

Public Law 102-28
102d Congress

An Act

Making supplemental appropriations and transfers for "Operation Desert Shield/Desert Storm" for the fiscal year ending September 30, 1991, and for other purposes.

Apr. 10, 1991
[H.R. 1282]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to provide supplemental appropriations for the fiscal year ending September 30, 1991, and for other purposes, namely:

PERSIAN GULF REGIONAL DEFENSE FUND

(INCLUDING TRANSFER OF FUNDS)

For incremental costs of the Department of Defense and the Department of Transportation associated with operations in and around the Persian Gulf as part of operations currently known as Operation Desert Shield (including Operation Desert Storm), \$15,000,000,000 is appropriated to the Persian Gulf Regional Defense Fund, which is hereby established in the Treasury of the United States, and in addition such sums as necessary are appropriated from current and future balances in the Defense Cooperation Account, to be available only for transfer in a total amount not to exceed \$42,625,822,000 to the following chapters and accounts in not to exceed the following amounts:

Operation
Desert
Shield/Desert
Storm
Supplemental
Appropriations
Act, 1991.
Armed Forces.
Arms and
munitions.
Persian Gulf.

CHAPTER I

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

(TRANSFER OF FUNDS)

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", \$4,863,700,000.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", \$797,400,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", \$983,400,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", \$1,278,200,000.

OPERATION AND MAINTENANCE

(TRANSFER OF FUNDS)

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", \$15,082,750,000, of which \$350,000 shall be available only for the 1991 Memorial Day Celebration.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for "Operation and Maintenance, Navy", \$2,758,500,000.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and Maintenance, Marine Corps", \$1,205,000,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", \$3,701,000,000.

OPERATION AND MAINTENANCE, DEFENSE AGENCIES

For an additional amount for "Operation and Maintenance, Defense Agencies", \$203,000,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for "Operation and Maintenance, Navy Reserve", \$16,000,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Air National Guard", \$55,000,000.

PROCUREMENT

(TRANSFER OF FUNDS)

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for "Aircraft procurement, Army", \$7,100,000.

MISSILE PROCUREMENT, ARMY

For an additional amount for "Missile procurement, Army", \$663,500,000.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for "Procurement of weapons and tracked combat vehicles, Army", \$26,300,000.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for "Procurement of ammunition, Army", \$509,600,000.

OTHER PROCUREMENT, ARMY

For an additional amount for "Other procurement, Army", \$62,300,000.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for "Aircraft procurement, Navy", \$25,200,000.

WEAPONS PROCUREMENT, NAVY

For an additional amount for "Weapons procurement, Navy", \$815,600,000.

OTHER PROCUREMENT, NAVY

For an additional amount for "Other procurement, Navy", \$34,800,000.

PROCUREMENT, MARINE CORPS

For an additional amount for "Procurement, Marine Corps", \$127,450,000.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for "Aircraft procurement, Air Force", \$59,600,000.

MISSILE PROCUREMENT, AIR FORCE

For an additional amount for "Missile procurement, Air Force", \$645,500,000.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other procurement, Air Force", \$422,800,000.

PROCUREMENT, DEFENSE AGENCIES

For an additional amount for "Procurement, Defense Agencies", \$15,400,000.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

(TRANSFER OF FUNDS)

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for "Research, Development, Test and Evaluation, Army", \$30,100,000.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for "Research, Development, Test and Evaluation, Air Force", \$39,000,000.

REVOLVING AND MANAGEMENT FUNDS

(TRANSFER OF FUNDS)

ARMY STOCK FUND

For an additional amount for "Army Stock Fund", \$214,000,000.

AIR FORCE STOCK FUND

For an additional amount for "Air Force Stock Fund", \$57,000,000.

COMBAT COSTS OF OPERATION DESERT SHIELD/DESERT STORM

(TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary to finance the estimated partial costs of combat and other related costs of Operation Desert Shield/Desert Storm in the following additional amounts: for Operation and maintenance, \$6,000,000,000; for Procurement, \$1,872,700,000, to remain available for obligation until September 30, 1993: *Provided*, That the Secretary of Defense shall not make any transfer from the Persian Gulf Regional Defense Fund or from the Defense Cooperation Account for combat costs until the seventh day after notifying the Committees on Appropriations and Armed Services of the Senate and House of Representatives of any such transfer.

GENERAL PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. (a) In administering the Persian Gulf Regional Defense Fund, the Secretary of Defense shall use the corpus of the Fund only to the extent that amounts from the Defense Cooperation Account established under section 2608 of title 10, United States Code, are not currently available.

(b) If the balance of the corpus of the Persian Gulf Regional Defense Fund is less than \$15,000,000,000, the Secretary shall transfer amounts from the Defense Cooperation Account to the Persian Gulf Regional Defense Fund, to the extent that amounts are available in that Account, to restore the balance in the corpus of the Fund to \$15,000,000,000.

(c) For purposes of this section, the term "corpus of the Fund" means the amount of \$15,000,000,000 appropriated by this Act to the Persian Gulf Regional Defense Fund from the general fund of the Treasury, as such amount is restored from time to time by transfers from the Defense Cooperation Account.

(INCLUDING TRANSFER OF FUNDS)

SEC. 102. (a) The authority provided in this Act to transfer funds from the Persian Gulf Regional Defense Fund and from the Defense Cooperation Account is in addition to any other transfer authority contained in this or any other Act making appropriations for the Department of Defense for fiscal year 1991.

(b) Amounts transferred from the Persian Gulf Regional Defense Fund and from the Defense Cooperation Account shall be merged with and be available for the same purposes and the same time period as the appropriations to which transferred.

(c) Amounts appropriated to the Persian Gulf Regional Defense Fund shall remain available until transferred.

(d)(1) Upon payment of all incremental costs associated with the purpose for which the Persian Gulf Regional Defense Fund is established, the Fund shall be terminated.

(2) If the balance in the Fund at the time of the termination is \$15,000,000,000 or less, the balance shall revert to the general fund of the Treasury.

(TRANSFER OF FUNDS)

SEC. 103. (a) For the purpose of adjusting amounts appropriated to the Department of Defense for fiscal year 1991 to reflect changes in expenses due to the order to active duty (other than for training) of members of the National Guard and Reserves in connection with operations in and around the Persian Gulf as part of operations currently known as Operation Desert Shield (including Operation Desert Storm), the Secretary of Defense may during fiscal year 1991 transfer not to exceed \$446,000,000 among the fiscal year 1991 Military Personnel appropriation accounts of the Department of Defense.

(b) Amounts transferred under subsection (a) shall be merged with and be available for the same purposes and the same time period as the appropriations to which transferred.

(c) A transfer of funds under subsection (a) is subject to regular congressional reprogramming notification requirements.

(d) The transfer authority in subsection (a) is in addition to any other transfer authority contained in this or any other Act making appropriations for the Department of Defense for fiscal year 1991.

SEC. 104. None of the funds appropriated to the Persian Gulf Regional Defense Fund shall be used for fuel price increases.

SEC. 105. Any CHAMPUS (Civilian Health and Medical Program of the Uniformed Services) medical provider may voluntarily waive the patient co-payment for medical services provided from August 2, 1990, until the termination of Operation Desert Shield/Desert Storm for dependents of active duty personnel: *Provided*, That the government's share of medical services is not increased during the specified time period.

SEC. 106. Mitchel Field Health Care Facility in the State of New York shall only be funded from the Operation and Maintenance, Navy, appropriation and shall not be funded or included within the congressionally imposed ceiling of the Uniformed Services Treatment Facility account.

SEC. 107. (a) All equipment, supplies, and other materials (including construction equipment and construction materials described in subsection (b)) of the United States that, after August 1, 1990, were transported to or procured by the United States in the Middle East

10 USC 1079
note.

New York.

for the use of the Armed Forces of the United States or the use of the armed forces of any other member country of the multinational coalition participating in Operation Desert Storm shall, to the maximum extent practicable, be removed from the Middle East to the United States or to any United States military installation outside the United States and the Middle East as soon as practicable in conjunction with the removal of such forces of the Armed Forces of the United States from the Middle East.

(b) The construction equipment and construction materials referred to in subsection (a) are construction equipment and construction materials used in the construction of military facilities for the Armed Forces of the United States in the Middle East in connection with Operation Desert Storm.

(c) Subsection (a) does not apply to any equipment, supply, or material that—

(1) is to be transferred to a foreign government under the provisions of subsection (e); or

(2) has negligible value; or

(3) is to remain under the control of United States forces in the region; or

(4) is to be stored in the Middle East as prepositioned equipment and material for the use of the Armed Forces of the United States; or

(5) has been expended, depleted, or rendered unusable; or

(6) has been formally notified to Congress prior to March 20, 1991, under the Arms Export Control Act.

(d) The President should attempt to obtain reimbursement from the government of each country in the Middle East for the cost to the United States of materials referred to in subsection (a) that are not removed from that country because of impracticality.

(e) Except as deemed essential by the Commander-in-Chief of the United States Central Command for the conduct of the war in the Persian Gulf prior to a permanent cease-fire, no equipment, supply, or material referred to in subsection (a) or which was captured from Iraq by United States forces in the context of Operation Desert Storm may be transferred to the government or any entity of any foreign country in the Middle East except as provided through the regular notification procedures of the Committees on Appropriations, the Committees on Armed Services, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate.

President.

(f) The President shall notify Congress of the proposed storage of any equipment, supply, or material referred to in subsection (a) in a prepositioned status referred to in subsection (c)(4).

President.
Reports.

(g) The President shall report to the Committees on Appropriations and Armed Services of the House of Representatives and Senate sixty days after the enactment of this Act, on the quantity, condition, value, disposition, and manner of seizure of all enemy equipment falling under the control or the possession of the United States, as well as all enemy equipment falling under the control of allied forces, within the Desert Storm theater of operations.

(h) For the purposes of this provision, the term "material" shall include all lethal and nonlethal instruments of war and their supporting elements, components and subcomponents.

President.
Reports.

SEC. 108. (a) Not later than sixty days after the date of the enactment of this Act, the President shall submit to Congress a report, in both classified and unclassified forms, on the redeploy-

ment of the forces of the Armed Forces of the United States that were deployed in the Persian Gulf area in connection with Operation Desert Storm.

(b) The report shall contain the following information:

(1) A detailed specification of the costs of the reduction in such forces.

(2) The schedule for returning such forces to the United States or other locations from which the forces were deployed to the Persian Gulf area in connection with Operation Desert Storm.

(3) The size and composition of any element of the Armed Forces of the United States that will remain in the Persian Gulf area after fiscal year 1991.

(4) A detailed discussion of any arrangement for a United States military presence that has been made or is expected to be made to the government of any country in the Middle East.

(c) In this section, the term "Operation Desert Storm" means Operation Desert Shield, Operation Desert Storm, and any related successive operations of the Armed Forces of the United States.

SEC. 109. None of the funds appropriated or otherwise made available by this Act or any other provision of law shall be available for sales, credits, or guarantees for defense articles or defense services under the Arms Export Control Act to any country that has made a commitment to contribute resources to defray any of the costs of Operation Desert Storm and that has not fulfilled its commitment.

SEC. 110. The establishment of the Persian Gulf Regional Defense Fund by this Act and the establishment of a working capital account pursuant to title I of the Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991 shall be treated for all purposes as establishment of the same account in the Treasury.

CHAPTER II

MILITARY CONSTRUCTION

(TRANSFER OF FUNDS)

MILITARY CONSTRUCTION, ARMY

For an additional amount for "Military Construction, Army", \$35,000,000, to remain available for obligation until September 30, 1994.

CHAPTER III

DEPARTMENT OF TRANSPORTATION

(TRANSFER OF FUNDS)

COAST GUARD

OPERATING EXPENSES

For an additional amount for "Operating expenses", \$18,922,000.

This Act may be cited as the "Operation Desert Shield/Desert Storm Supplemental Appropriations Act, 1991".

Approved April 10, 1991.

LEGISLATIVE HISTORY—H.R. 1282:

HOUSE REPORTS: Nos. 102-10 (Comm. on Appropriations) and 102-30 (Comm. of Conference).

SENATE REPORTS: No. 102-23 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 137 (1991):

Mar. 7, considered and passed House.

Mar. 19, considered and passed Senate, amended.

Mar. 22, House agreed to conference report; receded and concurred in certain Senate amendments; in others with amendments. Senate agreed to conference report; concurred in House amendments.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 27 (1991):

Apr. 10, Presidential statement.