, That Office of Management and Budget Circular A–
76 shall not apply to competitions conducted under this
section.

Sec. 8033. (a)(1) If the Secretary of Defense, after
consultation with the United States Trade Representative,
determines that a foreign country which is party to an
agreement described in paragraph (2) has violated the
terms of the agreement by discriminating against certain
types of products produced in the United States that are
covered by the agreement, the Secretary of Defense shall
revoke the Secretary’s blanket waiver of the Buy Amer-
ican Act with respect to such types of products produced
in that foreign country.

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

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

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

Sec. 8034. Appropriations contained in this Act that remain available at the end of the current fiscal year as a result of energy cost savings realized by the Department of Defense shall remain available for obligation for the next fiscal year to the extent, and for the purposes, provided in section 2865 of title 10, United States Code.
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.
Sec. 8038. During the current fiscal year, amounts contained in the Department of Defense Overseas Military Facility Investment Recovery Account established by section 2921(c)(1) of the National Defense Authorization Act of 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall be available until expended for the payments specified by section 2921(c)(2) of that Act.

Sec. 8039. (a) In general.—Notwithstanding any other provision of law, the Secretary of the Air Force may convey at no cost to the Air Force, without consideration, to Indian tribes located in the States of North Dakota, South Dakota, Montana, and Minnesota relocatable military housing units located at Grand Forks Air Force Base and Minot Air Force Base that are excess to the needs of the Air Force.

(b) Processing of requests.—The Secretary of the Air Force shall convey, at no cost to the Air Force, military housing units under subsection (a) in accordance with the request for such units that are submitted to the Secretary by the Operation Walking Shield Program on behalf of Indian tribes located in the States of North Dakota, South Dakota, Montana, and Minnesota.

(c) Resolution of housing unit conflicts.—The Operation Walking Shield program shall resolve any
conflicts among requests of Indian tribes for housing units under subsection (a) before submitting requests to the Secretary of the Air Force under subsection (b).

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

SEC. 8040. During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than $100,000.

SEC. 8041. (a) During the current fiscal year, none of the appropriations or funds available to the Department of Defense Working Capital Funds shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Department of Defense Working Capital Funds if such an item would not have been chargeable to the Department of Defense Business Operations Fund during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current
fiscal year to appropriations made to the Department of Defense for procurement.

(b) The fiscal year 2004 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2004 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 2004 procurement appropriation and not in the supply management business area or any other area or category of the Department of Defense Working Capital Funds.

Sec. 8042. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 2004: Provided, That funds appropriated, transferred, or otherwise credited to the Central Intelligence Agency Central Services Working Capital Fund during this or any prior or subsequent fiscal year shall remain available until expended: Provided further, That any funds appropriated or transferred to the Central Intelligence Agency for agent operations and for covert action
programs authorized by the President under section 503 of the National Security Act of 1947, as amended, shall remain available until September 30, 2004.

Sec. 8043. Notwithstanding any other provision of law, funds made available in this Act for the Defense Intelligence Agency may be used for the design, development, and deployment of General Defense Intelligence Program intelligence communications and intelligence information systems for the Services, the Unified and Specified Commands, and the component commands.

Sec. 8044. Of the funds appropriated to the Department of Defense under the heading “Operation and Maintenance, Defense-Wide”, not less than $10,000,000 shall be made available only for the mitigation of environmental impacts, including training and technical assistance to tribes, related administrative support, the gathering of information, documenting of environmental damage, and developing a system for prioritization of mitigation and cost to complete estimates for mitigation, on Indian lands resulting from Department of Defense activities.

Sec. 8045. Amounts collected for the use of the facilities of the National Science Center for Communications and Electronics during the current fiscal year and hereafter pursuant to section 1459(g) of the Department of Defense Authorization Act, 1986, and deposited to the
special account established under subsection 1459(g)(2) of that Act are appropriated and shall be available until ex-
pended for the operation and maintenance of the Center as provided for in subsection 1459(g)(2).

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

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

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

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

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

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

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

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

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

(1) to establish a field operating agency; or

(2) to pay the basic pay of a member of the
Armed Forces or civilian employee of the depart-
ment who is transferred or reassigned from a head-
quartes activity if the member or employee’s place
of duty remains at the location of that headquarters.

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

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

Sec. 8049. Notwithstanding section 303 of Public
Law 96–487 or any other provision of law, the Secretary
of the Navy is authorized to lease real and personal prop-
erty at Naval Air Facility, Adak, Alaska, pursuant to 10
U.S.C. 2667(f), for commercial, industrial or other pur-
poses: Provided, That notwithstanding any other provision
of law, the Secretary of the Navy may remove hazardous
materials from facilities, buildings, and structures at
Adak, Alaska, and may demolish or otherwise dispose of
such facilities, buildings, and structures.

(RESCISIONS)

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

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

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

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

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

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

$23,500,000;
“Missile Procurement, Air Force, 2002/2004”, $26,900,000;

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

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


Sec. 8051. None of the funds available in this Act may be used to reduce the authorized positions for military (civilian) technicians of the Army National Guard, the Air National Guard, Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military (civilian) technicians, unless such reductions are a direct result of a reduction in military force structure.

Sec. 8052. None of the funds appropriated or otherwise made available in this Act may be obligated or expended for assistance to the Democratic People’s Republic of North Korea unless specifically appropriated for that purpose.

Sec. 8053. During the current fiscal year, funds appropriated in this Act are available to compensate members of the National Guard for duty performed pursuant to a plan submitted by a Governor of a State and approved
by the Secretary of Defense under section 112 of title 32, United States Code: Provided, That during the performance of such duty, the members of the National Guard shall be under State command and control: Provided further, That such duty shall be treated as full-time National Guard duty for purposes of sections 12602(a)(2) and (b)(2) of title 10, United States Code.

SEC. 8054. Funds appropriated in this Act for operation and maintenance of the Military Departments, Combatant Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence or counterintelligence support to Combatant Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the National Foreign Intelligence Program (NFIP), the Joint Military Intelligence Program (JMIP), and the Tactical Intelligence and Related Activities (TIARA) aggregate: Provided, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

SEC. 8055. During the current fiscal year, none of the funds appropriated in this Act may be used to reduce
the civilian medical and medical support personnel as-
signed to military treatment facilities below the September
30, 2002 level: *Provided*, That the Service Surgeons Gen-
eral may waive this section by certifying to the congres-
sional defense committees that the beneficiary population
is declining in some catchment areas and civilian strength
reductions may be consistent with responsible resource
stewardship and capitation-based budgeting.

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

(b) ANNUAL ADJUSTMENT.—For purposes of apply-
ing the limitation in subsection (a), the Secretary shall
adjust the cost for the renovation of wedge 1 by any in-
crease or decrease in costs attributable to economic infla-
tion, based on the most recent economic assumptions
issued by the Office of Management and Budget for use
in preparation of the budget of the United States under section 1104 of title 31, United States Code.

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

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

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

(3) any increase in costs attributable to additional security requirements that the Secretary of Defense considers essential to provide a safe and secure working environment.

(d) CERTIFICATION COST REPORTS.—As part of the annual certification under subsection (a), the Secretary shall report the projected cost (as of the time of the certification) for—

(1) the renovation of each wedge, including the amount adjusted or otherwise excluded for such wedge under the authority of paragraphs (2) and (3) of subsection (e) for the period covered by the certification; and
(2) the repair and reconstruction of wedges 1 and 2 in response to the terrorist attack on the Pentagon that occurred on September 11, 2001.

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

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

SEC. 8058. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(b) None of the funds available to the Central Intelligence Agency for any fiscal year for drug interdiction and counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.
Sec. 8059. Appropriations available in this Act under
the heading “Operation and Maintenance, Defense-Wide”
for increasing energy and water efficiency in Federal
buildings may, during their period of availability, be trans-
ferred to other appropriations or funds of the Department
of Defense for projects related to increasing energy and
water efficiency, to be merged with and to be available
for the same general purposes, and for the same time pe-
riod, as the appropriation or fund to which transferred.

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

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

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

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

Sec. 8064. Notwithstanding any other provision of
law, each contract awarded by the Department of Defense
during the current fiscal year for construction or service performed in whole or in part in a State (as defined in section 381(d) of title 10, United States Code) which is not contiguous with another State and has an unemployment rate in excess of the national average rate of unemployment as determined by the Secretary of Labor, shall include a provision requiring the contractor to employ, for the purpose of performing that portion of the contract in such State that is not contiguous with another State, individuals who are residents of such State and who, in the case of any craft or trade, possess or would be able to acquire promptly the necessary skills: Provided, That the Secretary of Defense may waive the requirements of this section, on a case-by-case basis, in the interest of national security.

SEC. 8065. None of the funds made available in this or any other Act may be used to pay the salary of any officer or employee of the Department of Defense who approves or implements the transfer of administrative responsibilities or budgetary resources of any program, project, or activity financed by this Act to the jurisdiction of another Federal agency not financed by this Act without the express authorization of Congress: Provided, That this limitation shall not apply to transfers of funds expressly provided for in Defense Appropriations Acts, or
provisions of Acts providing supplemental appropriations for the Department of Defense.

SEC. 8066. (a) LIMITATION ON TRANSFER OF DEFENSE ARTICLES AND SERVICES.—Notwithstanding any other provision of law, none of the funds available to the Department of Defense for the current fiscal year may be obligated or expended to transfer to another nation or an international organization any defense articles or services (other than intelligence services) for use in the activities described in subsection (b) unless the congressional defense committees, the Committee on International Relations of the House of Representatives, and the Committee on Foreign Relations of the Senate are notified 15 days in advance of such transfer.

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

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

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

(e) REQUIRED NOTICE.—A notice under subsection (a) shall include the following:
(1) A description of the equipment, supplies, or services to be transferred.

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

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

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

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

SEC. 8067. To the extent authorized by subchapter VI of chapter 148 of title 10, United States Code, the Secretary of Defense may issue loan guarantees in support of United States defense exports not otherwise provided for: Provided, That the total contingent liability of the United States for guarantees issued under the authority of this section may not exceed $15,000,000,000: Provided further, That the exposure fees charged and collected by the Secretary for each guarantee shall be paid by the country involved and shall not be financed as part of a
loan guaranteed by the United States: Provided further,
That the Secretary shall provide quarterly reports to the
Committees on Appropriations, Armed Services, and For-
eign Relations of the Senate and the Committees on Ap-
propriations, Armed Services, and International Relations
in the House of Representatives on the implementation of
this program: Provided further, That amounts charged for
administrative fees and deposited to the special account
provided for under section 2540c(d) of title 10, shall be
available for paying the costs of administrative expenses
of the Department of Defense that are attributable to the
loan guarantee program under subchapter VI of chapter
148 of title 10, United States Code.

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

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

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

Sec. 8069. (a) None of the funds appropriated or
otherwise made available in this Act may be used to trans-
port or provide for the transportation of chemical munitions or agents to the Johnston Atoll for the purpose of storing or demilitarizing such munitions or agents.

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

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

(INCLUDING TRANSFER OF FUNDS)

Sec. 8070. During the current fiscal year, no more than $30,000,000 of appropriations made in this Act under the heading “Operation and Maintenance, Defense-Wide” may be transferred to appropriations available for the pay of military personnel, to be merged with, and to be available for the same time period as the appropriations to which transferred, to be used in support of such personnel in connection with support and services for eligible organizations and activities outside the Department of Defense pursuant to section 2012 of title 10, United States Code.

Sec. 8071. During the current fiscal year, in the case of an appropriation account of the Department of Defense for which the period of availability for obligation has ex-
pired or which has closed under the provisions of section 1552 of title 31, United States Code, and which has a negative unliquidated or unexpended balance, an obligation or an adjustment of an obligation may be charged to any current appropriation account for the same purpose as the expired or closed account if—

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

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

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

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

Sec. 8073. During the current fiscal year, the Secretary of Defense may waive reimbursement of the cost of conferences, seminars, courses of instruction, or similar educational activities of the Asia-Pacific Center for Security Studies for military officers and civilian officials of foreign nations if the Secretary determines that attendance by such personnel, without reimbursement, is in the national security interest of the United States: Provided, That costs for which reimbursement is waived pursuant to this section shall be paid from appropriations available for the Asia-Pacific Center.

Sec. 8074. (a) Notwithstanding any other provision of law, the Chief of the National Guard Bureau may per-
mit the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, reimbursable basis. The Chief of the National Guard Bureau shall establish the amount of reimbursement for such use on a case-by-case basis.

(b) Amounts collected under subsection (a) shall be credited to funds available for the National Guard Distance Learning Project and be available to defray the costs associated with the use of equipment of the project under that subsection. Such funds shall be available for such purposes without fiscal year limitation.

Sec. 8075. Using funds available by this Act or any other Act, the Secretary of the Air Force, pursuant to a determination under section 2690 of title 10, United States Code, may implement cost-effective agreements for required heating facility modernization in the Kaiserslautern Military Community in the Federal Republic of Germany: Provided, That in the City of Kaiserslautern such agreements will include the use of United States anthracite as the base load energy for municipal district heat to the United States Defense installations: Provided further, That at Landstuhl Army Regional Medical Center and Ramstein Air Base, furnished heat may be obtained from private, regional or municipal serv-
ices, if provisions are included for the consideration of United States coal as an energy source.

SEC. 8076. None of the funds appropriated in title IV of this Act may be used to procure end-items for delivery to military forces for operational training, operational use or inventory requirements: Provided, That this restriction does not apply to end-items used in development, prototyping, and test activities preceding and leading to acceptance for operational use: Provided further, That this restriction does not apply to programs funded within the National Foreign Intelligence Program: Provided further, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Represent-atives and the Senate that it is in the national security interest to do so.

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

SEC. 8078. (a) The Secretary of Defense may, on a case-by-case basis, waive with respect to a foreign country each limitation on the procurement of defense items from foreign sources provided in law if the Secretary determines that the application of the limitation with respect to that country would invalidate cooperative programs entered
into between the Department of Defense and the foreign
country, or would invalidate reciprocal trade agreements
for the procurement of defense items entered into under
section 2531 of title 10, United States Code, and the
country does not discriminate against the same or similar
defense items produced in the United States for that coun-
try.

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

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

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

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

SEC. 8079. Funds made available to the Civil Air Pa-
trol in this Act under the heading “Drug Interdiction and
Counter-Drug Activities, Defense” may be used for the Civil Air Patrol Corporation’s counterdrug program, including its demand reduction program involving youth programs, as well as operational and training drug reconnaissance missions for Federal, State, and local government agencies; and for equipment needed for mission support or performance: Provided, That the Department of the Air Force should waive reimbursement from the Federal, State, and local government agencies for the use of these funds.

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

(b) MONITORING.—The Secretary of Defense, in consultation with the Secretary of State, shall ensure that prior to a decision to conduct any training program referred to in subsection (a), full consideration is given to all credible information available to the Department of State relating to human rights violations by foreign security forces.
(c) WAIVER.—The Secretary of Defense, after consultation with the Secretary of State, may waive the prohibition in subsection (a) if he determines that such waiver is required by extraordinary circumstances.

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

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

SEC. 8082. The total amount appropriated in this Act is hereby reduced by $615,000,000 to reflect savings from favorable foreign currency fluctuations, to be derived as follows:
“Military Personnel, Army”, $154,000,000;
“Military Personnel, Navy”, $11,000,000;
“Military Personnel, Marine Corps”, $21,000,000;
“Military Personnel, Air Force”, $49,000,000;
“Operation and Maintenance, Army”, $189,000,000;
“Operation and Maintenance, Navy”, $40,000,000;
“Operation and Maintenance, Marine Corps”, $3,000,000;
“Operation and Maintenance, Air Force”, $80,000,000; and
“Operation and Maintenance, Defense-Wide”, $68,000,000.

SEC. 8083. None of the funds appropriated or made available in this Act to the Department of the Navy shall be used to develop, lease or procure the T–AKE class of ships unless the main propulsion diesel engines and propulsors are manufactured in the United States by a domestically operated entity: Provided, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet
Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes or there exists a significant cost or quality difference.

SEC. 8084. None of the funds appropriated or otherwise made available by this or other Department of Defense Appropriations Acts may be obligated or expended for the purpose of performing repairs or maintenance to military family housing units of the Department of Defense, including areas in such military family housing units that may be used for the purpose of conducting official Department of Defense business.

SEC. 8085. Notwithstanding any other provision of law, funds appropriated in this Act under the heading “Research, Development, Test and Evaluation, Defense-Wide” for any advanced concept technology demonstration project may only be obligated 30 days after a report, including a description of the project and its estimated annual and total cost, has been provided in writing to the congressional defense committees: Provided, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying to the congressional defense committees that it is in the national interest to do so.

SEC. 8086. Notwithstanding any other provision of law, for the purpose of establishing all Department of De-
fense policies governing the provision of care provided by and financed under the military health care system’s case management program under 10 U.S.C. 1079(a)(17), the term “custodial care” shall be defined as care designed essentially to assist an individual in meeting the activities of daily living and which does not require the supervision of trained medical, nursing, paramedical or other specially trained individuals: Provided, That the case management program shall provide that members and retired members of the military services, and their dependents and survivors, have access to all medically necessary health care through the health care delivery system of the military services regardless of the health care status of the person seeking the health care: Provided further, That the case management program shall be the primary obligor for payment of medically necessary services and shall not be considered as secondarily liable to title XIX of the Social Security Act, other welfare programs or charity based care.

Sec. 8087. During the current fiscal year, refunds attributable to the use of the Government travel card, refunds attributable to the use of the Government Purchase Card and refunds attributable to official Government travel arranged by Government Contracted Travel Management Centers may be credited to operation and mainte-
inance accounts of the Department of Defense which are current when the refunds are received.

SEC. 8088. (a) Registering Financial Management Information Technology Systems With DOD Chief Information Officer.—None of the funds appropriated in this Act may be used for a mission critical or mission essential financial management information technology system (including a system funded by the defense working capital fund) that is not registered with the Chief Information Officer of the Department of Defense. A system shall be considered to be registered with that officer upon the furnishing to that officer of notice of the system, together with such information concerning the system as the Secretary of Defense may prescribe. A financial management information technology system shall be considered a mission critical or mission essential information technology system as defined by the Under Secretary of Defense (Comptroller).

(b) Certifications as to Compliance With Financial Management Modernization Plan.—(1) During the current fiscal year, a financial management major automated information system may not receive Milestone A approval, Milestone B approval, or full rate production, or their equivalent, within the Department of Defense until the Under Secretary of Defense (Comptroller).
troller) certifies, with respect to that milestone, that the system is being developed and managed in accordance with the Department’s Financial Management Modernization Plan. The Under Secretary of Defense (Comptroller) may require additional certifications, as appropriate, with respect to any such system.

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

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

(2) The Chief Information Officer shall provide the congressional defense committees timely notification of certifications under paragraph (1). Each such notification shall include, at a minimum, the funding baseline and milestone schedule for each system covered by such a cer-
tification and confirmation that the following steps have
been taken with respect to the system:

(A) Business process reengineering.

(B) An analysis of alternatives.

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

(D) Performance measures.

(E) An information assurance strategy con-
sistent with the Department’s Global Information
Grid.

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

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

(2) The term “information technology system”
has the meaning given the term “information tech-
nology” in section 5002 of the Clinger-Cohen Act of

(3) The term “major automated information
system” has the meaning given that term in Depart-

SEC. 8089. During the current fiscal year, none of
the funds available to the Department of Defense may be
used to provide support to another department or agency
of the United States if such department or agency is more
than 90 days in arrears in making payment to the Depart-
ment of Defense for goods or services previously provided
to such department or agency on a reimbursable basis:
Provided, That this restriction shall not apply if the de-
partment is authorized by law to provide support to such
department or agency on a nonreimbursable basis, and is
providing the requested support pursuant to such author-
ity: Provided further, That the Secretary of Defense may
waive this restriction on a case-by-case basis by certifying
in writing to the Committees on Appropriations of the
House of Representatives and the Senate that it is in the
national security interest to do so.

Sec. 8090. None of the funds provided in this Act
may be used to transfer to any nongovernmental entity
ammunition held by the Department of Defense that has
a center-fire cartridge and a United States military no-
menclature designation of “armor penetrator”, “armor
piercing (AP)”, “armor piercing incendiary (API)”, or
“armor-piercing incendiary-tracer (API–T)”, except to an
entity performing demilitarization services for the Depart-
ment of Defense under a contract that requires the entity
to demonstrate to the satisfaction of the Department of
Defense that armor piercing projectiles are either: (1) ren-
dered incapable of reuse by the demilitarization process;
or (2) used to manufacture ammunition pursuant to a contract with the Department of Defense or the manufacture of ammunition for export pursuant to a License for Permanent Export of Unclassified Military Articles issued by the Department of State.

Sec. 8091. Notwithstanding any other provision of law, the Chief of the National Guard Bureau, or his designee, may waive payment of all or part of the consideration that otherwise would be required under 10 U.S.C. 2667, in the case of a lease of personal property for a period not in excess of 1 year to any organization specified in 32 U.S.C. 508(d), or any other youth, social, or fraternal non-profit organization as may be approved by the Chief of the National Guard Bureau, or his designee, on a case-by-case basis.

Sec. 8092. None of the funds appropriated by this Act shall be used for the support of any nonappropriated funds activity of the Department of Defense that procures malt beverages and wine with nonappropriated funds for resale (including such alcoholic beverages sold by the drink) on a military installation located in the United States unless such malt beverages and wine are procured within that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: Provided, That in a case in which
the military installation is located in more than one State, purchases may be made in any State in which the installation is located: Provided further, That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages only for military installations in States which are not contiguous with another State: Provided further, That alcoholic beverages other than wine and malt beverages, in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

Sec. 8093. During the current fiscal year, under regulations prescribed by the Secretary of Defense, the Center of Excellence for Disaster Management and Humanitarian Assistance may also pay, or authorize payment for, the expenses of providing or facilitating education and training for appropriate military and civilian personnel of foreign countries in disaster management, peace operations, and humanitarian assistance.

Sec. 8094. (a) The Department of Defense is authorized to enter into agreements with the Veterans Administration and federally-funded health agencies providing services to Native Hawaiians for the purpose of establishing a partnership similar to the Alaska Federal Health Care Partnership, in order to maximize Federal resources in the provision of health care services by federally-funded
health agencies, applying telemedicine technologies. For the purpose of this partnership, Native Hawaiians shall have the same status as other Native Americans who are eligible for the health care services provided by the Indian Health Service.

(b) The Department of Defense is authorized to develop a consultation policy, consistent with Executive Order No. 13084 (issued May 14, 1998), with Native Hawaiians for the purpose of assuring maximum Native Hawaiian participation in the direction and administration of governmental services so as to render those services more responsive to the needs of the Native Hawaiian community.

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

Sec. 8095. Of the amounts appropriated in this Act for the Arrow missile defense program under the heading “Research, Development, Test and Evaluation, Defense-Wide”, $131,700,000 shall be made available for the purpose of continuing the Arrow System Improvement Program (ASIP), continuing ballistic missile defense inter-
operability with Israel, and continuing development of an Arrow production capability in the United States.

SEC. 8096. Funds available to the Department of Defense for the Global Positioning System during the current fiscal year may be used to fund civil requirements associated with the satellite and ground control segments of such system’s modernization program.

(INCLUDING TRANSFER OF FUNDS)

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

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

SEC. 8099. In addition to amounts provided in this Act, $2,000,000 is hereby appropriated for “Defense Health Program”, to remain available for obligation until expended: Provided, That notwithstanding any other provision of law, these funds shall be available only for a
grant to the Fisher House Foundation, Inc., only for the construction and furnishing of additional Fisher Houses to meet the needs of military family members when confronted with the illness or hospitalization of an eligible military beneficiary.

SEC. 8100. The total amount appropriated in Title II of this Act is hereby reduced by $51,000,000, to reflect savings attributable to improvements in the management of advisory and assistance services contracted by the military departments, to be derived as follows:

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

“Operation and Maintenance, Navy”, $10,000,000; and

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

(INCLUDING TRANSFER OF FUNDS)

SEC. 8101. Of the amounts appropriated in this Act under the heading “Shipbuilding and Conversion, Navy,” $644,899,000 shall be available until September 30, 2003, to fund prior year shipbuilding cost increases: Provided, That upon enactment of this Act, the Secretary of Defense shall transfer such funds to the following appropriations in the amount specified: Provided further, That the amounts transferred shall be merged with and shall be
available for the same purposes as the appropriations to which transferred:

To:


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


DDG–51 Destroyer Program, $47,400,000;

New SSN, $156,682,000;


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

DDG–51 Destroyer Program, $56,736,000;

New SSN, $120,000,000;


DDG–51 Destroyer Program, $21,200,000;

DDG–51 Destroyer Program, $200,000.

Sec. 8102. The Secretary of the Navy may settle, or compromise, and pay any and all admiralty claims under 10 U.S.C. 7622 arising out of the collision involving the U.S.S. GREENEVILLE and the EHIME MARU, in any amount and without regard to the monetary limitations in subsections (a) and (b) of that section: Provided, That such payments shall be made from funds available to the Department of the Navy for operation and maintenance.

Sec. 8103. The total amount appropriated in Title II of this Act is hereby reduced by $97,000,000, to reflect savings attributable to improved supervision in determining appropriate purchases to be made using the Government purchase card, to be derived as follows:

“Operation and Maintenance, Army”, $24,000,000;
“Operation and Maintenance, Navy”, $29,000,000;
“Operation and Maintenance, Marine Corps”, $3,000,000;
“Operation and Maintenance, Air Force”, $27,000,000; and
“Operation and Maintenance, Defense-Wide”, $14,000,000.
Sec. 8104. Funds provided for the current fiscal year or hereafter for Operation and Maintenance for the Armed Forces may be used, notwithstanding any other provision of law, for the purchase of ultralightweight camouflage net systems as unit spares.

(INCLUDING TRANSFER OF FUNDS)

Sec. 8105. During the current fiscal year and hereafter, notwithstanding any other provision of law, the Secretary of Defense may transfer not more than $20,000,000 of unobligated balances remaining in a Research, Development, Test and Evaluation, Army appropriation account during the last fiscal year before the account closes under section 1552 of title 31 United States Code, to a current Research, Development, Test and Evaluation, Army appropriation account to be used only for the continuation of the Venture Capital Fund demonstration, as originally approved in Section 8150 of Public Law 107–117, to pursue high payoff technology and innovations in science and technology: Provided, That any such transfer shall be made not later than July 31 of each year: Provided further, That funds so transferred shall be merged with and shall be available for the same purposes and for the same time period as the appropriation to which transferred: Provided further, That the transfer authority provided in this section is in addition to any other transfer authority available to the Department of Defense: Pro-
vided further, That, no funds for programs, projects, or activities designated as special congressional interest items in DD Form 1414 shall be eligible for transfer under the authority of this section: Provided further, That any unobligated balances transferred under this authority may be restored to the original appropriation if required to cover unexpected upward adjustments: Provided further, That the Secretary of the Army shall provide an annual report to the House and Senate Appropriations Committees no later than 15 days prior to the annual transfer of funds under authority of this section describing the sources and amounts of funds proposed to be transferred, summarizing the projects funded under this demonstration program (including the name and location of project sponsors) to date, a description of the major program accomplishments to date, and an overall assessment of the benefits of this demonstration program compared to the goals expressed in the legislative history accompanying Section 8150 of Public Law 107–117.

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

Pharmacists, Audiologists, and Dental Hygienists.
(A) The requirements of 38 U.S.C. 7403(g)(1)(A) shall apply.

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

Sec. 8107. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2003 until the enactment of the Intelligence Authorization Act for fiscal year 2003.

Sec. 8108. Section 1111(c) of title 10 is amended in the first sentence by striking “may” after the Secretary of Defense and inserting “shall” after the Secretary of Defense.

(INCLUDING TRANSFER OF FUNDS)

Sec. 8109. During the current fiscal year, amounts in or credited to the Defense Cooperation Account under 10 U.S.C. 2608(b) are hereby appropriated and shall be available for obligation and expenditure consistent with the purposes for which such amounts were contributed and accepted for transfer by the Secretary of Defense to such appropriations or funds of the Department of Defense as the Secretary shall determine, 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 the Secretary shall provide written notification to the congressional defense committees 30 days prior to such transfer: Provided further, That the Secretary of Defense shall report to the Congress quarterly all transfers made pursuant to this authority: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense.

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

SEC. 8111. None of the funds in this Act may be used to initiate a new start program without prior notification to the Office of Secretary of Defense and the congressional defense committees.

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

“Operation and Maintenance, Navy”, $440,000,000; and
“Operation and Maintenance, Air Force”, $30,000,000.

Sec. 8113. Notwithstanding any other provision in this Act, the total amount appropriated in this Act is hereby reduced by $475,000,000, to reduce excess funded carryover, to be derived as follows:

“Operation and Maintenance, Army”, $48,000,000;

“Operation and Maintenance, Navy”, $285,000,000;

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

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

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

Sec. 8115. (a) In addition to the amounts provided elsewhere in this Act, the amount of $4,000,000 is hereby appropriated to the Department of Defense for “Operation and Maintenance, Army National Guard”. Such amount shall be made available to the Secretary of the
Army only to make a grant in the amount of $4,000,000 to the entity specified in subsection (b) to facilitate access by veterans to opportunities for skilled employment in the construction industry.

(b) The entity referred to in subsection (a) is the Center for Military Recruitment, Assessment and Veterans Employment, a nonprofit labor-management cooperation committee provided for by section 302(c)(9) of the Labor-Management Relations Act, 1947 (29 U.S.C. 186(c)(9)), for the purposes set forth in section 6(b) of the Labor Management Cooperation Act of 1978 (29 U.S.C. 175a note).

Sec. 8116. (a) During the current fiscal year, funds available to the Secretary of a military department for Operation and Maintenance may be used for the purposes stated in subsection (b) to support chaplain-led programs to assist members of the Armed Forces and their immediate family members in building and maintaining a strong family structure.

(b) The purposes referred to in subsection (a) are costs of transportation, food, lodging, supplies, fees, and training materials for members of the Armed Forces and their family members while participating in such programs, including participation at retreats and conferences.
SEC. 8117. (a) COMMISSION ON ADEQUACY OF ARMY ARMED FORCES TRAINING FACILITIES.—The Secretary of Defense shall establish an advisory committee under section 173 of title 10, United States Code, to assess the availability of adequate training facilities for the Armed Forces in the United States and overseas and the adverse impact of residential and industrial encroachment, requirements of environmental laws, and other factors on military training and the coordination of military training among the United States and its allies.

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

(c) REPORT.—Not later than July 31, 2003, the advisory committee shall submit to the Secretary of Defense and the congressional defense committees a report containing the results of the assessment and such recommendations as the committee considers necessary.

(d) FUNDING.—Funds for the activities of the advisory committee shall be provided from amounts appropriated for operation and maintenance for Defense-Wide activities for fiscal year 2003.

SEC. 8118. (a) LIMITATION ON ADDITIONAL NMCI CONTRACT WORK STATIONS.—Notwithstanding section
814 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–215) or any other provision of law, the total number of work stations provided under the Navy-Marine Corps Intranet contract (as defined in subsection (i) of such section 814) may not exceed 160,000 work stations until the Under Secretary of Defense for Acquisition, Technology, and Logistics and the Chief Information Officer of the Department of Defense certify to the congressional defense committees that all of the conditions specified in subsection (b) have been satisfied.

(b) CONDITIONS.—The conditions referred to in subsection (a) are the following:

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

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

(A) to evaluate and demonstrate the ability of the infrastructure and services of the Navy-Marine Corps Intranet to support Department of the Navy operational, office, and business functionality and processes; and
(B) to evaluate the effectiveness and suitability of the Navy-Marine Corps Intranet to support accomplishment of Navy and Marine Corps missions.

(3) The Director of Operational Test and Evaluation of the Department of Defense completes an assessment of the operational test and evaluation and provides the results of the assessment and recommendations to the Under Secretary of Defense for Acquisition, Technology, and Logistics and the Chief Information Officer of the Department of Defense.

(4) The Under Secretary of Defense for Acquisition, Technology, and Logistics and the Chief Information Officer of the Department of Defense determine that the results of the test and evaluation are acceptable.

SEC. 8119. None of the funds in this Act, excluding funds provided for advance procurement of fiscal year 2004 aircraft, may be obligated for acquisition of more than 16 F–22 aircraft until the Under Secretary of Defense for Acquisition, Technology, and Logistics has provided to the congressional defense committees:

(a) A formal risk assessment which identifies and characterizes the potential cost, technical, schedule or other significant risks resulting from increasing the F–22
procurement quantities prior to the conclusion of Dedicate\nd Initial Operational Test and Evaluation (DIOT&E)
of the aircraft: Provided, That such risk assessment shall
evaluate based on the best available current information
(1) the range of potential additional program costs (com-
pared to the program costs assumed in the President’s fis-
cal year 2003 budget) that could result from retrofit modi-
fications to F–22 production aircraft that are placed
under contract or delivered to the government prior to the
conclusion of DIOT&E and (2) a cost-benefit analysis
comparing, in terms of unit cost and total program cost,
the cost advantages of increasing aircraft production at
this time to the potential cost of retrofitting production
aircraft once DIOT&E has been completed;

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

(c) Certification that increasing the F–22 production
quantity for fiscal year 2003 beyond 16 airplanes involves
lower risk and lower total program cost than staying at
that quantity, or he submits a revised production plan,
funding plan and test schedule.
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...
manner in order to provide for the orderly termination of
the program.

(b) Acceleration of Other Indirect Fire Systems.—Of the funds appropriated or otherwise made
available in this Act, under the heading “Research, Development, Test, and Evaluation, Army”, $305,109,000 shall
be available only to accelerate the development, demon-
stration, and fielding of indirect fire platforms, preci-
sion munitions, and related technology.

(c) Acceleration of Objective Force Artillery and Resupply Systems.—(1) Immediately upon
termination of the Crusader Artillery System program, the
Department of the Army shall enter into a contract to le-
verage technologies developed with funds invested in fiscal
year 2002 and prior years under the Crusader Artillery
System program, the Future Scout and Cavalry System
program, the Composite Armored Vehicle program, and
other Army development programs in order to develop and
field, by 2008, a Non-Line of Sight (NLOS) Objective
Force artillery system and Resupply Vehicle variants of
the Future Combat System.

(2) Of the funds appropriated or otherwise made
available in this Act under the heading “Research, Devel-
opment, Test, and Evaluation, Army”, $368,500,000 is
available only for the Objective Force Indirect Fire Sys-
tems for the Army to implement this subsection: Provided,

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

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

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